

<h1 style="margin: 0;">Regulatory Analysis Form</h1> <p style="margin: 0;">(Completed by Promulgating Agency)</p>		<p><b>INDEPENDENT REGULATORY REVIEW COMMISSION</b></p>	
<p>(All Comments submitted on this regulation will appear on IRRC's website)</p>		<p style="writing-mode: vertical-rl; transform: rotate(180deg);"> <b>RECEIVED IRRC 2018 SEP 14 P 12:36</b> </p>	
<p>(1) Agency Environmental Protection</p>			
<p>(2) Agency Number: 7 Identification Number: 530</p>			
<p>(3) PA Code Cite: 25 Pa. Code Chapter 245</p>			
<p>(4) Short Title: Administration of the Storage Tank and Spill Prevention Program</p>			
<p>(5) Agency Contacts (List Telephone Number and Email Address):                  Primary Contact: Laura Edinger, 717-772-3277, ledinger@pa.gov                  Secondary Contact: Jessica Shirley, 717-772-5643, jessshirley@pa.gov</p>			
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input type="checkbox"/> Proposed Regulation</p> <p><input checked="" type="checkbox"/> Final Regulation</p> <p><input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation;</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p>	
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>Chapter 245 must be updated to be no less stringent than the Federal underground storage tank (UST) requirements so the Department of Environmental Protection (Department) may re-apply for State Program Approval from the United States Environmental Protection Agency (EPA). This final-form rulemaking will strengthen the requirements for operation and maintenance of UST equipment. Currently, UST owners and operators are required to have spill prevention, overfill prevention and release detection equipment in place, but are not required to periodically verify the functionality of some of that equipment. This final-form rulemaking also adds a new certification category for persons that only perform minor modifications of UST systems. This final-form rulemaking shortens the in-service inspection cycle for aboveground storage tanks (AST) in underground vaults and small ASTs. This final-form rulemaking clarifies or corrects other provisions in Chapter 245 based on the Department's experience in implementing this chapter since the last comprehensive Department rulemaking occurring over 10 years ago.</p>			
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p>This final-form rulemaking was developed under the authority of section 106 of the Storage Tank and Spill Prevention Act (act) (35 P.S. § 6021.106), which authorizes the Board to adopt rules and regulations governing ASTs and USTs to accomplish the purposes and carry out the provisions of the act; section 301 of the act (35 P.S. § 6021.301), which authorizes the Department to establish program requirements for ASTs; section 501 of the act (35 P.S. § 6021.501), which authorizes the Department</p>			

to establish program requirements for USTs; and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes the Board to formulate, adopt and promulgate rules and regulations that are necessary for the proper work of the Department.

(9) Is the regulation mandated by any Federal or state law or court order, or Federal regulation? Are there any relevant state or Federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

This final-form rulemaking is required by Federal regulations for the Department to re-apply for State Program Approval and to continue to receive Federal grant funds.

The EPA codified comprehensive Federal regulations for USTs in 40 CFR Part 280 (relating to technical standards and corrective action requirements for owners and operators of underground storage tanks (UST)). The EPA initially promulgated the UST regulations in 1988. The EPA published final revisions to 40 CFR Part 280 at 80 FR 41566 (July 15, 2015 Final Rule), effective October 13, 2015. The revisions in the July 15, 2015 Final Rule, among other things: added secondary containment requirements for new and replaced tanks and piping; added operator training requirements; added periodic operation and maintenance requirements for UST systems; removed certain deferrals; added new release prevention and detection technologies; updated codes of practice; and made editorial and technical corrections. The Department incorporated secondary containment (November 10, 2007) and operator training (December 26, 2009) requirements that meet the Federal requirements into Chapter 245 through prior final-form rulemakings.

In its July 15, 2015 Final Rule, the EPA also updated the State Program Approval requirements in 40 CFR Part 281 (relating to approval of state underground storage tank programs). Under these revisions, the EPA requires that states amend their UST regulations and apply for initial or revised State Program Approval within 3 years of the October 13, 2015 effective date of the July 15, 2015 Final Rule.

Currently, the Commonwealth has State Program Approval. The Commonwealth receives approximately \$2.3 million annually in Federal grant funding from the EPA under section 9014 of the Federal Solid Waste Disposal Act (42 U.S.C.A. § 6991m) to aid in administering the UST program. This final-form rulemaking is necessary to ensure continued receipt of Federal grant funds. To comply, the Department must update Chapter 245 to be no less stringent than the Federal requirements so the Department may re-apply for State Program Approval. The EPA has not codified companion AST regulations.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

This final-form rulemaking is necessary to further prevent releases of regulated substances from USTs into the environment. There were 210 confirmed releases from USTs in this Commonwealth from October 1, 2016, through September 30, 2017. The lack of proper operation and maintenance of UST systems is the main cause of new releases. Information on sources and causes of releases shows that, in addition to releases from tanks, releases from piping and spills and overfills associated with deliveries have emerged as common problems. In addition, releases at the dispenser are one of the leading sources of contamination at UST facilities. Finally, according to EPA in its preamble to the July 15, 2015 Final Rule (80 FR at 41567), data shows that release detection equipment at all UST

facilities is only successfully detecting approximately 50 percent of releases it is designed to detect. These release detection problems are similarly due in part to improper operation and maintenance.

The primary goal of this final-form rulemaking is to further reduce the potential for releases of regulated substances from USTs by strengthening the requirements for properly operating and maintaining release detection equipment. This final-form rulemaking will require that UST equipment be inspected and tested regularly, which will help to further reduce the number of releases from USTs and in turn protect public health and the environment. Incorporation of these UST amendments into Chapter 245 will enable the Commonwealth to re-apply for UST State Program Approval from the EPA and remain eligible for continued substantial Federal funding for the UST program.

A significant portion of the beneficial impacts associated with this final-form rulemaking are avoided cleanup costs from preventing releases and reducing the severity of releases from USTs. The EPA, in the analysis of the potential benefits associated with its July 15, 2015 Final Rule, estimated the typical cost of a small-extent, soil-only remediation to be \$25,300, and the typical cost of a large-extent, groundwater-contamination remediation to be \$428,200

(<https://www.epa.gov/sites/production/files/2015-07/documents/regs2015-ria.pdf> (page 4-9)). These costs are in 2008 dollars. During calendar year 2017, the average cost per closed claim paid by the Underground Storage Tank Indemnification Fund (USTIF) was \$308,389, and the total paid for all open claims was \$33,287,724

([https://ustif.pa.gov/documents/10184/0/2017\\_PAUSTIF\\_Annual+Report\\_Final\\_2018-03-01.pdf/178c0ef5-8ef1-4931-b6fa-528014d9be38](https://ustif.pa.gov/documents/10184/0/2017_PAUSTIF_Annual+Report_Final_2018-03-01.pdf/178c0ef5-8ef1-4931-b6fa-528014d9be38)).

While the reduced cleanup costs associated with this final-form rulemaking cannot be accurately quantified, a decrease in release frequency and severity is expected to result in both a reduction of the average cost per closed claim and the total annual claim payments made by the USTIF. Groundwater contamination incidents and vapor intrusion remediation costs are expected to be reduced or avoided, which will reduce the need for USTIF claims and payments and potentially reduce fees paid by UST owners to fund USTIF. These fees are typically passed on to the public at motor fuel retail locations. Thus, any decrease in release frequency achieved by this final-form rulemaking will benefit the public and the environment by protecting soil and water resources, and reducing costs associated with necessary corrective action.

Other benefits of decreasing the frequency of releases from storage tanks that cannot be quantified or monetized include the avoidance of human health risks, protection of ecological receptors, protection of gallons of groundwater each year, and avoided property devaluation.

This final-form rulemaking will also benefit storage tank owners and operators, and certified installers and companies. For example, this final-form rulemaking adds a new UST certification category to allow individuals to perform tank handling activities such as repairs that do not involve excavation without having to obtain the (full) certification to install and modify storage tank systems, and to perform tests of UST systems required by this final-form rulemaking. Creation of this new certification category will afford UST owners the opportunity to employ individuals who specialize in modifications only, which could save UST owners some of the costs associated with minor modification work and system testing. This “minor modification” certification category will also provide opportunities for existing certified companies to employ individuals who specialize in minor modification work. In addition, it may create an incentive for persons interested in only performing “minor modification” work to become certified and establish their own companies. In either case, the establishment of this new certification category is expected to result in the creation of a significant

number of jobs within the certified installer community, which may reduce the cost of UST system testing over time.

The increase in required inspections and testing by storage tank owners is expected to reduce Department costs. For example, this final-form rulemaking requires all ASTs in underground vaults that require an in-service inspection to be inspected within 6 and 12 months of installation and at least every 3 years thereafter due to their history of noncompliance. This mirrors the inspection requirement for USTs. Also, the initial inspection requirement and in-service inspection cycle for small ASTs is shortened from 10 years to 5 years. Based on current in-service inspections, the compliance rate with regulatory requirements such as performance standards, design criteria, and release prevention and leak detection is less than 50%. When the facility operations inspection cycle for USTs was shortened from 5 years to 3 years in a prior rulemaking, the Department observed increased regulatory compliance, fewer releases and a reduction in the severity of releases from USTs, which reduced Department staff time needed to follow-up on noncompliant facilities and corrective action cases.

Finally, this final-form rulemaking is needed for the Department to re-apply to EPA for State Program Approval and to continue to receive Federal grant funds.

(11) Are there any provisions that are more stringent than Federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

The provisions in this final-form rulemaking are consistent with EPA's July 15, 2015 Final Rule amending the Federal UST regulations in 40 CFR Part 280, which took effect on October 13, 2015. Provisions that are more stringent than the Federal requirements are discussed below.

Subsection 245.306(e) (relating to interim remedial actions) has been added to require a responsible party to notify the Department by telephone or electronic mail as soon as practicable, but no later than 24 hours, after the initiation of interim remedial actions. This differs from the Federal regulations. The notice in § 245.306(e) is less onerous than requiring a report of initial abatement steps and will allow the Department to monitor early actions taken to clean up a release of regulated substances. For releases associated with USTs, 40 CFR § 280.62 of the Federal regulations does not require the initiation of initial abatement measures to be reported. However, 40 CFR § 280.62(b) (relating to initial abatement measures and site check) requires a report to be submitted within 20 days after release confirmation summarizing the initial abatement steps taken. The initial corrective actions in the final-form rulemaking are extremely important in limiting the complexity of the release, the amount of corrective action that must be undertaken and the ultimate cost of the corrective action.

Subsection 245.309(c)(24) (relating to site characterization) has been added to require a responsible party to notify the Department by telephone or electronic mail as soon as practicable, but no later than 24 hours, after the initiation of site characterization activities. Concurrent with the implementation of interim remedial actions, site characterization activities are to be initiated. This provision will assure the Department that responsible parties are proceeding with the required site characterization tasks. Too often, responsible parties delay the implementation of site characterization activities and find themselves requesting an extension to submit the site characterization report. It is believed that this added requirement will have responsible parties immediately on track to complete the site characterization and result in significantly fewer site characterization report extension requests being submitted to the Department. The Federal requirements at 40 CFR Part 280 do not include such a provision. However, 40 CFR §§ 280.63(b) and 280.64(d) (relating to initial site characterization; and free product removal) require that owners and operators submit an initial site characterization report

and a free product removal report within 45 days of release confirmation, respectively. While the Department has not incorporated these specific Federal regulatory provisions under the final-form rulemaking, Chapter 245 remains no less stringent than the corresponding Federal requirements for release response and corrective action.

Three requirements in the final-form rulemaking pertaining to tanks containing radioactive materials or coolants and certain USTs at nuclear power generation facilities are more stringent than Federal requirements. The background is set forth here, followed by the three requirements. The definition of “underground storage tank” in § 245.1 (relating to definitions) has been amended to delete the exclusions in Subparagraphs (xiii) and (xviii) for “Tanks containing radioactive materials or coolants that are regulated under The Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011—2297)” and “An underground storage tank system that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR Part 50, Appendix A (relating to general design criteria for nuclear power plants).” Deletion of these current exclusions is consistent with the Federal definition of “underground storage tank” in 40 CFR § 280.12 (relating to definitions) and necessary for Pennsylvania to re-apply for State Program Approval from EPA. Also, the definition of “underground storage tank” in Subparagraph (xiv) has been amended to modify the exclusion for a wastewater treatment tank system. The amended definition clarifies that the exclusion only applies to systems regulated under section 307(b) or 402 of the Clean Water Act (33 U.S.C. § 1317(b) or § 1342) (relating to toxic and effluent pretreatment standards and national pollutant discharge elimination system (NPDES) permits). This current exclusion has been amended to be consistent with the Federal regulations at 40 CFR § 280.10(b)(2) (relating to applicability). Modification of this current exclusion is necessary for Pennsylvania to re-apply for State Program Approval from EPA.

EPA has long regulated these UST systems, and owners and operators have been required to comply with “interim prohibition” requirements pertaining to corrosion protection and compatibility with the regulated substance stored, since May 7, 1985. The “interim prohibition” requirements were established in 1984 when Subtitle I was added to the Solid Waste Disposal Act, 42 U.S.C.A. §§ 6921—6939g, through the Hazardous and Solid Waste Amendments which authorized the Federal program to regulate USTs. On December 22, 1988, the same “interim prohibition” requirements, along with release response and corrective action requirements, were promulgated in 40 CFR Part 280, Subparts A and F. At that time, these UST systems were deferred from Federal regulation except for Subparts A and F. In its July 15, 2015 Final Rule, EPA maintained its position that these regulated USTs only need to comply with Subparts A and F. To summarize the Federal requirements, these UST systems installed on or after May 7, 1985, need to be protected against corrosion and be compatible with the substance stored. Further, these UST systems regulated as of December 22, 1988, need to comply with the release response and corrective action requirements in 40 CFR Part 280.

As noted above, these UST systems are currently exempt from the definition “underground storage tank,” and, as a result are exempt from regulation. The final-form rulemaking amends the definition so that these will now be regulated to be as stringent as Federal regulations. Section 245.403(a) has been amended to state that these USTs must meet the same requirements that all other regulated UST systems must meet. However, for UST systems installed on or after May 7, 1985, § 245.403(c) has been amended to provide that UST owners and operators will not need to comply with §§ 245.411, 245.421(b)(3), 245.421(b)(4)(ii)-(iii), 245.422(d), 245.432(g), and 245.436- 245.446. UST owners will not be required to conduct facility inspections, install spill and overfill prevention equipment, check for water in petroleum storage tanks, implement operator training, conduct periodic operation and maintenance walkthrough inspections, or perform release detection.

While exempt from certain requirements under the final-form rulemaking, the Department believes that it is important for owners of these USTs to register the USTs, use DEP-certified installers and inspectors, and maintain financial responsibility. These three requirements are specific to Chapter 245 and while considered more stringent than Federal requirements, are beneficial to both the storage tank owner and the Department. These USTs are now regulated and all regulated USTs need to be registered with the Department, under current § 245.41 (relating to tank registration requirements). If the USTs are not registered with the Department, then the Department will not know where these USTs are, the number of these newly regulated USTs, and whether the USTs are in compliance with applicable regulations. In addition, all regulated USTs in the Commonwealth need to be installed, modified and removed by Department-certified installers.

Now that these UST's are no longer exempt, owners and operators will need to meet the corrective action process requirements of Chapter 245, Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) and the financial responsibility requirements of Chapter 245, Subchapter H (relating to financial responsibility requirements for owners and operators of underground storage tanks and storage tank facilities). Financial responsibility is met by participating in the USTIF, which provides coverage for corrective action and third-party damages should a release occur. In addition, specifically with regard to Subchapter E (relating to technical standards for underground storage tanks), provisions concerning variances, applicable codes and standards, performance standards for new UST systems, upgrade requirements for existing UST systems, reuse of removed USTs, spill and overfill control, operation and maintenance including corrosion protection, compatibility, repairs allowed, reporting and recordkeeping, and closure, will apply to these UST systems. New § 245.403(c)(4) has been added in Subchapter E to clarify that UST systems installed before May 7, 1985, are not required to comply with §§ 245.411-245.422, 245.424, 245.432, 245.433, and 245.436-245.446.

Subsection 245.421(b)(3)(i)(B)(III) has been deleted. In 1991, the EPA finalized a minor technical amendment to the Federal UST regulations (40 CFR § 280.20(c)(1)(ii)(C)) allowing this alternative overfill prevention equipment to be used closer to the tops of larger tanks if it could be done in a manner that achieved certain minimum levels of performance. Since this overfill prevention equipment option is being deleted, the final-form rulemaking may be viewed as being more stringent than the EPA requirements. The Department has deleted this overfill prevention equipment option as there is no known testing procedure to adequately evaluate the effectiveness of this equipment. EPA staff informed the Department that EPA is also not aware of an adequate testing procedure. Further, Department records indicate that there are no facilities using this method of overfill prevention. The Department requested public comment as to whether there are known facilities using this particular overfill prevention method, and if so, what testing procedure is used to evaluate the effectiveness of the equipment. The Department received no responsive comments.

Subsection 245.434(5)(ii) (relating to repairs allowed) has been deleted. This subsection stated that the repaired portion of the UST system may be monitored monthly for releases in lieu of performing tightness testing. Deletion of this subsection results in this final-form rulemaking being more stringent than the Federal requirement at 40 CFR § 280.33(d)(2) (relating to repairs allowed) as the EPA allows this option in lieu of tightness testing. The fact is that most manufacturers' specifications and nationally-recognized codes of practice call for tightness testing of the UST system to determine competency prior to placing product in the UST system.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

In its July 15, 2015 Final Rule, the EPA revised the Federal UST program requirements in 40 CFR Part 280. At the same time, the EPA updated the State Program Approval requirements in 40 CFR Part 281. Under these changes, the EPA requires that states revise their UST regulations and apply for initial or revised State Program Approval. Currently, Pennsylvania has State Program Approval. Therefore, the Department, along with all other states seeking initial or revised State Program Approval, needs to revise its UST program regulations to be no less stringent than the Federal requirements. In states that do not have State Program Approval, EPA's July 15, 2015 Final Rule took effect on October 13, 2015. Therefore, in general, all states will be at least as stringent as Federal UST program requirements. The EPA has not codified companion AST regulations. Pennsylvania's AST program was developed and based on the statutory authority in the act. For these reasons, this final-form rulemaking will not put the Commonwealth or the regulated community at a competitive disadvantage with other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This final-form rulemaking will not affect any other existing regulations of the Department or any regulations promulgated by other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Department worked with the Storage Tank Advisory Committee (STAC) during development of this rulemaking. STAC, which was established by section 105 of the act (35 P.S. § 6021.105), consists of persons representing a cross-section of organizations having a direct interest in the regulation of storage tanks in this Commonwealth. As required under section 105 of the act, STAC was given the opportunity to review and comment on both the draft proposed and draft final-form annex. At December 8, 2015 and June 7, 2016 STAC meetings, individual STAC members were provided with the opportunity to review Department concepts and present concepts that they would like to see incorporated into Chapter 245. STAC was also afforded the opportunity to review and discuss draft proposed regulatory language at its December 6, 2016, and March 7, 2017, meetings. On March 7, 2017, STAC voted unanimously to support the amendments and recommended that the Board consider the amendments for publication as a proposed rulemaking. The Board adopted the proposed rulemaking on October 17, 2017, and published it at 48 Pa.B. 1101 (February 24, 2018). On May 17, 2018, STAC reviewed draft final-form regulatory language. At that meeting, STAC voted unanimously to support the amendments and recommended that the Board consider the amendments for publication as a final-form rulemaking.

A listing of STAC members and minutes of STAC meetings are available on the Department's website at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees"). The Citizens Advisory Council received monthly updates on the status of this rulemaking.

Additionally, in developing the proposed rulemaking, the Department contacted five Department-certified companies from various regions of the Commonwealth to provide cost estimates for the

various testing requirements. The Department requested the companies to provide cost estimates to include mobilization fees, paperwork fees, labor costs and any necessary waste disposal costs. Cost information collected for the proposed rulemaking remains relevant today. Therefore, the costs presented in Question 19 of this Regulatory Analysis Form and Section F of the Preamble to this final-form rulemaking for the new UST testing requirements are inclusive of the reporting requirements. Going forward, the Department will continue outreach and communication with the regulated community.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

This final-form rulemaking will affect approximately 7,000 storage tank owners at nearly 12,600 storage tank facilities. Industry sectors potentially affected by this final-form rulemaking include retail motor fuel sales, commercial, institutional, manufacturing, transportation, communications and utilities, and agriculture. Federal, State and local government owners of regulated storage tanks will also be affected.

All 7,655 UST facilities will be affected by the periodic walkthrough inspections. At least every 30 days, spill prevention and release detection equipment must be checked. However, spill prevention equipment associated with UST systems receiving deliveries at intervals greater than every 30 days may be checked prior to each delivery. Containment sumps and handheld release detection equipment must be checked a minimum of every 12 months.

All 22,203 UST systems will be affected by the overfill prevention equipment inspections. All UST systems have overfill prevention equipment. Overfill prevention equipment is to be evaluated at least once every three years to ensure that the equipment is set to activate at the correct level and will activate when the regulated substance stored reaches that level.

All 22,203 UST systems will be affected by the spill prevention equipment tests. Spill prevention equipment is to be tested once every three years to ensure the equipment is liquid-tight.

Forty-one percent or 9,103 UST systems will be affected by the containment sump testing requirement. Containment sump testing is only required when the containment sump is used for interstitial monitoring of piping. Containment sump testing is to be conducted once every three years to ensure the equipment is liquid-tight.

This final-form rulemaking prohibits ball float valves as an option for overfill prevention when these devices need to be replaced. A total of 3,306 UST systems are reported to have ball float valves as the current form of overfill prevention and will be affected by this requirement.

All 22,203 UST systems will be affected by the annual operability testing of electronic and mechanical components of release detection equipment. The required tests shall apply to automatic tank gauges and other controllers, probes and sensors, automatic line leak detectors, vacuum pumps and pressure gauges, and hand-held electronic sampling equipment associated with groundwater and vapor monitoring.

The removal of the release detection deferral for emergency generator tanks will only affect 605 or 2.7 % of the UST systems.

The number of UST systems that will be affected by the removal of the regulatory deferral by EPA for field-constructed tanks is unknown. However, this will only affect existing underground field-constructed storage tanks installed on or before October 11, 1997, that are currently exempt from regulation under Chapter 245 under Department technical guidance titled, "Policy for Existing Field-Constructed Hazardous Substance Underground Storage Tanks at Facilities Regulated under the Safe Drinking Water Act."

Wastewater treatment tank systems subject to Section 402 or 307(b) of the Clean Water Act will remain excluded from regulation under Chapter 245.

The number of UST systems that will be affected by the removal of the regulatory exclusion for USTs containing radioactive material and emergency generator UST systems at nuclear power generation facilities regulated by the Nuclear Regulatory Commission is not known. Since owners and operators of these UST systems had to meet Federal UST regulations dating back to May 7, 1985, that require systems to be designed and constructed to prevent releases during the operating life of the facility due to corrosion or structural failure, these systems should already be in compliance.

The Department is aware of 35 AST systems in underground vaults that will be affected by the requirement to have an in-service inspection conducted within 6 and 12 months of installation and at least every 3 years thereafter.

The Department has 6,756 small AST systems (systems with capacity equal to or less than 21,000 gallons) registered that will be affected by the shortened initial inspection requirement and in-service inspection cycle from 10 years to 5 years.

Please see the response to Question 24(a) for small business information.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

This final-form rulemaking will affect approximately 7,000 storage tank owners at nearly 12,600 storage tank facilities. Industry sectors potentially affected by this final-form rulemaking include retail motor fuel sales, commercial, institutional, manufacturing, transportation, communications and utilities, and agriculture. Federal, State and local government owners of regulated storage tanks will also be affected. Retail motor fuel sales is the industry sector most impacted by these regulations. For the most part, this sector consists of gasoline stations with or without convenience stores. Other entities and groups affected include: wholesale trade; retail trade; accommodation; food services; hospitals; refineries; chemical manufacturers; air, water, truck, transit, pipeline and airport operations; wired telecommunications carriers; electric power generation, transmission and distribution; crop and animal production; volunteer fire companies; and emergency medical service organizations.

Department-certified storage tank installers, inspectors and companies will also need to comply with this final-form rulemaking. Nearly 875 individuals and approximately 350 companies have certifications from the Department under Chapter 245.

Responsible parties, as defined in § 245.1, are responsible for complying with this final-form rulemaking in terms of the corrective action provisions contained in Subchapter D. Responsible parties include tank owners and operators, landowners and occupiers, and product distributors.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

In general, this final-form rulemaking requires additional storage tank testing for USTs and inspection of small ASTs and ASTs in vaults, and does not require large-scale investments in equipment or significant changes to operations at the facility level. The only exception are the one-time costs to replace ball float valves following failure of the overfill prevention evaluation with alternate overfill prevention equipment and to add release detection to those emergency generator USTs that were previously deferred from regulation. These one-time costs apply to a limited number of UST systems. Of the 22,203 existing UST systems regulated in this Commonwealth, 3,306 have ball float valves for overfill prevention and 605 are emergency generator UST systems without a form of release detection.

Most of the amendments are necessary for the Commonwealth's regulations in Chapter 245 to be consistent with Federal requirements for USTs and re-apply for EPA State Program Approval. Without these amendments, the EPA could not continue to approve the State program and would then be required to implement the UST program in this Commonwealth. Therefore, UST owners would incur the increased costs for their UST facilities to comply with 40 CFR Part 280 if Chapter 245 was not amended due to the EPA's July 15, 2015 Final Rule for USTs.

The primary goal of this final-form rulemaking is to further reduce the potential for releases of regulated substances from USTs by strengthening the requirements regarding properly operating and maintaining release detection equipment. This final-form rulemaking requires that UST equipment be inspected and tested regularly, which will help to further reduce the number of releases from USTs and in turn protect public health and the environment. Incorporation of these UST amendments into Chapter 245 will enable the Commonwealth to re-apply for UST State Program Approval from the EPA and remain eligible for continued substantial Federal funding for the UST program.

A significant portion of the beneficial impacts associated with this final-form rulemaking are avoided cleanup costs from preventing releases and reducing the severity of releases from USTs. The EPA, in the analysis of the potential benefits associated with its July 15, 2015 Final Rule, estimated the typical cost of a small-extent, soil-only remediation to be \$25,300, and the typical cost of a large-extent, groundwater-contamination remediation to be \$428,200 (<https://www.epa.gov/sites/production/files/2015-07/documents/regs2015-ria.pdf> (page 4-9)). These costs are in 2008 dollars. During calendar year 2017, the average cost per closed claim paid by the USTIF was \$308,389, and the total paid for all open claims was \$33,287,724 ([https://ustif.pa.gov/documents/10184/0/2017\\_PAUSTIF\\_Annual+Report\\_Final\\_2018-03-01.pdf/178c0ef5-8ef1-4931-b6fa-528014d9be38](https://ustif.pa.gov/documents/10184/0/2017_PAUSTIF_Annual+Report_Final_2018-03-01.pdf/178c0ef5-8ef1-4931-b6fa-528014d9be38)).

While the reduced cleanup costs associated with this final-form rulemaking cannot be accurately quantified, a decrease in release frequency and severity is expected to result in both a reduction of the average cost per closed claim and the total annual claim payments made by the USTIF. Groundwater contamination incidents and vapor intrusion remediation costs are expected to be reduced or avoided, which will reduce the need for USTIF claims and payments and potentially reduce fees paid by UST owners to fund USTIF. These fees are typically passed on to the public at motor fuel retail locations.

Thus, any decrease in release frequency achieved by this final-form rulemaking will benefit the public and the environment by protecting soil and water resources, and reducing costs associated with necessary corrective action.

Other benefits of decreasing the frequency of releases from storage tanks that cannot be quantified or monetized include the avoidance of human health risks, protection of ecological receptors, protection of gallons of groundwater each year, and avoided property devaluation.

This final-form rulemaking will also benefit storage tank owners and operators, and certified installers and companies. For example, this final-form rulemaking adds a new UST certification category to allow individuals to perform tank handling activities such as repairs that do not involve excavation without having to obtain the (full) certification to install and modify storage tank systems, and to perform tests of UST systems required by this final-form rulemaking. Creation of this new certification category will afford UST owners the opportunity to employ individuals who specialize in modifications only, which could save UST owners some of the costs associated with minor modification work and system testing. This “minor modification” certification category will also provide opportunities for existing certified companies to employ individuals who specialize in minor modification work. In addition, it may create an incentive for persons interested in only performing “minor modification” work to become certified and establish their own companies. In either case, the establishment of this new certification category is expected to result in the creation of a significant number of jobs within the certified installer community, which may reduce the cost of UST system testing over time.

The increase in required inspections and testing by storage tank owners is expected to reduce Department costs. For example, this final-form rulemaking requires all ASTs in underground vaults that require an in-service inspection to be inspected within 6 and 12 months of installation and at least every 3 years thereafter due to their history of noncompliance. This mirrors the inspection requirement for USTs. Also, the initial inspection requirement and in-service inspection cycle for small ASTs is shortened from 10 years to 5 years. Based on current in-service inspections, the compliance rate with regulatory requirements is less than 50%. When the facility operations inspection cycle for USTs was shortened from 5 years to 3 years in a prior rulemaking, the Department observed increased regulatory compliance, fewer releases and a reduction in the severity of releases from USTs, which reduced Department staff time needed to follow-up on noncompliant facilities and corrective action cases.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

Since the beginning of the UST program, preventing petroleum and hazardous substance releases from UST systems into the environment has been one of the primary goals of the program. Although the EPA and other states have made significant progress in reducing the number of new releases, approximately 5,700 releases were discovered nationwide for the Federal fiscal year that ended September 30, 2017 (<https://www.epa.gov/sites/production/files/2017-11/documents/ca-17-34.pdf>). In comparison, using the same parameters (underground storage tank system releases only and October 1, 2016 through September 30, 2017), Pennsylvania had 210 confirmed releases. Lack of proper operation and maintenance of UST systems is the main cause of new releases. Information on sources and causes of releases shows that releases from tanks are less common than they once were. However, releases from piping and spills and overfills associated with deliveries have emerged as more common problems. In addition, releases at the dispenser are one of the leading sources of contamination at UST facilities. Finally, data show that release detection equipment is only detecting approximately 50% of

releases it is designed to detect. These problems are partly due to improper operation and maintenance.

Through increased emphasis on properly operating and maintaining UST equipment as required by this final-form rulemaking, ongoing problems with release detection practices and routine operation and maintenance will significantly improve. In time, this will result in a higher rate of UST facility compliance with regulations and fewer releases of regulated substances in the Commonwealth. Last year, the USTIF paid over \$33 million on cleanup of releases from USTs in this Commonwealth. The projected annual cost of these UST amendments (see response to Question 19 in this Regulatory Analysis Form) is insignificant compared to the cost of cleanup of released regulated substances. Further, the Department stands to lose substantial Federal funding for the UST program if it fails to implement a UST program that meets the Federal requirements.

With regard to the AST program, an increased inspection frequency is needed for all ASTs in underground vaults and small ASTs due to their history of noncompliance. Based on current in-service inspections, the regulatory compliance rate is less than 50%. The Department shortened the facility operations inspection cycle for USTs from 5 years to 3 years in a prior rulemaking which has resulted in increased regulatory compliance. Increased compliance with regulatory requirements means less Department staff time needed to follow-up on noncompliant facilities, fewer releases and a reduction in the severity of releases from ASTs.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

In general, this final-form rulemaking requires additional storage tank testing for USTs and inspection of small ASTs and ASTs in vaults, and does not require large-scale investments in equipment or significant changes to operations at the facility level. The only exception is the one-time cost to replace ball float valves following failure of the UST overfill prevention evaluation with alternate overfill prevention equipment and to add release detection to those emergency generator USTs that were previously deferred from regulation. This one-time cost applies to a limited number of UST systems. Of the 22,203 existing UST systems regulated in this Commonwealth, 3,306 have ball float valves for overfill prevention and 605 are emergency generator UST systems without a form of release detection.

Most of the changes are necessary for the Commonwealth's regulations in Chapter 245 to be consistent with Federal requirements for USTs and re-apply for EPA State Program Approval. Without these amendments, the EPA could not continue to approve the State program and would then be required to implement the UST program in this Commonwealth. Therefore, UST owners would incur the increased costs for their UST facilities to comply with 40 CFR Part 280 due to the EPA's July 15, 2015 Final Rule for USTs.

#### *Analysis of UST compliance costs*

Within this Commonwealth, 7,655 UST facilities are regulated consisting of 22,203 UST systems, for an average of 2.90 UST systems per facility. Compliance costs for these new UST regulatory requirements are estimated in this analysis based on a UST facility with 3 UST systems that have the following features: three 10,000-gallon UST systems with two storing gasoline and one storing diesel; 100 feet of piping per UST system; one fill port per UST system; spill prevention equipment at each

UST system; two drop tube shut-off devices and one ball float valve for overfill prevention equipment; four dispensers each with an under-dispenser containment sump; one submersible turbine pump sump/tank top sump per UST system; and one automatic tank gauge (ATG) with an ATG probe per UST system.

Costs presented on a facility basis were adjusted for the fact that each UST facility has on average 2.90 UST systems. The Department contacted five Department-certified companies from various regions of this Commonwealth to estimate cost for the various requirements in this final-form rulemaking for the UST facility described in the preceding paragraph. In doing so, the Department requested the companies to provide cost estimates to include mobilization fees, paperwork fees, labor costs, and any necessary waste disposal costs.

The maintenance walkthrough inspection requirement for UST facilities involves a visual inspection of spill prevention equipment and release detection every 30 days and a visual inspection of containment sumps and handheld release detection devices annually. All 7,655 UST facilities are required to conduct 30-day maintenance walkthrough inspections. The 5,806 UST facilities with containment sumps are required to conduct the annual visual inspection. These inspections may be performed by the UST owner, operator or other employee of the UST owner resulting in no cost other than the necessary time to conduct the inspections. However, some UST owners may choose to use third-party companies to conduct the maintenance walkthrough inspections. If a UST owner chose to hire a third-party company, the owner will incur costs. However, this action will be voluntary and is not required by this final-form rulemaking.

Testing of spill prevention equipment and containment sumps and evaluation of overfill prevention equipment at UST facilities is required every 3 years. All 22,203 UST systems have overfill prevention equipment and are required to conduct evaluations. Likewise, all UST systems require spill prevention equipment tests. Forty-one percent, or 9,103 UST systems at 3,324 UST facilities, have containment sumps used for interstitial monitoring of piping that will need to be tested. These tests and evaluations will need to be conducted by appropriate certified individuals.

Although the cost for testing and evaluation will only be incurred every 3 years, the costs are estimated on an annualized basis for purposes of this analysis (that is, the testing and evaluation costs are divided by three to estimate the cost per year). The estimated annual cost range and average annual cost for each evaluation or test per facility are summarized as follows:

<i>Evaluation or Test</i>	<i>Estimated Range of Annual Costs</i>	<i>Estimated Average Annual Cost</i>
Overfill prevention equipment	\$97—\$161	\$113
Spill prevention equipment	\$89—\$209	\$127
Containment sump	\$258—\$902	\$548

Based on the estimated average annual cost, the total annualized cost to a UST facility owner for equipment testing and evaluation every 3 years is estimated to range from \$240—\$788. The lower cost will apply to a facility that does not have containment sumps used for interstitial monitoring of piping. Based on these per facility costs, the annualized cost to evaluate and test equipment at all UST facilities is estimated to be \$3,658,752.

This final-form rulemaking prohibits continued use of ball float valves as an option for overfill prevention when these devices need to be replaced. A total of 3,306 UST systems are reported to have ball float valves as the form of overfill prevention. The increased cost to repair a ball float valve or

replace a ball float valve with another ball float valve versus providing another form of overfill prevention (for example, shut-off device or alarm) is estimated to range from \$975—\$1,100 with the average cost to be \$1,038. The average cost represents the one-time increased cost to a UST owner for this overfill prevention equipment replacement. Replacement of a ball float valve will only be necessary when the equipment no longer functions as originally designed and fails the 3-year overfill evaluation requirement. Based on the average cost, the total one-time increased cost to replace ball float valves with another form of overfill prevention for all UST systems is estimated to be \$3,431,628.

Annual release detection equipment testing is required by this final-form rulemaking for all 22,203 UST systems. Operability tests will need to be conducted of the electronic and mechanical components of release detection equipment. The annualized cost to a UST facility owner for this release detection testing requirement is estimated to range from \$338—\$1,039, with the average cost to be \$595. Based on the average cost, the annual cost to test release detection equipment at all UST facilities is estimated to be \$4,554,725. These costs are based on an average UST facility consisting of three UST systems and four dispensers. Facilities that have fewer UST systems are expected to have lower costs.

This final-form rulemaking requires release detection for emergency generator USTs. An estimated 605 UST systems are reported as not having any form of release detection. For this analysis, an ATG is used as the form of release detection for these systems and will need to be tested annually for operability; however, other lower cost methods of tank release detection could be chosen by the UST owner depending on type and location of the UST system. The cost for the operability tests for these systems were included in the cost for release detection equipment testing previously described. The cost for the addition of an ATG ranges from \$4,000—\$30,000 with the average estimated cost to be \$16,875. Cost estimates are dependent on several factors including amount of excavation required to install wiring and conduit, access to the UST system and location of the UST system to utilities and buildings. The average cost represents the one-time cost to a UST owner to add an ATG for release detection. Based on the average cost, the total one-time cost to add release detection to emergency generator USTs is estimated to be \$10,209,375.

The following table and discussion summarize the total estimated annualized cost that UST facilities will incur for the testing and inspections in this final-form rulemaking when UST owners, operators or other employees of the UST owner conduct all maintenance walkthrough inspections:

	<i>Annualized Operation and Maintenance Costs<sup>1</sup></i>	<i>One-Time Costs<sup>2</sup></i>	<i>Number of Potentially Affected Facilities/Systems</i>	<i>Total Annualized Operation and Maintenance Costs<sup>3</sup></i>	<i>Total One-Time Costs<sup>4</sup></i>
Maintenance walkthrough inspections	\$0	\$0	7,655 facilities	\$0	\$0
Periodic testing and inspection of overfill prevention equipment, spill prevention equipment and containment sumps <sup>5</sup>	\$240—\$788	\$0	7,655 facilities	\$3,658,752	\$0

Eliminate ball float valves when overflow prevention equipment is replaced	\$0	\$1,038	3,306 UST systems	\$0	\$3,431,628
Operability tests for release detection	\$595	\$0	7,655 facilities	\$4,554,725	\$0
Remove release detection deferral for emergency generator USTs	\$0	\$16,875	605 UST systems	\$0	\$10,209,375
	\$835—\$1,383			\$8,213,477	\$13,641,003

<sup>1</sup> Per UST facility.

<sup>2</sup> Per UST system. One-time costs do not apply to all UST systems.

<sup>3</sup> For all UST facilities.

<sup>4</sup> For all UST systems. One-time costs do not apply to all UST systems.

<sup>5</sup> The lower range of the annualized operation and maintenance costs is for facilities that do not have containment sumps used for interstitial monitoring of piping.

The annualized increased operation and maintenance costs to conduct maintenance walkthrough inspections, inspect overflow prevention equipment, test spill prevention equipment and containment sumps, and test release detection equipment per UST facility is estimated to range from \$835—\$1,383. The total annualized increased costs for these inspections and tests at all UST facilities are estimated to be \$8,213,477.

The total one-time costs to replace all ball float valves with alternate overflow prevention equipment and to add release detection to emergency generator USTs is estimated to be \$13,641,003. These one-time costs apply to a limited number of UST systems. Currently, 3,306 UST systems (less than 15%) have ball float valves for overflow prevention and 605 UST systems (less than 3%) are emergency generator USTs that will need to add release detection equipment. Owners of emergency generator UST systems will be afforded 1 year to 2 years under this final-form rulemaking to make an informed decision to either add the necessary release detection, close the UST system or close the UST system and install a new AST.

#### *Analysis of AST compliance costs*

As with UST systems, the primary focus of this final-form rulemaking for AST systems is on an increased inspection frequency for small ASTs and ASTs in vaults. The Department contacted five Department-certified companies from various regions of this Commonwealth to estimate the increased cost to AST owners for the revised inspection requirements. In doing so, the Department requested the companies to provide cost estimates to include paperwork fees.

This final-form rulemaking requires all ASTs in underground vaults that require an in-service inspection to be inspected within 6 to 12 months of installation and at least every 3 years thereafter. ASTs with a capacity greater than 5,000 gallons, and ASTs storing highly hazardous substances with a capacity greater than 1,100 gallons, are subject to these inspection requirements.

Currently, no large ASTs in underground vaults are registered with the Department and 35 small AST systems in underground vaults will need to increase inspections from once every 10 years to once every 3 years. These small ASTs have an average size of approximately 10,000 gallons.

The reported annualized cost range for an in-service inspection of a vaulted AST every 10 years, as currently required, is \$78 to \$315, and the average annualized cost is \$179. The estimated annualized cost range for an in-service inspection of a vaulted AST every 3 years is \$260 to \$1,050, and the estimated average annualized cost is \$595. Thus, the annualized increased cost to an owner of a vaulted AST for an in-service inspection every 3 years is estimated to be \$416. The total annualized increased cost to all AST owners who will be subject to the 3-year inspection requirement is estimated to be \$14,560.

This final-form rulemaking also shortens the initial inspection requirement and in-service inspection cycle for small ASTs (other than small ASTs in underground vaults) from 10 years to 5 years. This requirement applies to small ASTs with a capacity greater than 5,000 gallons, and small ASTs with a capacity greater than 1,100 gallons that store highly hazardous substances. An estimated 6,756 small ASTs with an average size of 11,400 gallons will need to increase their inspections to every 5 years under this final-form rulemaking.

The reported annualized cost range for an in-service inspection of a small AST every 10 years, as currently required, is \$44 to \$200, and the average annualized cost is \$98. The estimated annualized cost range for an in-service inspection of a small AST every 5 years is \$88 to \$400, and the estimated average annualized cost is \$196. Thus, the annualized increased cost to an owner of a small AST for an in-service inspection every 5 years is estimated to be \$98. The total annualized increased cost to all AST owners who will be subject to the 5-year inspection requirement is estimated to be \$662,088.

The following table summarizes the estimated increased annualized costs discussed above that will be incurred by AST system owners under this final-form rulemaking:

	<i>Annualized Operation and Maintenance Costs</i>	<i>One- Time Costs</i>	<i>Number of Potentially Affected Systems</i>	<i>Total Annualized Operation and Maintenance Costs</i>	<i>Total One- Time Costs</i>
Increased inspection frequency for vaulted ASTs	\$416	\$0	35 AST systems	\$14,560	\$0
Increased inspection frequency for small ASTs	\$98	\$0	6,756 AST systems	\$662,088	\$0
		\$0		\$676,648	\$0

Additional compliance costs associated with this final-form rulemaking that cannot be estimated are the costs to UST systems that were previously excluded from the definition of a UST, but are subject to Chapter 245 under this final-form rulemaking (for example, tanks containing radioactive materials or coolants that are regulated under The Atomic Energy Act of 1954, wastewater treatment tank systems that are not part of a wastewater treatment facility regulated under section 307(b) or 402 of the Clean Water Act, and UST systems that are part of an emergency generator system at nuclear power generation facilities regulated by the NRC under 10 CFR Part 50, Appendix A). In addition, existing field-constructed USTs installed on or before October 11, 1997, are regulated under Chapter 245 under this final-form rulemaking.

The number of USTs in these categories that will be subject to Chapter 245 under this final-form rulemaking is unknown because they are not currently required to be registered with the Department. Registration will be required within 60 days after the effective date of this final-form rulemaking. Field-constructed USTs installed on or before October 11, 1997, are temporarily excluded from other regulatory requirements in Chapter 245 until 1 year after the effective date of this final-form rulemaking. Upon registration of a UST that was previously excluded from regulation, the Department will work with the tank owner to bring the UST into regulatory compliance. Due to the unique nature of these USTs, the steps that will be necessary to bring the USTs into compliance are expected to vary widely. Thus, compliance costs associated with the regulation of this universe of USTs cannot be estimated.

USTs containing radioactive material and emergency generator UST systems at nuclear power generation facilities regulated by the NRC are subject to United States Department of Energy Orders and NRC regulations that are comparable to the Chapter 245 requirements for new and existing USTs regarding spill and overflow control, operation and maintenance of corrosion protection, and release detection. Since owners and operators of these UST systems had to meet Federal UST requirements, dating back to May 7, 1985, that require systems to be designed and constructed to prevent releases during the operating life of the facility due to corrosion or structural failure, these systems should already be in compliance with most requirements and therefore incur minimal additional costs.

A substantial portion of the beneficial impacts associated with this final-form rulemaking are avoided cleanup costs as a result of preventing releases and reducing the severity of releases from USTs. The EPA, in the analysis of the potential benefits associated with its July 15, 2015 Final Rule, estimated the typical cost of a small-extent, soil-only remediation to be \$25,300, and the typical cost of a large-extent, groundwater-contamination remediation to be \$428,200 (<https://www.epa.gov/sites/production/files/2015-07/documents/regs2015-ria.pdf> (page 4-9)). These costs are in 2008 dollars. During calendar year 2017, the average cost per closed claim paid by the USTIF was \$308,389, and the total paid for all open claims was \$33,287,724 ([https://ustif.pa.gov/documents/10184/0/2017\\_PAUSTIF\\_Annual+Report\\_Final\\_2018-03-01.pdf/178c0ef5-8ef1-4931-b6fa-528014d9be38](https://ustif.pa.gov/documents/10184/0/2017_PAUSTIF_Annual+Report_Final_2018-03-01.pdf/178c0ef5-8ef1-4931-b6fa-528014d9be38)).

While the reduced cleanup costs associated with this final-form rulemaking cannot be accurately quantified, a decrease in release frequency and severity is expected to result in both a reduction of the average cost per closed claim and the total annual claim payments made by the USTIF. Groundwater contamination incidents and vapor intrusion remediation costs are expected to be reduced or avoided, which will reduce the need for USTIF claims and payments and potentially reduce fees paid by UST owners to fund USTIF. These fees are typically passed on to the public at motor fuel retail locations. Thus, any decrease in release frequency achieved by this final-form rulemaking will benefit the public and the environment by protecting soil and water resources, and reducing costs associated with necessary corrective action.

Other benefits of decreasing the frequency of releases from storage tanks that cannot be quantified or monetized include the avoidance of human health risks, protection of ecological receptors, protection of gallons of groundwater each year, and avoided property devaluation.

This final-form rulemaking will also benefit storage tank owners and operators, and certified installers and companies. For example, this final-form rulemaking adds a new UST certification category to allow individuals to perform tank handling activities such as repairs that do not involve excavation without having to obtain the (full) certification to install and modify storage tank systems, and to

perform tests of UST systems required by this final-form rulemaking. Creation of this new certification category will afford UST owners with the opportunity to employ individuals who specialize in modifications only, which could save UST owners some of the costs associated with minor modification work and system testing. This “minor modification” certification category will also provide opportunities for existing certified companies to employ individuals who specialize in minor modification work. In addition, it may create an incentive for persons interested in only performing “minor modification” work to become certified and establish their own companies. In either case, the establishment of this new certification category is expected to result in the creation of a significant number of jobs within the certified installer community, which may reduce the cost of UST system testing over time.

This final-form rulemaking does not require legal, accounting or consulting procedures for implementation of the regulation.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

Because local governments own and operate regulated ASTs and USTs, the costs to local governments are a subset of the costs to the regulated community and not additional costs.

The table below summarizes all increased costs as a result of this final-form UST regulatory requirements assuming UST owners, operators, or other employees of the UST owner conduct all walkthrough inspections:

	<i>Annualized Operation and Maintenance Costs<sup>1</sup></i>	<i>One-Time Costs<sup>2</sup></i>	<i>Number of Potentially Affected Facilities/Systems</i>	<i>Total Annualized Operation and Maintenance Costs<sup>3</sup></i>	<i>Total One-Time Costs<sup>4</sup></i>
Maintenance walkthrough inspections	\$0	\$0	501 facilities	\$0	\$0
Periodic testing and inspection of overfill prevention equipment, spill prevention equipment, and containment sumps <sup>5</sup>	\$240—\$788	\$0	501 facilities	\$189,836	\$0
Eliminate ball float valves when overfill prevention equipment is replaced	\$0	\$1,038	50 UST systems	\$0	\$51,900
Operability tests for release detection	\$595	\$0	501 facilities	\$298,095	\$0
Remove release detection deferral for emergency generator USTs	\$0	\$16,875	63 UST systems	\$0	\$1,063,125
	\$835—\$1,383			\$487,931	\$1,115,025

<sup>1</sup> Per UST facility.

<sup>2</sup> Per UST system. One-time costs do not apply to all UST systems.

<sup>3</sup> For all UST facilities.

<sup>4</sup> For all UST systems. One-time costs do not apply to all UST systems.

<sup>5</sup> The lower range of the annualized operation and maintenance costs is for facilities that do not have containment sumps used for interstitial monitoring of piping.

The table below summarizes all increased costs as a result of the final-form AST regulatory requirements:

	<i>Annualized Operation and Maintenance Costs</i>	<i>One-Time Costs</i>	<i>Number of Potentially Affected Systems</i>	<i>Total Annualized Operation and Maintenance Costs</i>	<i>Total One-Time Costs</i>
Increased inspection frequency for vaulted ASTs	\$416	\$0	1 AST systems	\$416	\$0
Increased inspection frequency for small ASTs	\$98	\$0	297 AST systems	\$29,106	\$0
		\$0		\$29,522	\$0

A substantial portion of the beneficial impacts associated with this final-form rulemaking are avoided cleanup costs as a result of preventing releases and reducing the severity of releases from USTs. While the reduced cleanup costs associated with this final-form rulemaking cannot be accurately quantified, a decrease in release frequency and severity is expected to result in both a reduction of the average cost per closed claim and the total annual claim payments made by the USTIF. Groundwater contamination incidents and vapor intrusion remediation costs are expected to be reduced or avoided, which will reduce the need for USTIF claims and payments and potentially reduce fees paid by UST owners to fund USTIF. These fees are typically passed on to the public at motor fuel retail locations. Thus, any decrease in release frequency achieved by this final-form rulemaking will benefit the public and the environment by protecting soil and water resources, and reducing costs associated with necessary corrective action.

This final-form rulemaking does not require legal, accounting or consulting procedures for implementation of the regulation.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

Because state government owns and operates regulated ASTs and USTs, the costs to state government are a subset of the costs to the regulated community and not additional costs.

The table below summarizes all increased costs of the final-form UST regulatory requirements assuming UST owners, operators, or other employees of the UST owner conduct all walkthrough inspections:

	<i>Annualized Operation and Maintenance Costs<sup>1</sup></i>	<i>One-Time Costs<sup>2</sup></i>	<i>Number of Potentially Affected Facilities/Systems</i>	<i>Total Annualized Operation and Maintenance Costs<sup>3</sup></i>	<i>Total One-Time Costs<sup>4</sup></i>
Maintenance walkthrough inspections	\$0	\$0	216 facilities	\$0	\$0
Periodic testing and inspection of overfill prevention equipment, spill prevention equipment, and containment sumps <sup>5</sup>	\$240—\$788	\$0	216 facilities	\$128,012	\$0
Eliminate ball float valves when overfill prevention equipment is replaced	\$0	\$1,038	2 UST systems	\$0	\$2,076
Operability tests for release detection	\$595	\$0	216 facilities	\$128,520	\$0
Remove release detection deferral for emergency generator USTs	\$0	\$16,875	98 UST systems	\$0	\$1,653,750
	\$835—\$1,383			\$256,532	\$1,655,826

<sup>1</sup> Per UST facility.

<sup>2</sup> Per UST system. One-time costs do not apply to all UST systems.

<sup>3</sup> For all UST facilities.

<sup>4</sup> For all UST systems. One-time costs do not apply to all UST systems.

<sup>5</sup> The lower range of the annualized operation and maintenance costs is for facilities that do not have containment sumps used for interstitial monitoring of piping.

The table below summarizes all increased costs of the final-form AST regulatory requirements:

	<i>Annualized Operation and Maintenance Costs</i>	<i>One-Time Costs</i>	<i>Number of Potentially Affected Systems</i>	<i>Total Annualized Operation and Maintenance Costs</i>	<i>Total One-Time Costs</i>
Increased inspection frequency for vaulted ASTs	\$416	\$0	3 AST systems	\$1,248	\$0
Increased inspection frequency for small ASTs	\$98	\$0	88 AST systems	\$8,624	\$0
		\$0		\$9,872	\$0

A substantial portion of the beneficial impacts associated with this final-form rulemaking are avoided cleanup costs as a result of preventing releases and reducing the severity of releases from USTs.

While not able to be quantified, a decrease in release frequency and severity is expected to result in a reduction of costs because groundwater contamination incidents and vapor intrusion remediation costs could be avoided. Any decrease in release frequency achieved by this final-form rulemaking will

benefit the public and the environment by protecting soil and water resources, and reducing costs associated with necessary corrective action.

This final-form rulemaking does not require legal, accounting or consulting procedures for implementation of the regulation.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

This final-form rulemaking does not require legal, accounting or consulting procedures for implementation of the regulation. This final-form rulemaking includes the following new notification, reporting and other paperwork requirements:

- Certified installers and inspectors will need to report regulated substance observed in a containment structure or facility within 48 hours on a form provided by the Department.
- Certified installers and inspectors will need to report failed tests of UST spill prevention equipment, containment sumps, and overfill prevention equipment within 48 hours on a form provided by the Department. A copy of the test results will also need to be provided to the Department with the notification report.
- If a suspected release investigation fails to determine whether a release of a regulated substance has occurred, owners and operators will need to report the suspected release within 15 days of the indication of a suspected release on a form provided by the Department.
- If a suspected release investigation confirms that a release has not occurred, and removal of the regulated substance cannot be accomplished within 24 hours, owners and operators will need to immediately notify the Department by telephone or electronic mail.
- Responsible parties will need to notify the Department by telephone or electronic mail as soon as practicable, but no later than 24 hours after the initiation of interim remedial actions in response to a release.
- Responsible parties will need to notify the Department, by telephone or electronic mail, within 24 hours of providing an alternate source of water to the owner of an affected or diminished water supply in response to a release.
- Responsible parties will need to notify the Department by telephone or electronic mail as soon as practicable, but no later than 24 hours after the initiation of site characterization activities in response to a release.
- The Department will need to publish an acknowledgment of receipt of the remedial action plan and notice of its final action on the plan in the *Pennsylvania Bulletin*.
- The Department will need to publish an acknowledgment of receipt of the remedial action completion report and notice of its final action on the report in the *Pennsylvania Bulletin*.
- Owners and operators will need to notify the Department of the proposed installation of specific UST system components such as the piping system and dispenser, and not just when a tank or tank system is being installed, on a form provided by the Department.
- Certified installers and inspectors will need to document tests or evaluations of UST spill prevention and overfill prevention equipment, containment sumps, and release detection equipment on a form provided by the Department. Owners and operators will need to maintain test or evaluation results onsite at the storage tank facility or at a readily available alternative site and shall provide the forms to the Department upon request.

- Surveys of UST cathodic protection systems will need to be documented on a form provided by the Department and shall be provided to the Department upon request.
- Upon Department request, owners and operators will need to submit, on a form provided by the Department, information verifying that all system components are compatible with the proposed substance to be stored, prior to storing the substance in the UST.
- Owners and operators will need to maintain documentation showing that their UST systems are continuously participating in the USTIF.
- Owners and operators will need to maintain documentation of the last test of UST spill prevention equipment and containment sumps used for interstitial monitoring of piping and evaluation of overfill prevention equipment.
- For containment sumps used for interstitial monitoring of piping and spill prevention equipment not required to be tested, UST owners and operators will need to maintain documentation showing that the equipment is double-walled and the integrity of both walls is periodically monitored.
- UST owners and operators will need to maintain records of walkthrough inspections for the past 12 months.
- Owners will need to ensure that Class A, Class B and Class C operators are identified on a form provided by the Department prior to placing the UST system into use.
- Owners and operators of AST facilities with an aggregate aboveground storage capacity greater than 21,000 gallons will need to maintain a written or electronic log. Each log entry will need to identify the name of the individual performing tank handling and inspection activities, the individual's signature or equivalent verification of presence onsite, the company name, the date of work, start and end times, and a brief description of work performed, including tank identification.
- In addition to routine monthly inspections, AST owners and operators will need to maintain 72-hour maintenance inspections for the previous 12 months.
- AST owners and operators will need to maintain documentation of investigations of suspected releases.
- AST owners and operators will need to maintain the results of testing from the last two cathodic protection surveys and the results of the last three impressed current cathodic protection system checks for each 60-day period.
- Should a high-level alarm with a manned operator shutdown procedure be used, owners and operators of ASTs will need to document the shutdown procedure and provide it to the Department upon request.
- When an overfill alarm or prevention device or monitoring gauge is used, owners and operators of ASTs will need to document the shutdown procedure.

Aside from the requirements to notify the Department by telephone or electronic mail, the Department is providing the regulated community with a significant number of forms to facilitate compliance with the final-form notification and reporting requirements. In addition, one form is being deleted.

(22a) Are forms required for implementation of the regulation?

As identified in the response to (22) above, new forms are required for implementation of this final-form regulation. In addition, existing forms have been revised to implement this final-form rulemaking. One form is being deleted. All new and revised forms, and the deleted form, are identified in the response to (22b) below.

**(22b) If forms are required for implementation of the regulation, attach copies of the forms here. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

The attached new forms are as follows:

- Underground Storage Tank Groundwater/Vapor Monitoring System Functionality Testing Form
- Underground Storage Tank Sensor Functionality Testing Form
- Underground Storage Tank Automatic Line Leak Detector Functionality Testing Form
- Underground Storage Tank Pressure/Vacuum Monitoring Functionality Testing Form
- Underground Storage Tank Spill Prevention Equipment/Containment Sump Integrity Testing Form
- Underground Storage Tank Automatic Tank Gauge Functionality Testing Form
- Underground Storage Tank Overfill Prevention Evaluation Form
- Aboveground Storage Tank Lining Inspection Summary and Instructions

The attached revised forms are as follows:

- Underground Storage Tank Facility Operations Inspection Report Form Instructions (2630-FM-BECB0501)
- Underground Storage Tank Facility Operations Inspection (2630-FM-BECB0501a)
- Underground Storage Tank System Installation/Closure Notification Form (2630-FM-BECB0127)
- Planning for Permanent Closure Checklist - Underground Storage Tank Systems (2630-FM-BECB0126)
- Underground Storage Tank Modification Report (2630-FM-BECB0575)
- Underground Storage Tank System Closure Report Form (2630-FM-BECB0159)
- Aboveground Storage Tank Integrity/Installation Inspection Summary and Instructions (2630-FM-BECB0150)
- Aboveground Storage Tank System Closure Report Form (2630-FM-BECB0514)
- Planning for Permanent Closure Checklist - Aboveground Storage Tank Systems (2630-FM-BECB0512)
- Aboveground Storage Tank System Closure Notification Form (2630-FM-BECB0513)
- Notification of Release/Notification of Contamination (2620-FM-BECB0082)
- Storage Tanks Registration/Permitting Application Form and Instructions (2630-PM-BECB0514)
- Storage Tank Installer/Inspector Certification Application Form and Instructions (2630-PM-BECB0506)
- Storage Tank Training Course Approval Application and Instructions (2630-PM-BECB0402)
- Storage Tank Site-Specific Installation Permit Application Instructions (2630-PM-BECB0002)
- Initial Qualifications – Storage Tank Installer and Inspector Certification (2630-PM-BECB0506b)
- Renewal Qualifications – Storage Tank Installer and Inspector Certification (2630-PM-BECB0506b2)

- Instructions – Storage Tank Installer and Inspector Certification – Attachment A (2630-PM-BECB0506c)

The following form has been deleted and is being incorporated into the Aboveground Storage Tank Integrity/Installation Inspection Summary (2630-FM-BECB0150):

- Aboveground Storage Tank Installation Inspection Summary (2630-FM-BECB0602).

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

Costs assume an effective date of January 1, 2019, for this final-form rulemaking, no increase/decrease in the number of storage tank facilities/systems subject to regulation, replacement of ball float valves at the rate of 20 percent of UST systems per year, and all owners of emergency generator USTs will add an ATG as the form of release detection. Since local governments and state government own and operate regulated ASTs and USTs, the costs associated with each are a subset of the costs to the regulated community. Therefore, the costs to the regulated community and total costs are inclusive of the costs to local governments and state government.

It is important to note that the amendments to Chapter 245 must be no less stringent than the Federal requirements for USTs for the Department to re-apply for State Program Approval. If Chapter 245 is not revised, Pennsylvania would lose State Program Approval and EPA would then implement the UST program in the Commonwealth. Therefore, the increased costs for UST facilities would occur even if Chapter 245 were not revised, due to EPA’s July 15, 2015 Final Rule for USTs at 40 CFR Part 280.

	<b>Current FY 2018/19</b>	<b>FY +1 2019/20</b>	<b>FY +2 2020/21</b>	<b>FY +3 2021/22</b>	<b>FY +4 2022/23</b>	<b>FY +5 2023/24</b>
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>	0	Unable to monetize				
<b>Local Government</b>	0	Unable to monetize				
<b>State Government</b>	0	Unable to monetize				
<b>Total Savings</b>	0	Unable to monetize				
<b>COSTS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>	0	3,083,789	18,197,928	8,907,083	8,914,363	9,245,407
<b>Local Government</b>	0	116,983	1,544,561	498,519	498,727	513,280
<b>State Government</b>	0	165,464	1,809,447	257,571	258,195	262,507
<b>Total Costs</b>	0	3,083,789	18,197,928	8,907,083	8,914,363	9,245,407

<b>REVENUE LOSSES:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>	0	0	0	0	0	0
<b>Local Government</b>	0	0	0	0	0	0
<b>State Government</b>	0	0	0	0	0	0
<b>Total Revenue Losses</b>	0	0	0	0	0	0

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

The figures below represent the expenditures from the Storage Tank Fund only. Program expenditures from the Federal Leaking Underground Storage Tank (LUST) Trust Fund Prevention and Cleanup grants and from the USTIF are not included.

<b>Program</b>	<b>FY -3 (2015/16)</b>	<b>FY -2 (2016/17)</b>	<b>FY -1 (2017/18)</b>	<b>Current FY (2018/19)</b>
Storage Tank and Spill Prevention	\$ 9,026,000	\$ 8,588,000	\$ 7,907,000	\$ 9,156,000

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

a) An identification and estimate of the number of small businesses subject to the regulation.

One or more of these amendments will affect approximately 7,000 storage tank owners, 7,650 UST facilities, and 17,700 AST systems throughout the Commonwealth. Section 3 of the Regulatory Review Act defines “small business” in accordance with the size standards described by the United States Small Business Administration’s Small Business Size Regulations under 13 CFR Chapter 1, Part 121. A review of the regulations under 13 CFR Chapter 1, Part 121 provides a standard for determining what constitutes a small business for each North American Industry Classification System (NAICS) industry. These standards are based on number of employees or annual receipts. For the storage tank facilities regulated under the act, the Department has very little information pertaining to the NAICS for those facilities in the Department’s Environmental Facility Application Compliance Tracking System (eFACTS) database.

In the Regulatory Impact Analysis to support the Federal UST final rulemaking, EPA estimated that motor fuel retailers represent approximately 80 percent of the 577,981 conventional UST systems in operation nationwide (<https://www.epa.gov/sites/production/files/2015-07/documents/regs2015-ria.pdf> (page 2-2)). Further, EPA estimated that there are approximately 79,700 firms operating roughly 148,000 facilities in the U.S. retail motor fuel sales sector. Based on the Small Business Administration’s annual revenue thresholds for NAICS 447110 (Gasoline Stations with Convenience Stores, \$29.5 million) and 447190 (Other Gasoline Stations, \$15 million), approximately 77,400 or 97 percent of these firms meet the Small Business Administration’s definition of small entity. The remaining 20 percent of conventional UST systems consist of emergency generator tanks, tanks used for storing and dispensing fuel in commercial settings, hospitals, manufacturing, transportation, communications and utilities, and agriculture. EPA did not evaluate these firms in terms of meeting or not meeting the definition of small business.

Data developed for an air quality rulemaking of the Department supports EPA's findings. On April 7, 2018, the Department published a final rulemaking developed by the Bureau of Air Quality to make the low Reid vapor pressure (RVP) gasoline requirements of 25 Pa. Code Chapter 126, Subchapter C (relating to gasoline volatility requirements), as codified in §§ 126.301—126.303 (relating to compliant fuel requirements; recordkeeping and reporting; and compliance and test methods) no longer applicable upon EPA approval of an air quality State Implementation Plan showing noninterference with air quality standards. (See 48 Pa.B. 1932). The low RVP (7.8 pounds per square inch or less) gasoline requirement applies in the Pittsburgh-Beaver Valley Area between May 1 and September 15 of each year. The seven-county Pittsburgh-Beaver Valley Area includes Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland Counties. The Department requested that the Pennsylvania Small Business Development Center's (SBDC) Environmental Management Assistance Program (EMAP) provide a list of businesses, including annual sales, for NAICS codes 447110 and 447190 for the Pittsburgh-Beaver Valley Area. The SBDC EMAP provided the Department with a list of 501 businesses for the requested NAICS codes. Of the 501 businesses, 385 were determined to be a small business. Of the remaining 116 businesses, there was no sales data available.

The Department had the SBDC EMAP provide a list of businesses, including annual sales and number of employees, for additional NAICS codes 424710 (Bulk gasoline stations; Gasoline, bulk stations and terminals), 424720 (Gasoline merchant wholesalers (except bulk stations, terminals)), and 493190 (Bulk petroleum storage) for the seven-county area. The annual revenue and employee thresholds for NAICS codes 424710, 424720 and 493190 are 200 employees, 200 employees, and \$27.5 million, respectively. The SBDC EMAP provided a list of 179 businesses, 171 of which were determined to be a small business. Of the remaining eight businesses, one was determined not to be a small business and seven had no available sales data. It is believed that some businesses identified in this additional NAICS code retrieval have ASTs as well.

While this data is only representative of the seven-county Pittsburgh-Beaver Valley area, and considering the EPA analysis, the Department is of the opinion that a very high percentage of the UST and AST facilities subject to this final-form rulemaking are small businesses.

Department-certified storage tank installers, inspectors and companies will also be required to comply with this final-form rulemaking. There are nearly 875 certified individuals and approximately 350 certified companies. It is believed that all certified companies are small businesses.

b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.

While this rulemaking adds notification, reporting and recordkeeping requirements, some of the notification is simply verbal or electronic. Where information is required to be documented, the Department is providing a significant number of forms to facilitate compliance. Most of the forms will be completed by Department-certified installers and inspectors who will be instructed by Department staff on how to complete them. Department-certified installers and inspectors often request standardized forms from the Department so that they are fully aware of what the Department expects to be reported pertaining to a specific requirement. Having standardized forms, completed by certified installers and inspectors, should limit the time and expense required to fill them out.

With regard to verbal or electronic notification requirements, a responsible party will need to notify the Department either verbally or electronically (such as by telephone or email) upon initiation of an

interim remedial action, within 24 hours of providing an alternate source of water to an affected water supply owner, and within 24 hours of initiation of site characterization activities in response to a release of a regulated substance from a storage tank. (See §§ 245.306(e), 245.307(e) and 245.309(c)(24)). The first corrective action report required to be submitted in writing by the responsible party is the site characterization report, required under § 245.310. It is to be submitted to the Department after the responsible party takes an interim remedial action, provides an alternate source of water (if necessary) and completes site characterization activities. Therefore, it is important for the Department to know in a timely manner that these required corrective actions are taking place. Interim remedial actions, when conducted properly and promptly, limit the extent and severity of contamination, thereby limiting the amount of site characterization that needs to be performed and further remedial action that needs to be conducted. The result is protection of the public and the environment, and a reduction in the cost of corrective action to storage tank owners and operators.

In addition, if a suspected release investigation confirms that a spill has occurred that does not qualify as a "release," and removal of the regulated substance cannot be accomplished within 24 hours, the owner or operator will need to notify the Department immediately by telephone or e-mail. An example is a spill of a hazardous substance to an aboveground surface in an amount less than the reportable released quantity.

The Department anticipates that costs associated with these additional verbal or electronic notification requirements should be minimal because the owner, operator or consultant is typically communicating with the Department at this point and informing the Department when actions that have been proposed are initiated.

The vast majority of the reporting requirements will be handled by Department-certified installers and inspectors, as well as by consultants. The Department is providing the necessary forms to facilitate compliance with the various requirements. Department-certified installers and inspectors, as well as consultants, welcome these forms and will be instructed by Department staff as to how to complete them. The vast majority of reporting forms associated with this final-form rulemaking are existing forms that have undergone minor revisions. Completion of these revised forms will result in no additional cost to the regulated community. The few new forms that have been developed are testing and evaluation forms that are necessary to record the results of the new periodic UST testing requirements established in § 245.437 to meet the Federal requirements of ensuring that installed equipment for release detection and prevention is operating properly. The Department contacted five Department-certified companies from various regions of the Commonwealth to provide cost estimates for the various testing requirements. The Department requested the companies to provide cost estimates to include mobilization fees, paperwork fees, labor costs and any necessary waste disposal costs. Therefore, the costs presented in the Section G of the Preamble and Item 19 of the Regulatory Analysis Form to this final-form rulemaking for the new UST testing requirements are inclusive of the reporting requirements.

With regard to the new recordkeeping requirements, the vast majority of the documentation that owners and operators will need to maintain is necessary to comply with the new Federal UST requirements. However, in general, the records are important because review of storage tank system records is necessary for Department-certified inspectors to determine compliance with regulatory requirements. Department-certified inspectors are required to periodically inspect ASTs and UST facilities, under §§ 245.411, 245.551-554, and 245.616. Record review is an integral part of the inspection. Without the records, inspectors would not be able to determine regulatory compliance. In fact, the absence of required records means that a storage tank system is in noncompliance with

regulatory requirements. A storage tank system that is noncompliant is at risk for releases which may impact the public and the environment. While the Department cannot quantify the costs associated with the maintenance of additional records, any costs should be minimal.

c) A statement of probable effect on impacted small businesses.

The annualized increased operation and maintenance costs to conduct walkthrough inspections, inspect overfill prevention equipment, test spill prevention equipment and containment sumps, and test release detection equipment per UST facility is estimated to range from \$835-\$1,383. The total annualized increased costs for these inspections and tests at all UST facilities is estimated to be \$8,213,477. These costs are based on the UST owner, operator, or other employee of the UST owner conducting the walkthrough inspections.

The Department is committed to providing UST owners with proper guidance on how to conduct and document such inspections. Given the small increased per-facility costs of the regulation to conduct these UST inspections and tests, closures or changes in market structure represent an unlikely response to the regulation.

The total one-time costs to replace all ball float valves with alternate overfill prevention equipment and to add release detection to those emergency generator USTs that were previously deferred is estimated to be \$13,641,003. This equates to an average cost of \$1,038 per UST system to replace a ball float valve with alternate overfill prevention equipment and an average cost of \$16,875 per UST system to add release detection to an emergency generator UST. These one-time costs apply to a limited number of UST systems. Currently, less than 15% of all UST systems have ball float valves for overfill prevention and less than 3% of all UST systems are emergency generator USTs. Owners of emergency generator UST systems will be afforded 1 year to 2 years under this final-form rulemaking to make an informed decision to either add the necessary release detection, close the UST system, or close the UST system and install a new AST.

The annualized increased cost to an AST owner of a vaulted AST for an in-service inspection is estimated to be \$416. The annualized increased cost to an AST owner of a small AST for an in-service inspection is estimated to be \$98. Given the small increased per-facility costs of the regulation to conduct these AST inspections, closures or changes in market structure represent an unlikely response to the regulation.

d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

There is no less intrusive or less costly alternative method of achieving the purpose of the final-form rulemaking. In fact, the EPA relaxed its regulations in its July 15, 2015 Final Rule compared to the regulations it had proposed. When EPA proposed its UST regulations in November 2011, there were a number of provisions that generally consisted of more or stricter requirements than those in the July 15, 2015 Final Rule. These provisions are more fully discussed in the response to Question 26 in this Regulatory Analysis Form. One example is that EPA proposed that testing of spill prevention equipment and containment sumps, and inspection of overfill prevention equipment, would be conducted annually. EPA's July 15, 2015 Final Rule requires these tests and inspections to be performed every 3 years. Elements of the July 15, 2015 Final Rule must be incorporated in Chapter 245 to maintain State Program Approval.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

There are no such provisions in this final-form rulemaking. However, to determine the socioeconomic characteristics of communities potentially affected by the Federal UST regulation, EPA conducted a screening analysis in 2010 to examine whether a statistically significant disparity exists between socioeconomic characteristics of populations located near UST facilities and those that are not. The results indicated that minority and low-income populations are slightly more likely to be located near UST facilities. However, because of the incorporation of operation and maintenance requirements in the regulation, the number and size of releases will be reduced. Therefore, EPA concluded that the Federal UST regulation will not have any disproportionately high and adverse human health or environmental effects on minority or low-income communities, or on any community (<https://www.epa.gov/sites/production/files/2015-07/documents/regs2015-ria.pdf> (p. ES-14)).

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

As stated earlier, comprehensive Federal regulations for USTs exist at 40 CFR Part 280. These regulations were initially promulgated in 1988. EPA's July 15, 2015 Final Rule contained the first comprehensive revisions to 40 CFR Part 280. The primary purpose of the amendments in the July 15, 2015 Final Rule was to strengthen the UST requirements by increasing the emphasis on properly operating and maintaining equipment. Incorporation of these UST revisions into Chapter 245 is necessary for Pennsylvania to re-apply for State Program Approval from EPA and remain eligible for continued substantial Federal funding for the UST program.

When EPA proposed its UST regulations in November 2011, there were a number of provisions that were more burdensome than those EPA ultimately promulgated in its July 15, 2015 Final Rule. For one, EPA proposed that testing of spill prevention equipment and containment sumps, and inspection of overfill prevention equipment, would be conducted annually. EPA's July 15, 2015 Final Rule requires these tests and inspections to be performed every 3 years. EPA also proposed a 5-year phase out of groundwater and vapor monitoring for release detection. The July 15, 2015 Final Rule continues to allow these methods of release detection with a proper site assessment. In addition, the following provisions generally consisted of more or stricter requirements than what is in the final UST regulation: 30-day walkthrough inspections, operability tests for release detection equipment, removing the release detection deferral for emergency generator tanks, and demonstrating compatibility with alternative fuels. For example, the 30-day walkthrough inspections in the 2011 proposed UST regulation included a monthly check of containment sumps.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;

- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

This final-form rulemaking applies to all owners of regulated storage tanks and all DEP-certified individuals and companies. Small businesses, small organizations and small governmental jurisdictions are not exempt from any provisions of the regulations. However, small entities were considered in developing this final-form rulemaking, which includes incorporation of the necessary Federal requirements to maintain State Program Approval. In the response to Question 26, above, the Department stated that the proposed Federal requirements were more stringent in a number of areas than the final requirements. In response to public comment and in consideration of small businesses, the final rulemaking resulted in less burdensome, yet protective, requirements.

While this final-form rulemaking adds notification, reporting and recordkeeping requirements, some of the notification is simply verbal or electronic. Where information is required to be documented, the Department is providing a significant number of forms to facilitate compliance with the various requirements. Most of the forms will be completed by Department-certified installers and inspectors who will be instructed by Department staff on how to complete them. Department-certified installers and inspectors often request standardized forms from the Department so that they are fully aware of what the Department expects to be reported pertaining to a specific requirement. Having standardized forms, completed by certified installers and inspectors, should limit the time and expense required to fill them out.

The Department is also phasing in the requirements to conduct walkthrough inspections, conduct spill prevention and containment sump testing, perform overflow prevention equipment evaluations, add release detection for existing emergency generator USTs, and inspect ASTs in underground vaults and small ASTs on a more frequent basis.

Lastly, this final-form rulemaking requires UST owners and operators to test containment sumps used for interstitial monitoring of piping and spill prevention equipment once every three years to ensure the equipment is liquid-tight. However, if the equipment is double walled, the integrity of both walls may be periodically monitored, in lieu of testing the equipment once every three years. Also, UST owners and operators must conduct walkthrough inspections of spill prevention and release detection equipment at a minimum of every 30 days. However, spill prevention equipment associated with UST systems receiving deliveries at intervals greater than every 30 days, may be checked prior to each delivery.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

While the primary drivers of the development of this regulation included Department staff experience and identified needs for regulatory amendments, as well as the EPA July 15, 2015 Final Rule, the Department developed this rulemaking using several data sources, as follows:

*Environmental Facility Application Compliance Tracking System (eFACTS) Database.* Search for the number of regulated storage tank owners, storage tank facilities and storage tanks. Pennsylvania Department of Environmental Protection. Generated by Department Division of Storage Tanks staff.

*Assessment Of The Potential Costs, Benefits, And Other Impacts Of The Final Revisions To EPA's Underground Storage Tank Regulations, April 2015*

<https://www.epa.gov/sites/production/files/2015-07/documents/regs2015-ria.pdf>

*Pennsylvania Underground Storage Tank Indemnification Fund, 2017 Annual Report*

[https://ustif.pa.gov/documents/10184/0/2017\\_PAUSTIF\\_Annual+Report\\_Final\\_2018-03-01.pdf/178c0ef5-8ef1-4931-b6fa-528014d9be38](https://ustif.pa.gov/documents/10184/0/2017_PAUSTIF_Annual+Report_Final_2018-03-01.pdf/178c0ef5-8ef1-4931-b6fa-528014d9be38)

*25 Pa. Code Chapter 121 and Chapter 126, Subchapter C Final Rulemaking, Repeal of Gasoline Volatility Requirements, Regulatory Analysis Form*

[http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2017/December%2012/7-529\\_December%2012\\_EQB/05\\_Low%20RVP%20Repeal\\_Final\\_RAF.pdf](http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2017/December%2012/7-529_December%2012_EQB/05_Low%20RVP%20Repeal_Final_RAF.pdf)

(29) Include a schedule for review of the regulation including:

- |   |                        |
|---|------------------------|
| A. The length of the public comment period:   | <u>30 days</u>         |
| B. The date or dates on which any public meetings or hearings will be held:                   | <u>None</u>            |
| C. The expected date of delivery of the final-form regulation:                                | <u>Quarter 3, 2018</u> |
| D. The expected effective date of the final-form regulation:                                  | <u>Quarter 4, 2018</u> |
| E. The expected date by which compliance with the final-form regulation will be required:     | <u>See Below*</u>      |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <u>N/A</u>             |

\* Owners of existing storage tank systems will be provided with adequate timeframes to adjust and comply with the new requirements. Owners of storage tank systems installed on or after the effective date of the final-form rulemaking shall comply with the requirements immediately.

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board is not establishing a sunset date for these regulations because they are needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.





COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENVIRONMENTAL CLEANUP AND BROWNFIELDS

<b>FOR DEP USE ONLY</b>	
Reviewer	_____
Date	_____
Entered by	_____
Date	_____

## ABOVEGROUND STORAGE TANK LINING INSPECTION SUMMARY

<p><b>I. Facility Information</b></p> <p>Facility I.D. Number _____</p> <p>Facility Name _____</p> <p>Facility Address _____</p> <p>_____</p> <p>Municipality _____</p> <p>GPS Location    Lat: _____ Long: _____</p>	<p><b>II. Inspector Information</b></p> <p>Name _____</p> <p>Certification number _____</p> <p>Phone _____</p> <p>E-mail _____</p> <p>Employer _____</p> <p>Employer certification number _____</p>												
<p><b>III. Tank Identification</b></p> <p>DEP Tank ID number _____A</p> <p>Owner's Tank ID Number _____</p> <p>Nominal Capacity (gallons) _____</p> <p>Size: diameter _____(ft) length/height _____(ft)</p> <p>Substance stored _____</p> <p>Original construction code _____</p> <p>Installation Date _____</p>	<p><b>IV. Inspection Date(s)</b></p> <p>Completion of this inspection _____</p> <p>Lining system installed _____</p> <p>Last lining inspection _____</p> <p>Next lining inspection due _____</p> <p><input type="checkbox"/> Next inspection date to be determined after repairs and before tank is returned to service.</p> <p><input type="checkbox"/> Horizontal Saddle Tank                      <input type="checkbox"/> Shop Built</p> <p><input type="checkbox"/> Vertical Tank    <input type="checkbox"/> Field Built</p> <p><input type="checkbox"/> Elevated Vertical Tank</p>												
<p><b>V. Lining System Design/Installation Information</b></p> <table style="width: 100%;"> <tr> <td style="width: 50%;">Lining System Manufacturer Name: _____</td> <td style="width: 50%;">Lining System Product Name: _____</td> </tr> <tr> <td>Lining System Material: _____</td> <td>Lining Standard Used: _____</td> </tr> <tr> <td>Original design/installation specifications were available? <input type="checkbox"/> Yes <input type="checkbox"/> No</td> <td>Lining installed by "TL" certified installer <input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td></td> <td>"TL" Name: _____</td> </tr> <tr> <td></td> <td>Certification number: _____</td> </tr> </table>		Lining System Manufacturer Name: _____	Lining System Product Name: _____	Lining System Material: _____	Lining Standard Used: _____	Original design/installation specifications were available? <input type="checkbox"/> Yes <input type="checkbox"/> No	Lining installed by "TL" certified installer <input type="checkbox"/> Yes <input type="checkbox"/> No		"TL" Name: _____		Certification number: _____		
Lining System Manufacturer Name: _____	Lining System Product Name: _____												
Lining System Material: _____	Lining Standard Used: _____												
Original design/installation specifications were available? <input type="checkbox"/> Yes <input type="checkbox"/> No	Lining installed by "TL" certified installer <input type="checkbox"/> Yes <input type="checkbox"/> No												
	"TL" Name: _____												
	Certification number: _____												
<p><b>VI. Certified Inspector</b> I, the DEP Certified Inspector, have inspected the entire lining in the above referenced tank system. Based on my observation of the lining, review of examination and test results and information provided by the owner, I certify under penalty of law as provided in 18 Pa. C.S.A. Section 4904 (relating to unsworn falsification to authorities), that the information provided by me is true, accurate, and complete to the best of my knowledge and belief. I also certify that this tank system <input type="checkbox"/> can <input type="checkbox"/> cannot be returned to service without additional evaluation or modification.</p> <p style="text-align: center;">_____</p> <p style="display: flex; justify-content: space-between;"><span>Certified Inspector's Signature</span><span>Date</span></p>													
<p><b>VII. Owner or Owner's Representative</b> I have reviewed the completed inspection report. I certify under penalty of law as provided in 18 PA C.S.A. Section 4904 (relating to unsworn falsification to authorities), the information provided by me is true, accurate, and complete to the best of my knowledge and belief.</p> <table style="width: 100%; text-align: center;"> <tr> <td style="width: 33%;">Name (Please Print)</td> <td style="width: 33%;">Title</td> <td style="width: 33%;">Phone Number</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Signature</td> <td></td> <td>Date</td> </tr> <tr> <td>_____</td> <td></td> <td>_____</td> </tr> </table>		Name (Please Print)	Title	Phone Number	_____	_____	_____	Signature		Date	_____		_____
Name (Please Print)	Title	Phone Number											
_____	_____	_____											
Signature		Date											
_____		_____											

Facility ID \_\_\_\_\_ — \_\_\_\_\_

DEP Tank ID \_\_\_\_\_ A

Inspection Date \_\_\_\_\_

**VIII. Lining System Evaluation**

Evaluation Method(s):

- Visual
- Adhesion Measurement
- Audible Testing

- Low-Voltage Holiday Testing
- High-Voltage Holiday Testing
- Other \_\_\_\_\_

**IX. Lining System Evaluation Results** Describe the results of the evaluation method(s), including, where applicable, observed lining deficiencies, numeric results, and number and location of holidays, etc.

**X. Comments** Describe any lining system deficiencies. Include any steps taken to correct lining system deficiencies. Please note additional information discovered during the inspection.



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENVIRONMENTAL CLEANUP AND BROWNFIELDS

## ABOVEGROUND STORAGE TANK LINING INSPECTION SUMMARY INSTRUCTIONS

Information provided on the form should be typewritten or printed in a legible manner.

- I. **FACILITY INFORMATION:** Enter the facility information as it appears on the blue registration certificate. Include facility or tank GPS coordinates.
- II. **INSPECTOR INFORMATION:** Complete all information in this section. If self-employed, enter self employed or your name in the Employer space and leave the Company Certification Number blank. **NOTE:** When conducting an inspection of internal linings in aboveground field constructed metallic storage tanks, the DEP certified inspector must also possess current API Std 653 inspector certification, in accordance with §245.113(f).
- III. **TANK IDENTIFICATION:** Enter the tank information as it appears on the blue registration certificate, including the tank ID (sequence) number, capacity, and substance. Describe the tank dimensions and, if known, indicate which industry code or standard was followed during tank construction. Check the appropriate boxes to indicate the configuration of the tank (Horizontal, Vertical or Elevated Vertical Tank) and where the tank was constructed (Shop Built or Field Built). If the tank information on the registration form is incorrect, provide the correct information in Section X and advise the owner to submit an amended Registration/Permitting form.
- IV. **INSPECTION DATE(S):** Enter the date that you, the inspector, completed the lining inspection. Provide the date the lining was installed, the date of the last lining inspection, and the date by which the next lining inspection is due. Enter "NONE" if no previous lining inspections were performed.
- V. **LINING SYSTEM DESIGN/INSTALLATION INFORMATION:** Provide specific information regarding the lining system installed in the inspected tank system and the installer of the lining system, as it is available. Check boxes in this section as appropriate.
- VI. **CERTIFIED INSPECTOR:** As the DEP Certified inspector, sign and date the form in this area. Check the appropriate box indicating whether the tank system can or cannot be returned to service. Fully explain the reason why additional evaluation or modification is needed and any activities completed to correct the deficiencies in Section X.
- VII. **OWNER OR OWNER'S REPRESENTATIVE:** Enter the name, title, and phone number of the person providing the tank information. Have the owner or designated representative sign and date the form. If the owner or representative refused to sign this section, please, explain the situation in Section X. A copy of a certified mail receipt may be used as evidence that the report has been provided to the owner.
- VIII. **LINING SYSTEM EVALUATION:** Check the appropriate box(es) for the method(s) used to evaluate the internal lining in the tank system that was inspected.
- IX. **LINING SYSTEM EVALUATION RESULTS:** Describe, in detail, the results of the evaluation method(s) used to inspect the internal lining, including, where applicable any observed lining deficiencies, numeric results, and the number and location(s) of any holidays, blisters, or other failures of the lining.
- X. **COMMENTS:** Describe, in detail, any tank system deficiencies and note additional information discovered during the inspection. If additional comment sheets are needed, label each sheet with facility and tank identification numbers, the inspection date, and the page number.

Completed inspection summaries must be submitted to DEP by the certified inspector within 60 days of conducting the inspection activities.

- Original to the appropriate DEP regional office
- Copy to DEP central office
- Copy to the tank owner
- Copy for tank inspector's files

**Central Office**  
 Pennsylvania DEP, Central Office  
 Division of Storage Tanks  
 PO Box 8762  
 Harrisburg, PA 17105-8762

<p><b>Northwest Region</b>                      230 Chestnut Street                      Meadville, PA 16335-3481                      814-332-6648</p> <p>Counties: Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren</p>	<p><b>Northcentral Region</b>                      208 West Third Street, Ste. 101                      Williamsport, PA 17701                      570-321-6525</p> <p>Counties: Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union</p>	<p><b>Northeast Region</b>                      2 Public Square                      Wilkes-Barre, PA 18701-1915                      570-826-2511</p> <p>Counties: Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming</p>
<p><b>Southwest Region</b>                      400 Waterfront Drive                      Pittsburgh, PA 15222-4745                      412-442-4000</p> <p>Counties: Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland</p>	<p><b>Southcentral Region</b>                      909 Elmerton Avenue                      Harrisburg, PA 17110                      717-705-4705</p> <p>Counties: Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York</p>	<p><b>Southeast Region</b>                      2 East Main Street                      Norristown, PA 19401-4915                      484-250-5900</p> <p>Counties: Bucks, Chester, Delaware, Montgomery and Philadelphia</p>



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENVIRONMENTAL CLEANUP AND BROWNFIELDS

**UNDERGROUND STORAGE TANK  
AUTOMATIC TANK GAUGE FUNCTIONALITY TESTING FORM**

**I. FACILITY INFORMATION** – Type or print (in ink) all items.

Facility ID #:	Facility Name:	
Facility Street Address:		
Facility Telephone:	County:	Municipality:

**II. TESTER INFORMATION**

Tester Name:	Tester Cert. #:	Tester Telephone:
Company Name:	Company Cert. #:	Test Date:

**III. AUTOMATIC TANK GAUGE**  Pass  Fail

ATG Manufacturer:	ATG Model:
Detected leak will trigger an alarm? <input type="checkbox"/> Yes <input type="checkbox"/> No	Battery Backup Functional? <input type="checkbox"/> Yes <input type="checkbox"/> No
ATG software properly programmed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Is the ATG equipped with CITLDS? <input type="checkbox"/> Yes <input type="checkbox"/> No

**III. TEST PROCEDURE** – Briefly describe procedure(s) used to test the probes (i.e. PEI/RP1200, manufacturer's testing procedure, etc.)

--

**IV. PROBE AND TESTING INFORMATION** – When more than five probes are tested at a facility, use additional testing forms

Tank Number									
Product Stored									
Manufacturer									
Model									
Measured Product Level (in.)									
ATG Product Level (in.)									
Measured Water Level (in.)									
ATG Water Level (in.)									
Measured product and water levels match ATG values?	<input type="checkbox"/> Yes <input type="checkbox"/> No								
Is the probe in a good state of repair?	<input type="checkbox"/> Yes <input type="checkbox"/> No								
Is the ATG console clear of alarms?	<input type="checkbox"/> Yes <input type="checkbox"/> No								
Float(s) move freely	<input type="checkbox"/> Yes <input type="checkbox"/> No								
<b>V. TEST RESULT<sup>1</sup></b>	<input type="checkbox"/> Pass <input type="checkbox"/> Fail								

1. Any "No" answer in a required row indicates the probe fails. Failed probes and ATGs must be repaired or replaced immediately.

Facility ID #: \_\_\_\_\_ Facility Name: \_\_\_\_\_ Test Date: \_\_\_\_\_

**VI. COMMENTS**

The comments section should be used to note additional information discovered or actions taken during functionality testing that affect compliance at the facility. For example, include comments concerning any observations made by the tester that would affect the test results.

Include actions taken to repair or replace failed devices.

If additional comment sheets are needed, label each sheet with the report header information and attach the sheet(s) to the back of this form.

**VII. SITE DRAWING**

Provide a detailed site drawing of the applicable UST(s), product piping, and containment structure layout in the space below (or attach a detailed site drawing prepared on a separate sheet). Any other pertinent information should also be included.

**VII. OWNER'S REPRESENTATIVE CERTIFICATION**

I have reviewed this report. I certify under penalty of law as provided in 18 PA C.S.A. Section 4904(relating to unsworn falsification to authorities), that the information provided by me is true, accurate, and complete to the best of my knowledge and belief.

Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**VIII. TESTER CERTIFICATION**

By signing this document as the Tester, I certify under penalty of law as provided in 18 PA C.S.A. Section 4904(relating to unsworn falsification to authorities), that the information provided by me is true, accurate, and complete to the best of my knowledge and belief.

Tester's Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENVIRONMENTAL CLEANUP AND BROWNFIELDS

**UNDERGROUND STORAGE TANK  
GROUNDWATER/VAPOR MONITORING SYSTEM FUNCTIONALITY TESTING FORM**

**I. FACILITY INFORMATION** – Type or print (in ink) all items.

Facility ID #:	Facility Name:	
Facility Street Address:		
Facility Telephone:	County:	Municipality:

**II. TESTER INFORMATION**

Tester Name:	Tester Cert. #:	Tester Telephone:
Company Name:	Company Cert. #:	Test Date:

**III. TEST PROCEDURE** – Briefly describe procedure(s) used to evaluate/test the groundwater or vapor monitoring system.

--

**IV. GROUNDWATER/VAPOR MONITORING SYSTEM TESTING INFORMATION**

Tank Number				
Product Stored				

Site evaluated by a licensed professional under the Engineer, Land Surveyor and Geologist Law to ensure compliance with 25 Pa. Code Chapter 245.444 and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains product.  Yes  No

Written site evaluation readily available at the facility:  Yes  No Date of site evaluation:

Name of licensed professional: License number:

Wells are installed in accordance with the site evaluation:  Yes  No

**A. GROUNDWATER MONITORING**

Product detection devices can detect 1/8-inch or less of leaked product on top of the groundwater:  Yes  No

Electronic sampling equipment tested and operating properly:  Yes  No  N/A

Date sampling equipment was last calibrated:

**B. VAPOR MONITORING**

Monitoring devices are capable of detecting increases in concentrations of stored regulated substances:  Yes  No

Electronic sampling equipment tested and operating properly:  Yes  No

Date sampling equipment was last calibrated:

**V. TEST RESULT**  Pass  Fail

Any "No" answer in Section IV. Indicates the Groundwater or Vapor monitoring system fails. Failure of a release detection method may constitute a suspected release. Certified Individuals must report confirmed or suspected contamination to the Department within 48 hours of observing it. Facility owners/operators must investigate suspected releases within 7 days. If a reportable release is confirmed, it must be reported to the Department by telephone within 24 hours and in writing within 15 days. requires immediate repair or replacement.

Facility ID #: \_\_\_\_\_

Facility Name: \_\_\_\_\_

Test Date: \_\_\_\_\_

**VI. COMMENTS**

The comments section should be used to note additional information discovered or actions taken during testing that affect compliance at the facility. For example, include comments concerning any observations made by the tester that would affect the test results.

Include actions taken to repair or replace failed devices.

If additional comment sheets are needed, label each sheet with the report header information and attach the sheet(s) to the back of this form.

**VII. SITE DRAWING**

Provide a detailed site drawing of the applicable UST(s), product piping, and monitoring well locations (or attach a detailed site drawing prepared on a separate sheet). Any other pertinent information should also be included.

**VII. OWNER'S REPRESENTATIVE CERTIFICATION**

I have reviewed this report. I certify under penalty of law as provided in 18 PA C.S.A. Section 4904(relating to unsworn falsification to authorities), that the information provided by me is true, accurate, and complete to the best of my knowledge and belief.

Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**VIII. TESTER CERTIFICATION**

By signing this document as the Tester, I certify under penalty of law as provided in 18 PA C.S.A. Section 4904(relating to unsworn falsification to authorities), that the information provided by me is true, accurate, and complete to the best of my knowledge and belief.

Tester's Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENVIRONMENTAL CLEANUP AND BROWNFIELDS

**UNDERGROUND STORAGE TANK  
AUTOMATIC LINE LEAK DETECTOR FUNCTIONALITY TESTING FORM**

**I. FACILITY INFORMATION** – Type or print (in ink) all items.

Facility ID #:	Facility Name:	
Facility Street Address:		
Facility Telephone:	County:	Municipality:

**II. TESTER INFORMATION**

Tester Name:	Tester Cert. #:	Tester Telephone:
Company Name:	Company Cert. #:	Test Date:

**III. TEST PROCEDURE** – Briefly describe procedure(s) used to test the probes (i.e. PEI/RP1200, manufacturer's testing procedure, etc.)

--

**IV. LINE LEAK DETECTOR TESTING INFORMATION** – When more than five LLDs are tested at a facility, use additional testing forms

Tank Number					
Product Stored					
Line Number <sup>1</sup>					
Manufacturer					
Model					
Leak Detector Type	<input type="checkbox"/> Electronic <input type="checkbox"/> Mechanical				
STP Operating Pressure					

**A. MECHANICAL LINE LEAK DETECTORS**

Check Valve Holding Pressure					
Metering Pressure					
Opening Time					
Simulated leak causes slow-flow	<input type="checkbox"/> Yes <input type="checkbox"/> No				
Leak detector resets when line pressure is bled off to zero	<input type="checkbox"/> Yes <input type="checkbox"/> No				

**B. ELECTRONIC LINE LEAK DETECTORS**

Simulated leak causes an alarm	<input type="checkbox"/> Yes <input type="checkbox"/> No				
Simulated leak disables the STP <sup>2</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No				

<b>V. TEST RESULT<sup>3</sup></b>	<input type="checkbox"/> Pass <input type="checkbox"/> Fail				
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1. Designate each product line, on which a line leak detector was tested, numerically or by code on the site drawing.
2. Required for pressurized piping systems installed after November 10, 2007, using LLD for 3gph piping release detection.
3. Any "No" answer in a required row indicates the line leak detector fails. Failed line leak detectors must be repaired or replaced immediately.

Facility ID #: \_\_\_\_\_ Facility Name: \_\_\_\_\_ Test Date: \_\_\_\_\_

**VI. COMMENTS**

The comments section should be used to note additional information discovered or actions taken during functionality testing that affect compliance at the facility. For example, include comments concerning any observations made by the tester that would affect the test results.

Include actions taken to repair or replace failed devices.

If additional comment sheets are needed, label each sheet with the report header information and attach the sheet(s) to the back of this form.

**VII. SITE DRAWING**

Provide a detailed site drawing of the applicable UST(s), product piping, and containment structure layout in the space below (or attach a detailed site drawing prepared on a separate sheet). Any other pertinent information should also be included.

**VII. OWNER'S REPRESENTATIVE CERTIFICATION**

I have reviewed this report. I certify under penalty of law as provided in 18 PA C.S.A. Section 4904(relating to unsworn falsification to authorities), that the information provided by me is true, accurate, and complete to the best of my knowledge and belief.

Signature: _____	Date Signed: _____
------------------	--------------------

**VIII. TESTER CERTIFICATION**

By signing this document as the Tester, I certify under penalty of law as provided in 18 PA C.S.A. Section 4904(relating to unsworn falsification to authorities), that the information provided by me is true, accurate, and complete to the best of my knowledge and belief.

Tester's Signature: _____	Date Signed: _____
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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENVIRONMENTAL CLEANUP AND BROWNFIELDS

**UNDERGROUND STORAGE TANK  
OVERFILL PREVENTION EVALUATION FORM**

<b>I. FACILITY INFORMATION – Type or print (in ink) all items.</b>					
Facility ID #:		Facility Name:			
Facility Street Address:					
Facility Telephone:		County:		Municipality:	
<b>II. TESTER INFORMATION</b>					
Tester Name:		Tester Cert. #:		Tester Telephone:	
Company Name:		Company Cert. #:		Test Date:	
<b>III. TANK AND DEVICE INFORMATION – When more than five devices are tested at a facility, use additional testing forms</b>					
Tank Number					
Tank Capacity					
Tank Diameter					
Product Stored					
Overfill Manufacturer					
Overfill Model					
Product Delivery Method	<input type="checkbox"/> Pressurized <input type="checkbox"/> Gravity				
Overfill Type	<input type="checkbox"/> Drop Tube Shutoff <input type="checkbox"/> Alarm <input type="checkbox"/> Ball Float <input type="checkbox"/> Whistle Vent	<input type="checkbox"/> Drop Tube Shutoff <input type="checkbox"/> Alarm <input type="checkbox"/> Ball Float <input type="checkbox"/> Whistle Vent	<input type="checkbox"/> Drop Tube Shutoff <input type="checkbox"/> Alarm <input type="checkbox"/> Ball Float <input type="checkbox"/> Whistle Vent	<input type="checkbox"/> Drop Tube Shutoff <input type="checkbox"/> Alarm <input type="checkbox"/> Ball Float <input type="checkbox"/> Whistle Vent	<input type="checkbox"/> Drop Tube Shutoff <input type="checkbox"/> Alarm <input type="checkbox"/> Ball Float <input type="checkbox"/> Whistle Vent
<b>IV. TEST INFORMATION (Complete all applicable overfill types)</b>					
<b>A. DROP TUBE SHUTOFF DEVICE</b>					
Drop tube and float free of debris?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
Float and poppet move freely?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
Poppet enters flow path when float is engaged?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
Tank capacity when flow is stopped (%)					
<b>B. OVERFILL ALARM</b>					
Visible or audible to delivery driver?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
Probe and float in good condition?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
Float moves freely?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
Does simulated overfill trigger alarm?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
Tank capacity when alarm is triggered (%)					

Facility ID #: \_\_\_\_\_ Facility Name: \_\_\_\_\_ Test Date: \_\_\_\_\_

<b>C. BALL FLOAT VALVE</b>										
Straight drop tube installed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No								
Is the only fill present a direct fill?	<input type="checkbox"/> Yes	<input type="checkbox"/> No								
Ball and cage present and in good condition?	<input type="checkbox"/> Yes	<input type="checkbox"/> No								
Ball moves freely in cage?	<input type="checkbox"/> Yes	<input type="checkbox"/> No								
Is the vent hole unobstructed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No								
Tank capacity when flow is restricted (%)										
<b>D. WHISTLE VENT ALARM</b>										
Permanently Installed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No								
Audible to delivery driver?	<input type="checkbox"/> Yes	<input type="checkbox"/> No								
Tank capacity when whistle stops (%)										
<b>V. TEST RESULTS</b>										
Any "No" answer in Section IV. Indicates the overfill device fails. Failure of any overfill prevention device requires immediate repair or replacement. Underground Storage Tanks may not receive product deliveries without functional overfill prevention.										
	<input type="checkbox"/> Pass	<input type="checkbox"/> Fail								
<b>VI. COMMENTS</b>										
The comments section should be used to note additional information discovered or actions taken during functionality testing that affect compliance at the facility. For example, include comments concerning any observations made by the tester that would affect the test results. Include actions taken to repair or replace failed devices. <b>Installation, repair and removal of overfill prevention devices requires the use of a Department certified individual.</b> Failed ball float valves may not be repaired or replaced; an alternate form of overfill prevention must be installed. If additional comment sheets are needed, label each sheet with the report header information and attach the sheet(s) to the back of this form.										
<b>VII. OWNER'S REPRESENTATIVE CERTIFICATION</b>										
I have reviewed this report. I certify under penalty of law as provided in 18 PA C.S.A. Section 4904(relating to unsworn falsification to authorities), that the information provided by me is true, accurate, and complete to the best of my knowledge and belief.										
Signature: _____							Date Signed: _____			
<b>VIII. TESTER CERTIFICATION</b>										
By signing this document as the Tester, I certify under penalty of law as provided in 18 PA C.S.A. Section 4904(relating to unsworn falsification to authorities), that the information provided by me is true, accurate, and complete to the best of my knowledge and belief.										
Tester's Signature: _____							Date Signed: _____			



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENVIRONMENTAL CLEANUP AND BROWNFIELDS

**UNDERGROUND STORAGE TANK  
PRESSURE/VACUUM MONITORING FUNCTIONALITY TESTING FORM**

**I. FACILITY INFORMATION** – Type or print (in ink) all items.

Facility ID #:	Facility Name:		
Facility Street Address:			
Facility Telephone:	County:	Municipality:	

**II. TESTER INFORMATION**

Tester Name:	Tester Cert. #:	Tester Telephone:
Company Name:	Company Cert. #:	Test Date:

**III. TEST PROCEDURE** – Briefly describe procedure(s) used to test the probes (i.e. PEI/RP1200, manufacturer's testing procedure, etc.)

**IV. PRESSURE/VACUUM MONITORING** – When more than four systems are tested at a facility, use additional testing forms

Tank Number				
Product Stored				
Line Number <sup>1</sup>	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A
ATG Manufacturer				
ATG Model				
P/V Monitoring System Manufacturer				
P/V Monitoring System Model				
P/V Monitoring System is functional	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Manufacturer's test method followed	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Interstice is air tight	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Leak in interstice triggers alarm	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Leak in piping interstice disables STP <sup>2</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>V. TEST RESULT<sup>3</sup></b>	<input type="checkbox"/> Pass <input type="checkbox"/> Fail			

- Designate each product line that has its interstice under pressure or vacuum by P/V system numerically or by code on the site drawing.
- Required for pressurized piping systems installed after November 10, 2007, using P/V monitoring for 3gph piping release detection.
- Any "No" answer in a required row indicates the P/V system fails. Failed leak detection systems must be repaired or replaced immediately.

Facility ID #: \_\_\_\_\_ Facility Name: \_\_\_\_\_ Test Date: \_\_\_\_\_

**VI. COMMENTS**

The comments section should be used to note additional information discovered or actions taken during functionality testing that affect compliance at the facility. For example, include comments concerning any observations made by the tester that would affect the test results.

Include actions taken to repair or replace failed devices.

If additional comment sheets are needed, label each sheet with the report header information and attach the sheet(s) to the back of this form.

**VII. SITE DRAWING**

Provide a detailed site drawing of the applicable UST(s), product piping, and containment structure layout in the space below (or attach a detailed site drawing prepared on a separate sheet). Any other pertinent information should also be included.

**VII. OWNER'S REPRESENTATIVE CERTIFICATION**

I have reviewed this report. I certify under penalty of law as provided in 18 PA C.S.A. Section 4904 (relating to unsworn falsification to authorities), that the information provided by me is true, accurate, and complete to the best of my knowledge and belief.

Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**VIII. TESTER CERTIFICATION**

By signing this document as the Tester, I certify under penalty of law as provided in 18 PA C.S.A. Section 4904 (relating to unsworn falsification to authorities), that the information provided by me is true, accurate, and complete to the best of my knowledge and belief.

Tester's Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENVIRONMENTAL CLEANUP AND BROWNFIELDS

**UNDERGROUND STORAGE TANK  
SENSOR FUNCTIONALITY TESTING FORM**

<b>I. FACILITY INFORMATION</b> – Type or print (in ink) all items.					
Facility ID #:		Facility Name:			
Facility Street Address:					
Facility Telephone:		County:		Municipality:	
<b>II. TESTER INFORMATION</b>					
Tester Name:		Tester Cert. #:		Tester Telephone:	
Company Name:		Company Cert. #:		Test Date:	
<b>III. TEST PROCEDURE</b> – Briefly describe procedure(s) used to test the sensors (i.e. PEI/RP1200, manufacturer's testing procedure, etc.)					
<b>IV. SENSOR AND TESTING INFORMATION</b> – When more than five sensors are tested at a facility, use additional testing forms					
Sensor Location					
Sensor Number <sup>1</sup>					
Manufacturer					
Model					
Sensor Type	<input type="checkbox"/> Discriminating <input type="checkbox"/> Non-Discriminating				
Test Liquid	<input type="checkbox"/> Water <input type="checkbox"/> Product				
Is the ATG console clear of alarms?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
Is the sensor properly positioned?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
Is the sensor in a good state of repair?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
Does the sensor trigger an alarm when placed in the test liquid?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
Is the sensor correctly identified on the ATG?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
Does a sensor alarm automatically disable the pump? <sup>2</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No				
<b>V. TEST RESULT<sup>3</sup></b>	<input type="checkbox"/> Pass <input type="checkbox"/> Fail				
<ol style="list-style-type: none"> <li>Designate each sensor tested numerically or by code on the site drawing.</li> <li>Required for pressurized piping systems installed after November 10, 2007, using sensors for 3 gph piping release detection.</li> <li>Failed sensors must be repaired or replaced immediately.</li> </ol>					

Facility ID #: \_\_\_\_\_ Facility Name: \_\_\_\_\_ Test Date: \_\_\_\_\_

**VI. COMMENTS**

The comments section should be used to note additional information discovered or actions taken during functionality testing that affect compliance at the facility. For example, include comments concerning any observations made by the tester that would affect the test results.

Include actions taken to repair or replace failed devices.

If additional comment sheets are needed, label each sheet with the report header information and attach the sheet(s) to the back of this form.

**VII. SITE DRAWING**

Provide a detailed site drawing of the applicable UST(s), product piping, and containment structure layout in the space below (or attach a detailed site drawing prepared on a separate sheet). In addition, clearly indicate which sensors were tested. Label each sensor with a unique number or code, used in section V, above. Any other pertinent information should also be included.

**VII. OWNER'S REPRESENTATIVE CERTIFICATION**

I have reviewed this report. I certify under penalty of law as provided in 18 PA C.S.A. Section 4904 (relating to unsworn falsification to authorities), that the information provided by me is true, accurate, and complete to the best of my knowledge and belief.

Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**VIII. TESTER CERTIFICATION**

By signing this document as the Tester, I certify under penalty of law as provided in 18 PA C.S.A. Section 4904 (relating to unsworn falsification to authorities), that the information provided by me is true, accurate, and complete to the best of my knowledge and belief.

Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENVIRONMENTAL CLEANUP AND BROWNFIELDS

**UNDERGROUND STORAGE TANK  
SPILL PREVENTION EQUIPMENT/CONTAINMENT SUMP INTEGRITY TESTING FORM**

**I. FACILITY INFORMATION** – Type or print (in ink) all items.

Facility ID #:	Facility Name:	
Facility Street Address:		
Facility Telephone:	County:	Municipality:

**II. TESTER INFORMATION**

Tester Name:	Tester Cert. #:	Tester Telephone:
Company Name:	Company Cert. #:	Test Date:

**III. TEST METHOD**

Method Used     Hydrostatic<sup>1</sup>                       Vacuum                       Pressure  
 Other \_\_\_\_\_

Method Developer     Manufacturer                       Industry Standard \_\_\_\_\_                       Other \_\_\_\_\_

**IV. VISUAL INSPECTION INFORMATION** – When more than five containment structures are tested at a facility, use additional testing forms

Tank Number					
Product Stored					
Containment Number <sup>2</sup>					
Containment Type	<input type="checkbox"/> Dispenser <input type="checkbox"/> Tank Top Sump <input type="checkbox"/> Fill Spill Bucket <input type="checkbox"/> Transition	<input type="checkbox"/> Dispenser <input type="checkbox"/> Tank Top Sump <input type="checkbox"/> Fill Spill Bucket <input type="checkbox"/> Transition	<input type="checkbox"/> Dispenser <input type="checkbox"/> Tank Top Sump <input type="checkbox"/> Fill Spill Bucket <input type="checkbox"/> Transition	<input type="checkbox"/> Dispenser <input type="checkbox"/> Tank Top Sump <input type="checkbox"/> Fill Spill Bucket <input type="checkbox"/> Transition	<input type="checkbox"/> Dispenser <input type="checkbox"/> Tank Top Sump <input type="checkbox"/> Fill Spill Bucket <input type="checkbox"/> Transition
Manufacturer					
Model <sup>3</sup>					
Were There Visible Cracks, Holes or Other Failures in the Containment?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
Was There Product in the Containment Prior to Testing?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
Was Product and Debris Removed from the Containment Prior to Testing?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A				
<b>V. VISUAL RESULT<sup>4</sup></b>	<input type="checkbox"/> Pass <input type="checkbox"/> Fail				

1. Describe level measurement methods in Section IX. Comments. Refer to DEP Guidance #263-####-### regarding proper use, reuse, and disposal of test liquids.  
 2. Designate each device tested, numerically or by code, on the site drawing in Section X.  
 3. If model cannot be determined, describe device construction (Single-walled/Double-walled, Fiberglass, HDPE, etc.)  
 4. Failed visual inspections may constitute a suspected release. Certified Individuals must report confirmed or suspected contamination to the Department within 48 hours of observing it. Facility owners/operators must investigate suspected releases within 7 days. If a release is observed, it must be reported to the Department by telephone within 24 hours and in writing within 15 days. Do not conduct additional testing if the device fails visual inspection.

Facility ID #: \_\_\_\_\_ Facility Name: \_\_\_\_\_ Test Date: \_\_\_\_\_

**VI. TESTING INFORMATION**

Tank Number					
Product Stored					
Containment Number <sup>5</sup>					
Test Start Time					
Test Start Level					
Test End Time					
Test End Level					
Test Period					
Level Change					
Pass/Fail Threshold					

**VII. TEST RESULT<sup>6</sup>**    Pass   Fail   Pass   Fail   Pass   Fail   Pass   Fail   Pass   Fail

5. Designate each device tested, numerically or by code, on the site drawing in Section X.  
6. Failed test results may constitute a suspected release. Certified Individuals must report confirmed or suspected contamination to the Department within 48 hours of observing it. Facility owners/operators must investigate suspected releases within 7 days. If a release is observed, it must be reported to the Department by telephone within 24 hours and in writing within 15 days.

**VIII. FAILURE DESCRIPTION**

If any device fails visual inspection or testing, describe the reason for the failure and the location of the failure for each failed device (i.e. "Cracked entry boot 4" from the bottom of dispenser sump #A1" or "Hole in bottom of Tank 002 fill spill bucket")

DRAFT

Facility ID #: \_\_\_\_\_ Facility Name: \_\_\_\_\_ Test Date: \_\_\_\_\_

**IX. COMMENTS**

The comments section should be used to note additional information discovered or actions taken during integrity testing that affect compliance at the facility. For example, include comments concerning any observations made by the tester that would affect the test results.

Include actions taken to repair or replace failed devices. Repairs to containment sumps and spill buckets require the use of a Department certified individual.

If additional comment sheets are needed, label each sheet with the report header information and attach the sheet(s) to this form.

**HYDROSTATIC TEST LEVEL MEASUREMENT**

If devices were tested using a hydrostatic test, describe how level measurements were taken (i.e. from the bottom up, from the top down, from a mark on the sump wall)

**X. SITE DRAWING**

Provide a detailed site drawing of the applicable UST(s), product piping, fill lines, and containment device layout in the space below (or attach a detailed site drawing prepared on a separate sheet). In addition, clearly indicate which devices were tested. Label each device tested with a unique number or code, used in Sections IV and VI, above. Any other pertinent information should also be included.

**VII. OWNER'S REPRESENTATIVE CERTIFICATION**

I have reviewed this report. I certify under penalty of law as provided in 18 PA C.S.A. Section 4904 (relating to unsworn falsification to authorities), that the information provided by me is true, accurate, and complete to the best of my knowledge and belief.

Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**VIII. TESTER CERTIFICATION**

By signing this document as the Tester, I certify under penalty of law as provided in 18 PA C.S.A. Section 4904 (relating to unsworn falsification to authorities), that the information provided by me is true, accurate, and complete to the best of my knowledge and belief.

Tester's Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_





## PLANNING FOR PERMANENT CLOSURE CHECKLIST UNDERGROUND STORAGE TANK SYSTEMS

- "Underground Storage Tank System Installation/Closure Notification Form" submitted to appropriate DEP regional office with copy sent to Pennsylvania Department of Labor and Industry (or appropriate office in Philadelphia or Allegheny County) at least 30 days prior to initiating permanent closure."
- "Storage Tanks Registration/Permitting Application Form" submitted to appropriate DEP regional office, if the UST systems are required to be registered and they are not.
- Pennsylvania "One-Call" contacted (1-800-242-1776) to have utilities mark their lines.
- Local municipality contacted to obtain any necessary permits or approvals for UST system closure.
- DEP certified remover hired to perform tank handling activities.
- Arrangements made for site assessment and laboratory analysis of samples collected.
- Safety Data Sheets (SDS) obtained for all hazardous substances stored in the UST systems to be closed.
- Arrangements made for treatment/disposal of any contaminated soils encountered.  
**NOTE:** Unless this item is specified in the contract, it can remain a continuing burden of the owner/operator.
- "Storage Tanks Registration/Permitting Application Form" obtained to amend facility status, validated by the DEP certified remover and submitted to the Division of Storage Tanks after UST system closure is completed.  
**NOTE:** Registration fee and USTIF billing will continue until an amended "Storage Tanks Registration/Permitting Application Form" is submitted to the Division of Storage Tanks.



**UNDERGROUND STORAGE TANK SYSTEM  
INSTALLATION / CLOSURE NOTIFICATION FORM**

**NOTE:** The appropriate regional office of the Department must receive notification of installation, change-in-service or permanent closure at least 30 days prior to beginning on-site activities. Report subsequent delays as soon as known.

<b>I. Location of Tank System</b>			
Facility Name		Facility Identification Number	
Street Address		City	State PA
		Zip Code	
Municipality		County	
Contact Person		Phone Number ( ) -	
<b>II. Owner of Tank System</b>			
Owner Name			
Street Address		Phone Number ( ) -	
City		State	Zip Code
<b>III. This notification is for:</b>			
<input type="checkbox"/> New installation		<input type="checkbox"/> Complete system replacement	
<input type="checkbox"/> Change-in-service		<input type="checkbox"/> Complete system closure	
		<input type="checkbox"/> Partial system replacement	
		<input type="checkbox"/> Partial system closure	
<b>IV. Month/Day/Year of Proposed Installation / Closure</b> /    /			
<b>V. Certified Installer or Remover/Company Performing Tank Handling Activities</b>			
Certified Installer/Remover Name		Installer/Remover Certification Number	
Street Address		Phone Number ( ) -	
City		State	Zip Code
Certified Company Name		Company Certification Number	
<b>VI. (For Closure) Contractor/Individual Performing Site Assessment Activities</b>			
Name of Contractor or Individual			
Street Address		Phone Number ( ) -	
City		State	Zip Code
<b>VII. (For Installation) Briefly Describe Underground Storage Tank System(s) to be Installed</b>			
<u>Tank Size</u>	<u>Substance to be Stored</u>	<u>Tank Size</u>	<u>Substance to be Stored</u>
<b>VIII. Signature of Tank System Owner</b>		Title	Date / /

**IX. (For Closure) Description of Underground Storage Tank System(s) to be Closed**  
 Complete for each tank undergoing closure. Include additional sheets as necessary.

DEP Tank ID Number					
Total Capacity (Gallons)					
Substance(s) Stored Throughout Operating Life of Tank (Check All That Apply)	<b>a. Petroleum</b>				
	Unleaded Gasoline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Leaded Gasoline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Aviation Gasoline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Pure Ethanol	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Blended Ethanol _____%	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Kerosene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Jet Fuel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Diesel Fuel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Biodiesel _____%	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	New Motor Oil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Used Motor Oil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nonpetroleum Oil, Specify Other, Specify	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>b. Hazardous Substance</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Name of Principal CERCLA Substance AND Chemical Abstract Service (CAS) No.				
<b>c. Unknown</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Proposed Closure Method(s):</b>					
Partial System Closure		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tank <input type="checkbox"/> N/A	a. Removal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Closure-in-Place	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Change-in-Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piping <input type="checkbox"/> N/A	a. Removal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Closure-in-Place	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Change-in-Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dispenser <input type="checkbox"/> N/A	a. Removal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Closure-in-Place	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Change-in-Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	a. Removal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Closure-in-Place	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Change-in-Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Describe Planned Closure Activities:</b>					



Facility ID \_\_\_\_\_ DEP Tank ID \_\_\_\_\_ A Inspection Date \_\_\_\_\_

**IX. Evaluation of Tank System** Indicate the condition of the following components by marking the appropriate columns. If unsatisfactory explain deficiency in comment section.

System component	Satisfactory	Unsatisfactory	Unsatisfactory Cannot Return to Service	Not Applicable
Materials meet specifications/ compatible with substance	<input type="checkbox"/>		<input type="checkbox"/>	
Foundation and tank supports	<input type="checkbox"/>		<input type="checkbox"/>	
Tank shell	<input type="checkbox"/>		<input type="checkbox"/>	
Tank roof	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Tank bottom/floor	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Internal linings & coatings, if installed	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Tank Labeling	<input type="checkbox"/>	<input type="checkbox"/>		
External deterioration protection	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Appurtenances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ancillary equipment (including piping)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Cathodic protection system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Method(s) used for nondestructive examination(s) \_\_\_\_\_

Contamination observed/suspected:  No  Yes, Department notification form submitted on \_\_\_\_\_

Does the tank have any perforations?  No  Yes

**X. Calculated Information (Integrity Inspections)**

1. Corrosion/deterioration rate:

Tank Shell \_\_\_\_\_ (in/yr) Tank Bottom \_\_\_\_\_ (in/yr) Piping \_\_\_\_\_ (in/yr)

2. Remaining service life based on corrosion rate:

Tank \_\_\_\_\_ (years) Piping \_\_\_\_\_ (years)

3. Endpoint used to calculate remaining service life: \_\_\_\_\_ (T-min or other endpoint)

4. Next inspection due dates:  Next Inspection Dates to be Determined after repairs

In-service \_\_\_\_\_ (mm/dd/yy) Out-of-service \_\_\_\_\_ (mm/dd/yy) Internal Liner \_\_\_\_\_ (mm/dd/yy)

5. Safe fill height \_\_\_\_\_ (feet)

6. Out-of-Plane Survey (Per API-653)  Satisfactory  Unsatisfactory  Not required

7. Edge Settlement Analysis (per API-653)  Satisfactory  Unsatisfactory  Not required

**XI. Record Review**

1. Written operations and maintenance plan available on site:  Yes  No  Not required

2. Spill Prevention Response Plan is current and available on site:  Yes  No  Not required

If yes, date of Spill Prevention Response Plan: \_\_\_\_\_ (mm/dd/yy)

3. Monthly inspection records available for the past twelve months:  Yes  No

4. 72-hour inspection records available for the past twelve months:  Yes  No  Not required

5. Is a leak test required at the time of this inspection?  Yes  No

If yes, did the test indicate a possible leak?  Yes  No Which method was used? \_\_\_\_\_

Facility ID \_\_\_\_\_

DEP Tank ID \_\_\_\_\_ A

Inspection Date \_\_\_\_\_

**XII. Tank Information**

(1) Tank Construction

- A Single wall steel
- D Double wall steel
- E Single wall fiberglass
- F Double wall fiberglass
- R Single wall molded plastic
- X Double wall molded plastic
- S Single wall stainless steel
- 99 Other \_\_\_\_\_

(3) Aboveground Piping Construction

- A Steel
- D Fiberglass
- F PVC or Plastic
- L Stainless Steel
- 99 Other \_\_\_\_\_

(5) Pipe Release Detection Method

- G Visual inspection
- H None
- 99 Other \_\_\_\_\_

(7) Overfill Prevention

- Y Yes
- N No

(10) Tank Cathodic Protection

- B Galvanic
- C Impressed current
- N None

(16) Emergency Containment

- Yes
- No
- Underground Vault

(17) Secondary Containment

- Yes
- No
- Underground Vault

(24) Normal Vent

- S Satisfactory
- U Unsatisfactory

(24) Emergency Vent

- S Satisfactory
- U Unsatisfactory

**XIII. Cathodic Protection**

None

- Tank is non-metallic
- Tank bottom is not in contact with soil
- Corrosion expert determined tank bottom does not require Cathodic Protection.

Impressed Current

- Tank Bottom evaluated by a corrosion expert.
- Corrosion expert's specifications available.
- Rectifier is on and functioning within engineer's specifications.

Galvanic

- Tank Bottom evaluated by a corrosion expert.
- Corrosion expert's specifications available.

Most Recent CP test:

Tester: \_\_\_\_\_

Date: \_\_\_\_\_ Result: \_\_\_\_\_

Previous CP test:

Tester: \_\_\_\_\_

Date: \_\_\_\_\_ Result: \_\_\_\_\_

Most Recent CP test:

Tester: \_\_\_\_\_

Date: \_\_\_\_\_ Result: \_\_\_\_\_

Previous CP test:

Tester: \_\_\_\_\_

Date: \_\_\_\_\_ Result: \_\_\_\_\_

Facility ID \_\_\_\_\_ — \_\_\_\_\_

DEP Tank ID \_\_\_\_\_ A

Inspection Date \_\_\_\_\_

**XIV. Emergency Containment**

**1. Construction**

- Earthen material
- Engineered clay
- Geotextile
- Concrete block
- Poured concrete
- Open top steel dike
- Closed top steel dike
- Outer wall of double walled tank (*Section XV*)
- Other \_\_\_\_\_

2. Compatibility verified?  Yes  No

3. Meets capacity requirement?  Yes  No  
Capacity of largest tank in emergency containment (gallons): \_\_\_\_\_  
Capacity of emergency containment (gallons): \_\_\_\_\_

4. Permeability (Tank capacity 21,000 gallons or less)  
Sufficiently impermeable to contain any potential release for a minimum of 72 hours and until the release can be detected and fully recovered?   
Yes  No

**5. Permeability (Tank capacity greater than 21,000 gallons)**

Meets permeability requirement?  Yes  No  
Verified date: \_\_\_\_\_  
Verifier name: \_\_\_\_\_  
Permeability: \_\_\_\_\_  
Thickness: \_\_\_\_\_  
Verification method:  
 Known-permeability material  
 Field tested  
 Laboratory tested  
 Professional engineer verified (*Number 6 Required*)

**6. Emergency containment verified by professional engineer\***

PA Licensed Professional Engineer Information:  
Name: \_\_\_\_\_  
Certification No. \_\_\_\_\_  
Written monitoring program allows the facility owner to detect a release from the Tank.   
Yes  No  
Written response plan allows the facility owner to recover the entire volume of any release and is designed to prevent contamination of the waters of this Commonwealth.  Yes  No  
PE sealed certification documents attached  Yes  No

*\*Only for existing aboveground storage tank systems constructed prior to November 10, 2010*

**XV. Secondary Containment**

- 1. Impermeable layer  Yes  No Describe: \_\_\_\_\_
- 2. Space for release detection  Yes  No Describe: \_\_\_\_\_
- 3. Monitored at least monthly for evidence of a release?  Yes  No

**XVI. Double Walled Tanks** If this is a double walled tank that relies solely on the outer wall for containment, please answer the following questions.

- 1. Is there permanently installed spill prevention (Spill Bucket/Containment Box)?  Yes  No
- 2. Are there block valves on all product lines?  Yes  No
- 3. Is there a solenoid valve or antisiphon device?  Yes  No  Not applicable

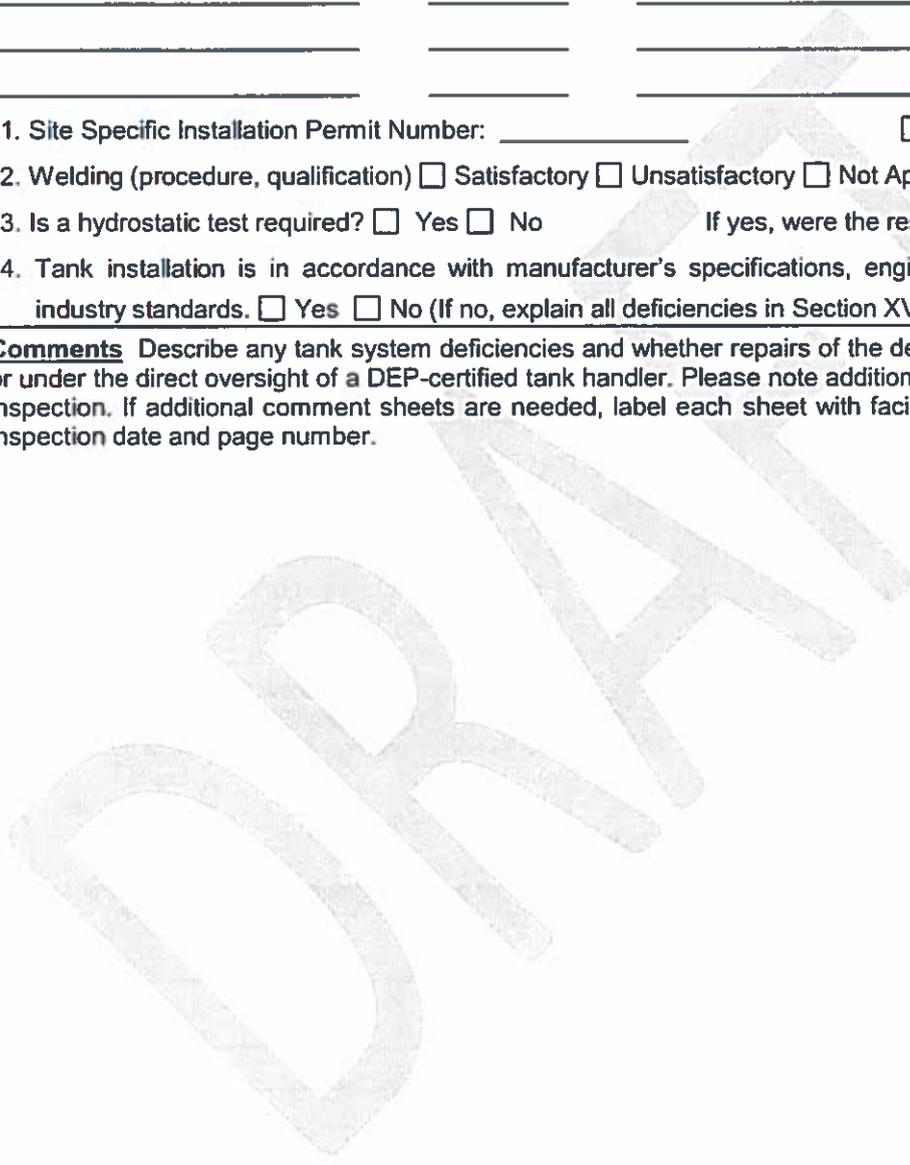
Facility ID \_\_\_\_\_ — \_\_\_\_\_ DEP Tank ID \_\_\_\_\_ A Inspection Date \_\_\_\_\_

**XVII. Installer Information** *(New and Relocated Tank Systems only)*

Installer Name	Certification Number	Company Name	Company Certification
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

1. Site Specific Installation Permit Number: \_\_\_\_\_  Not Applicable
2. Welding (procedure, qualification)  Satisfactory  Unsatisfactory  Not Applicable
3. Is a hydrostatic test required?  Yes  No      If yes, were the results satisfactory?  Yes  No
4. Tank installation is in accordance with manufacturer's specifications, engineer's design criteria and current industry standards.  Yes  No (If no, explain all deficiencies in Section XVII)

**XVIII. Comments** Describe any tank system deficiencies and whether repairs of the deficiencies need to be conducted by, or under the direct oversight of a DEP-certified tank handler. Please note additional information discovered during the inspection. If additional comment sheets are needed, label each sheet with facility and tank identification numbers, inspection date and page number.





COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENVIRONMENTAL CLEANUP AND BROWNFIELDS

## ABOVEGROUND STORAGE TANK INTEGRITY/INSTALLATION INSPECTION SUMMARY INSTRUCTIONS

An installation inspection is required on an aboveground tank greater than 21,000 gallons in capacity at installation, reconstruction, or relocation. An installation inspection is also required on small aboveground *field constructed* tanks at installation, reconstruction, or relocation.

Information provided on the form should be typewritten or printed in a legible manner.

- I. **TYPE OF INSPECTION:** Indicate whether this is an in-service or out-of-service integrity inspection or an installation inspection for a new AST, a relocated AST, or an AST installed by an uncertified individual.
- II. **INSPECTION DATE(S):** Enter the date that you, the inspector, completed the inspection. Provide the dates of the last in-service, out-of-service, and lining inspections. Enter "NONE" if no previous integrity or lining inspections were performed.
- III. **FACILITY INFORMATION:** Enter the facility information as it appears on the blue registration certificate. If this is a new facility, enter "NEW" in the Facility ID number spaces. Include GPS coordinates.
- IV. **INSPECTOR INFORMATION:** Complete all information in this section. If self-employed, enter self employed or your name in the Employer space and leave the Company Certification Number blank. **NOTE:** When conducting an integrity inspection on aboveground field constructed metallic storage tanks, the DEP certified inspector must also possess current API Std 653, inspector certification in accordance with §245.113(f).
- V. **TANK IDENTIFICATION:** Enter the tank information as it appears on the blue registration certificate including the tank ID (sequence) number, capacity, and substance. If this is a new tank, enter "NEW" in the ID number space. Describe the tank dimensions and indicate which industry code or standard was followed during tank construction. Check the appropriate boxes to indicate the configuration of the tank (Horizontal, Vertical or Elevated Vertical Tank) and where the tank was constructed (Shop Built or Field Built). If the tank information on the registration form is incorrect, provide the correct information in Section XVIII and advise the owner to submit an amended Registration/Permitting form.
- VI. **FIRE/SAFETY PERMIT:** If a Fire/Safety permit is required for flammable and combustible liquids, enter the permit number, the permit date, and which authority issued the permit (State Police Fire Marshal, Labor & Industry, Allegheny County or Philadelphia County).
- VII. **CERTIFIED INSPECTOR:** As the DEP Certified inspector, sign and date the form in this area. Check the appropriate box indicating whether the tank system can or cannot remain in service or be returned to service. Fully explain the reason why additional evaluation or modification is needed and any activities to correct the deficiencies in Section XVIII.
- VIII. **OWNER OR OWNER'S REPRESENTATIVE:** Enter the name, title, and phone number of the person providing the tank information. Have the owner or designated representative sign and date the form. If the owner or representative refused to sign this section, please explain the situation in Section XVIII. A copy of a certified mail receipt may be used as evidence that the report has been provided to the owner.
- IX. **EVALUATION OF THE TANK SYSTEM:** Enter the condition of EACH of the system's components based on the technical requirements in Pennsylvania Code Title 25, Chapter 245, the guidelines of API 653 (tank) and API 570 (piping), the guidelines of STI SP001, and/or applicable manufacturer's specifications. List the methods used for testing and examining the system. Unsatisfactory conditions related to product compatibility

or observed in foundations, supports, shells, roofs, floors, and internal linings require that repairs be made before the tank can be returned to service and may require that the tank be removed from service if discovered during an in-service inspection. Other components may be checked as unsatisfactory and will require the inspector to determine whether deterioration is severe enough to cause the tank to remain out-of-service or be taken out-of-service. If a component is "Unsatisfactory" or "Not Applicable" explain the reason(s) in Section XVIII, and provide recommendations to correct unsatisfactory conditions.

When using this form to report an Installation Inspection, selecting "Satisfactory" for a system component in this section certifies that the component meets engineering specifications and/or technical requirements and was installed or constructed in accordance with the technical requirements in Pennsylvania Code Title 25, Chapter 245, the engineer's design, applicable industry standards, and applicable manufacturer's instructions.

NOTE: The technical requirements for ASTs >21,000 gallons are in Title 25 Pennsylvania Code, Chapter 245, Subchapter F and for ASTs ≤21,000 gallons, in Title 25 Pennsylvania Code, Chapter 245, Subchapter G.

- X. **CALCULATED INFORMATION (*Integrity Inspections*):** Enter the calculated maximum corrosion/deterioration rates and minimum service life. Determine the next in-service inspection and out-of-service inspection intervals, when appropriate, and indicate the method used to determine the remaining tank life. If the tank cannot be returned to service without additional repairs or evaluations; check the "Next Inspection to be Determined..." box. If this box is checked, it is expected that the next inspection intervals will be determined at the time the modifications are inspected and reported on the Modification Inspection Summary Report. If a separate piping inspection was performed under API 570 standards, calculated corrosion rates from the separate inspection may be used. Explain irregularities in Section XVIII.
- XI. **RECORD REVIEW:** Check the appropriate boxes based on the information provided by the tank owner. NOTE: Existing large aboveground storage tanks without secondary containment under the bottom of the tank that are in contact with the soil, and do not have cathodic protection or an internal lining shall be leak tested at each in-service inspection. The tank leak test must follow a Nationally-recognized procedure that is based on a volumetric/mass measurement, an acoustic measurement, or a soil-vapor monitoring method, such as those addressed in API Publication 334 "Guide to Leak Detection in Aboveground Storage Tanks."
- XII. **TANK INFORMATION:** Provide information on the tank system by checking at least one box for EACH of the system components. If "other" is checked in any subsection, provide specific information. NOTE: Overfill prevention on large ASTs requires both a high-level alarm and a gauge or monitoring device. NOTE: In order to determine if the emergency containment meets the regulatory requirements please refer to technical guidance 263-0900-022, *Verification of Emergency Containment Structures for Aboveground Storage Tanks*. NOTE: Secondary containment refers to an additional layer of impervious material under the tank to create a space for detecting leaks.
- XIII. **CATHODIC PROTECTION:** Check the appropriate box(es) based upon the method(s) used to protect the tank from corrosion. Complete additional information as appropriate to the method(s) used to protect the tank bottom from corrosion. NOTE: metallic tank bottoms that are in direct contact with the soil or other electrolyte must be evaluated by a corrosion expert to determine if cathodic protection is necessary or appropriate; These tank bottoms must be adequately protected from corrosion and deterioration. NOTE: Impressed current systems must be tested annually; Galvanic systems must be tested every three years.
- XIV. **EMERGENCY CONTAINMENT:** Check the appropriate box based on the construction of the emergency containment structure. Verify compatibility, capacity and permeability of the emergency containment structure.
- XV. **SECONDARY CONTAINMENT:** Describe the secondary containment structure. Indicate whether the facility monitors the secondary containment at least monthly for evidence of a release.

**XVI. DOUBLE WALLED TANKS:** If the tank is a double walled tank that relies SOLELY on the outer wall for containment, check the appropriate boxes. If the tank has another means for emergency containment and secondary containment, skip this section.

**XVII. INSTALLER INFORMATION (New and Relocated Tank Systems only):** Provide the information for each installer whose work you inspected. Verify this information with the installer's DEP certificate or card. If a certified installer did not perform or oversee the work, show the name(s) of individual(s) and employer(s) who did the work and print "Not Certified" on the certification number line. Verify that welding was completed in accordance with industry practices and/or design criteria, and was performed by a qualified welder. Determine if hydrostatic testing is required and note the results of any hydrostatic testing conducted. Verify that the tank installation was conducted in accordance with manufacturer's specifications, engineer's design criteria and current industry standards. Provide any additional comments in Section XVIII.

**XVIII. COMMENTS:** Describe, in detail, any tank system deficiencies and note additional information discovered during the inspection. Provide recommendations to correct any deficiencies or unsatisfactory conditions. If additional comment sheets are needed, label each sheet with facility and tank identification numbers, the inspection date, and the page number.

**Completed integrity inspection summaries:** must be submitted to DEP by the certified inspector within 60 days of conducting the inspection activities.

**Completed installation inspection summaries:** must be submitted to DEP by the certified inspector within 30 days of conducting the inspection activities.

- Original to the appropriate DEP regional office
- Copy to DEP central office
- Copy to the tank owner
- Copy for tank inspector's files

**Central Office**  
 Pennsylvania DEP, Central Office  
 Division of Storage Tanks  
 PO Box 8762  
 Harrisburg, PA 17105-8762

<p><b>Northwest Region</b>                      230 Chestnut Street                      Meadville, PA 16335-3481                      814-332-6648</p> <p>Counties: Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren</p>	<p><b>Northcentral Region</b>                      208 West Third Street, Ste. 101                      Williamsport, PA 17701                      570-321-6525</p> <p>Counties: Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union</p>	<p><b>Northeast Region</b>                      2 Public Square                      Wilkes-Barre, PA 18701-1915                      570-826-2511</p> <p>Counties: Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming</p>
<p><b>Southwest Region</b>                      400 Waterfront Drive                      Pittsburgh, PA 15222-4745                      412-442-4000</p> <p>Counties: Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland</p>	<p><b>Southcentral Region</b>                      909 Elmerton Avenue                      Harrisburg, PA 17110                      717-705-4705</p> <p>Counties: Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York</p>	<p><b>Southeast Region</b>                      2 East Main Street                      Norristown, PA 19401-4915                      484-250-5900</p> <p>Counties: Bucks, Chester, Delaware, Montgomery and Philadelphia</p>



## UNDERGROUND STORAGE TANK SYSTEM CLOSURE REPORT FORM

\_\_\_\_\_  
Facility I.D.

\_\_\_\_\_  
Facility Name

\_\_\_\_\_  
Municipality County

\_\_\_\_\_  
Date Prepared

\_\_\_\_\_  
Name of Person Submitting Report  
(Please Print)

\_\_\_\_\_  
Company Name  
(If Applicable)

\_\_\_\_\_  
Title

Closure Method (Check all that apply):

- UST Removal
- UST Closure-In-Place
- UST Change-In-Service

Site Assessment Results (Check all that apply):

- No Obvious Contamination - Sample Results Meet Standards/Levels
- No Obvious Contamination - Sample Results Do Not Meet Standards/Levels
- Obvious, Localized Contamination - Sample Results Meet Standards/Levels
- Obvious, Localized Contamination - Sample Results Do Not Meet Standards/Levels
- Obvious, Extensive Contamination

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENVIRONMENTAL CLEANUP AND BROWNFIELDS

DATE RECEIVED: \_\_\_\_\_

**UNDERGROUND STORAGE TANK SYSTEM  
CLOSURE REPORT FORM**

Owners who are permanently closing underground storage tank systems may use this form to demonstrate that a storage tank system closure was performed in accordance with technical guidance document 263-4500-601 "Closure Requirements for Underground Storage Tank Systems". PLEASE PRINT OR TYPE. COMPLETE ALL QUESTIONS.

**SECTION I. Owner/Facility/Tank/Waste Management and Disposal Information**

1. Facility ID Number \_\_\_\_\_
2. Facility Name \_\_\_\_\_
3. Facility County \_\_\_\_\_
4. Facility Municipality \_\_\_\_\_
5. Facility Address \_\_\_\_\_
6. Facility Contact Person \_\_\_\_\_
7. Facility Telephone Number (\_\_\_\_) \_\_\_\_\_
8. Owner Name \_\_\_\_\_
9. Owner Mailing Address \_\_\_\_\_
10. Description of Underground Storage Tank Systems (Complete for each tank system closed)

DATE OF TANK SYSTEM CLOSURE (Month/Day/Year)		-	-	-	-
Description of Underground Storage Tank System (Complete for each tank system undergoing closure)					
DEP Tank ID Number					
Total Capacity (Gallons)					
Substance(s) Stored Throughout Operating Life of Tank System (Check All That Apply)	<b>a. Petroleum</b>				
	Unleaded Gasoline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Leaded Gasoline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Aviation Gasoline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Pure Ethanol	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Blended Ethanol _____ %	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Kerosene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Jet Fuel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Diesel Fuel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Biodiesel _____ %	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	New Motor Oil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Used Motor Oil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nonpetroleum Oil, Specify				
	Other, Specify				
	NOTE: If Hazardous Substance Block is Checked, Attach Safety Data Sheets (SDS)	<b>b. Hazardous Substance</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Name of Principal CERCLA Substance					
AND Chemical Abstract Service (CAS) No.					
	<b>c. Unknown</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Yes  N/A

16. If tanks were cleaned on-site:

a. Briefly describe the disposition of usable product: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Briefly describe the disposal of unusable product, sludges, sediments, and wastewater generated during cleaning. Provide the name and permit number of the processing, treatment, storage or disposal facility. (Attach documentation of proper disposal):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. If tank contents were determined/deemed to be hazardous waste, provide:

(1) Generator ID Number: \_\_\_\_\_

(2) Licensed Hazardous Waste Transporter Name and ID Number: \_\_\_\_\_  
\_\_\_\_\_

17. If tanks were removed from the site for cleaning:

a. Provide the name and permit number of the processing, treatment, storage or disposal facility performing the tank cleaning: \_\_\_\_\_  
\_\_\_\_\_

b. If tank contents were determined/deemed to be hazardous waste, provide:

(1) Generator ID Number: \_\_\_\_\_

(2) Licensed Hazardous Waste Transporter Name and ID Number: \_\_\_\_\_  
\_\_\_\_\_

18. Briefly describe the disposition of tanks/piping (Attach documentation of proper disposal):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. If contaminated soil is excavated:

a. Briefly describe the disposition and amount \_\_\_\_\_ (tons) of contaminated soil. Provide the name and permit number of the processing, treatment, storage or disposal facility. (Attach documentation of proper disposal):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. If contaminated soil is determined/deemed to be hazardous waste, provide:

(1) Generator ID Number: \_\_\_\_\_

(2) Licensed Hazardous Waste Transporter Name and ID Number: \_\_\_\_\_  
\_\_\_\_\_



## UNDERGROUND STORAGE TANK SYSTEM CLOSURE REPORT FORM

### SECTION II. Tank Handling Information

Facility ID Number \_\_\_\_\_  
DEP Tank ID Number(s) \_\_\_\_\_

Yes    N/A

1. Briefly describe the excavation and initial on-site staging of uncontaminated/contaminated soil and debris:

---

---

2. Briefly describe the method of piping system closure and the closure of the piping systems, including the quantity and condition of the piping:

---

---

3. Briefly describe the condition of the tanks and any problems encountered during tank handling or tank removal activities:

---

---

4. Briefly describe the method used to purge the tanks of and monitor for hazardous or explosive vapors:

---

---

5. If tanks were cleaned on-site:

a. Briefly describe the tank cleaning process: \_\_\_\_\_

---

---

b. If subcontracted, name and address of company that performed the tank cleaning:

---

---

6. If tanks were "Closed-in-Place", briefly describe the tank fill material: \_\_\_\_\_

---

---

---

---

7. If contamination was suspected or observed, the "Notification of Contamination" form was submitted.

I, \_\_\_\_\_, hereby certify, under penalty of law as provided in 18 Pa. C.S. §4904 (relating to  
(Print Name)  
unsworn falsification to authorities) that I am the certified remover who performed the tank handling activities associated with the closure of the above referenced storage tank system(s) and that the information provided by me in this closure report (Section I) is true, accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of Certified Remover

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date

\_\_\_\_\_  
Remover Certification Number

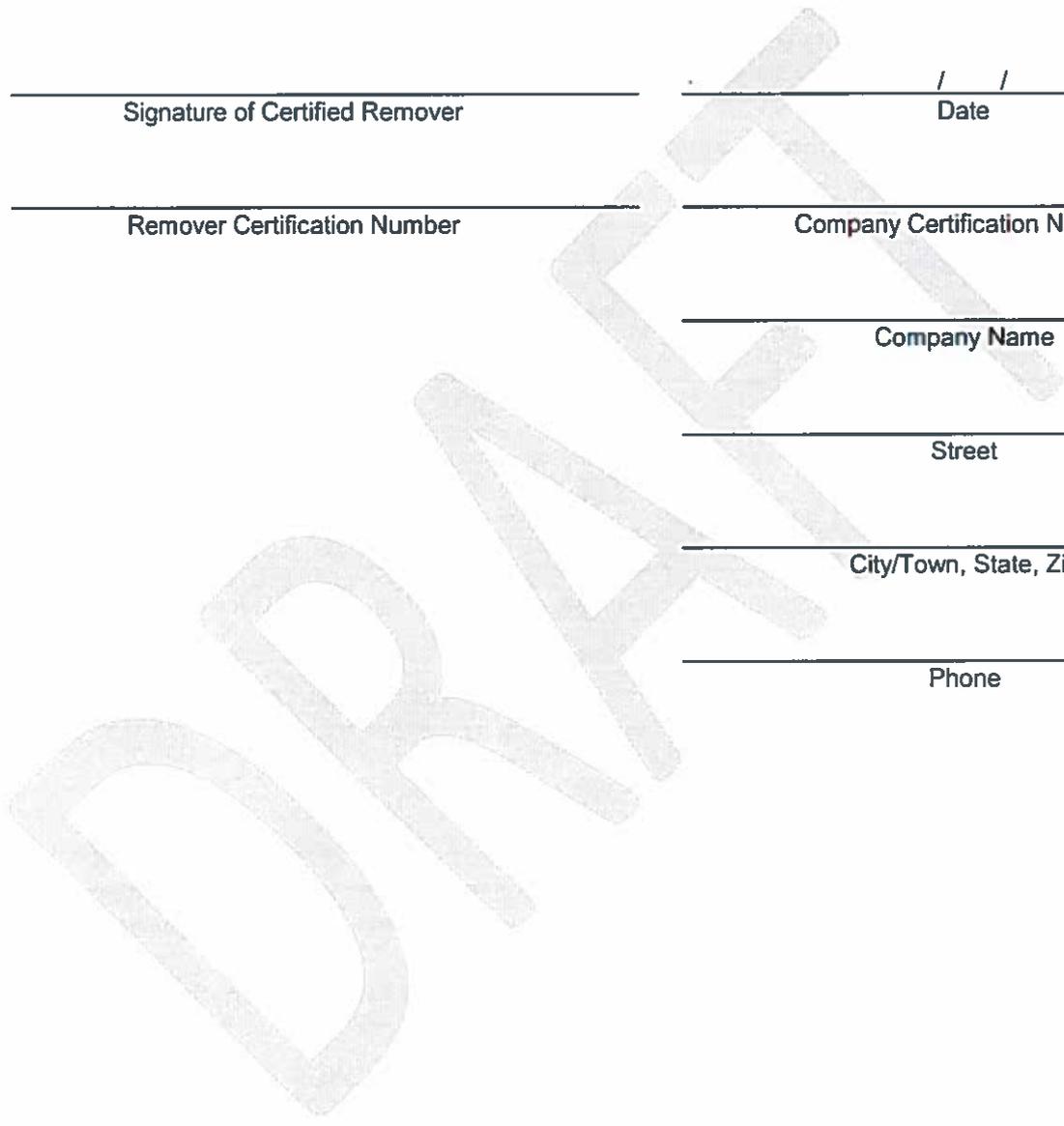
\_\_\_\_\_  
Company Certification Number

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Street

\_\_\_\_\_  
City/Town, State, Zip

\_\_\_\_\_  
Phone



## UNDERGROUND STORAGE TANK SYSTEM CLOSURE REPORT FORM

### SECTION III. Site Assessment Information

**Tank Registration # \_\_\_\_\_ (complete one sheet for EACH tank system and attach ALL laboratory sheets pertaining to that system)**

**Facility ID Number \_\_\_\_\_ - \_\_\_\_\_**

**A.** Provide depth of *BEDROCK* and *WATER* IF encountered during excavation or soil boring (write "N/A": if NOT encountered).

Bedrock \_\_\_\_\_ feet below land surface                      Water \_\_\_\_\_ feet below land surface

**B.** Provide Length of *PIPING* IF piping was closed-in-place (write "N/A" if NOT closed-in-place).

Length of piping \_\_\_\_\_ feet

**C. TANK SYSTEM REMOVED FROM THE GROUND/SITE**

1). Was obvious contamination observed while excavating, sampling or removing the tank system?

NO -----> Conduct confirmatory sampling -----> See end of this section for options on submission and maintenance of closure records -----> Do not complete item C.2. below.

YES -----> Report release to DEP within 24 hours -----> Describe contamination observed and likely source(s) (tank, piping, dispenser, spills, overfills): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ -----> Complete item C.2. below.

2). Was contamination localized (within three feet of the tank system in every direction with no obvious water contamination)?

YES -----> Remove or remediate contaminated soil -----> Conduct confirmatory sampling -----> See end of this section for options on submission and maintenance of closure records -----> Call Indemnification Fund (717-787-0763).

NO -----> Continue Interim Remedial Actions -----> See end of this section for options on submission and maintenance of closure records -----> Call Indemnification Fund (717-787-0763).

**D. TANK SYSTEM CLOSED-IN-PLACE OR CHANGED-IN-SERVICE**

Was obvious contamination observed during sampling, boring or assessing water depths?

NO -----> Conduct confirmatory sampling -----> See end of this section for options on submission and maintenance of closure records.

YES -----> Report release to DEP within 24 hours -----> Describe contamination observed and likely source(s) (tank, piping, dispenser, spills, overfills): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Continue with corrective action -----> See end of this section for options on submission and maintenance of closure records -----> Call Indemnification Fund (717-787-0763).

**E.** If the answer to C.1. is "no", the answer to C.2. is "yes" or the answer to D. is "no", confirmatory samples are required. Use the sample/analysis information sheet on page 10 of 11 to provide the information on confirmatory sampling and complete the diagram on Page 11 of 11.

**Options for Submission and Maintenance of Closure Site Assessment Records**

Records of the site assessment must be maintained for at least three years after completion of permanent closure or change-in-service in one of the following ways:

- (a) By the owners and operators who took the tank system out of service;
- (b) By the current owners and operators of the tank system site; or
- (c) By mailing these records to the DEP regional office responsible for the county in which the tank is located if they cannot be maintained at the closed facility.

Where the results of the site assessment indicate that obvious, localized soil contamination was encountered and the analytical results of the confirmatory sampling show levels below the statewide standard/action levels, this closure report form (Sections I, II, and III) or some other acceptable site characterization report must be received by the Department within 180 days of verbally reporting the release.

Where the results of the site assessment indicate that no obvious contamination or obvious, localized contamination was encountered, but the analytical results of the confirmatory sampling show levels above the statewide standard/action levels, or where there is obvious, extensive contamination, Section 245.310(a)(8) of the Corrective Action Process (CAP) regulations requires that details of removal from service be included in the site characterization report. A copy of the completed closure report form should be submitted as part of the site characterization report to satisfy the requirements of Section 245.310(a)(8) of the CAP regulations.

I, \_\_\_\_\_, hereby certify, under penalty of law as provided in 18 Pa. C.S. §4904 (relating to unsworn  
(Print Name)  
falsification to authorities) that I am the person who performed the site assessment activities associated with the closure of the above referenced storage tank system(s) and that the information provided by me in this closure report (Section III) is true, accurate and complete to the best of my knowledge and belief.

_____ Signature of Person Performing Site Assessment	_____/_____/_____ Date
_____ Title of Person Performing Site Assessment	_____ Name of Company Performing Site Assessment
_____ Telephone Number of Person Performing Site Assessment	



**Site Location and Sampling Map** - Use this page or suitable facsimile to provide a large-scale map of the site where storage tank systems were closed. Scales between 1" = 10 and 1" = 100 feet frequently work well. Include the following information as each applies to the site: facility name and I.D., county, township or borough, property boundaries or area of interest, buildings, roads and streets with names or route numbers, utilities, location and ID number of storage tank systems removed including piping and dispensers, soil stockpile locations, excavations or other locations of product recovery, north arrow, approximate map scale and legend. Also, show depth and location of samples with sample ID numbers cross-referenced to the same ID numbers shown on Page 10 of 11.

**Facility Name and ID:** -

**County:**

**Township/Borough:**

DRAFT



**UNDERGROUND STORAGE TANK  
FACILITY OPERATIONS INSPECTION  
REPORT FORM INSTRUCTIONS**

The Facility Operations Inspection (FOI) form is used to document and report underground storage tank (UST) facility operations inspections. The procedures found in the program guidance "Guidelines for Conducting Underground Storage Tank Facilities Operations Inspections" (263-3120-003), should be followed. Below are instructions for completing the FOI form.

**GENERAL**

Print clearly using a ballpoint pen or type all entries (except signatures). Fill out all applicable sections of the form. Follow this document, the instructions on the form and the inspection guidance to help ensure proper report completion. Incomplete or illegible forms can be returned and may subject the inspector to enforcement actions. Note: bulleted items on the FOI form are information to help the inspector during the inspection.

**Number of tanks:** When more than five regulated underground storage tanks are present at a facility, it will be necessary to use more than one set of inspection forms. In this case, label each form set at the bottom of the pages with the letters 'A' (first set), 'B' (second set), etc.

**Comments:** Provide essential details in the report comments section (VII on page 9). At minimum, comments should be provided on the following items: specific tank information, specific piping information, suspected contamination; improperly closed or unregistered tanks; "other" or "unknown" tank system attributes; tank system modifications (with date); estimated installation date when actual date is unknown; date when product was first deposited in the tank; periods when tank was empty (contained 1" or less of product); release detection exemptions, missing months and months with failures or inconclusives; description of suspected release investigations; owner/operator actions needed for compliance; changes at site, that would affect compliance, since initial inspection (with date); explanation of form entries marked "N/A;" recommendations made to owner/operator; description of technical assistance given to the owner/operator; and other information that would be helpful to the owner, operator or DEP when reviewing the inspection. Include modifications and repairs to the tank system and the date(s) they were performed. List mailing addresses for the owner and/or operator when different from the facility address. Supply additional detail as appropriate. Use as many comments sheets as necessary. An example continuation page can be found on the Storage Tanks web site.

Cover letters are not considered part of the report and hinder report processing. Important information should be included in the report's comments section (page 9). Attach additional comments pages as necessary.

**Amendments.** If pages must be amended, initial all changes, write "amended" at the top of each modified page, and resubmit them.

Call (717-772-5599) or e-mail ([tanks@pa.gov](mailto:tanks@pa.gov)) the Division of Storage Tanks if you have questions about proper report completion.

**THE INSPECTION REPORT**

**PAGE 1**

**Facility Information.** Enter the DEP Storage Tank Facility Identification Number (2-digit county, dash and 5-digit serial number), facility name and location (911) address, including the municipality in which the facility is located. If the facility information does not correspond to the Registration Certificate, inform owner/operator of the requirement to submit an amended registration form to correct the information.

**Representative Present During Inspection.** Enter the name and phone number of the facility representative present during the inspection, and check the applicable relationship box; check "None" if no representative was present during your inspection.

**Certified Inspector.** Enter your name and DEP certification number (the inspector must be IUM certified). Keep phone number(s), mailing address and e-mail address current with the Certification Unit in case the Department needs additional information concerning an inspection report. Your email and phone number should be listed on the FOI form as well. The DEP will use this contact information for any questions that they may have about your FOI.

**Date of First Site Visit.** Enter the date you were first on-site to perform the inspection; this date is the "inspection date."

**Owner.** Provide the name of the tank owner. If the owner's mailing address differs from the facility location address, record the mailing address in the comments section (page 9).

**Operator.** Provide the name of the facility operator, e.g. a lessee, that the inspector met with during the FOI, if different from the tank owner, and their operator class (if trained). If their mailing address differs from the facility location address, record the mailing address in the comments section (page 9).

The remaining entries on page 1 should not be completed until the inspection is complete and information for pages 2 through 9 has been determined.

## **PAGE 2**

Enter the facility name, inspection date and DEP facility identification number on the top (header area) of page 2.

### **(Section I.) Tank System Information**

Enter the attributes for each tank system using the codes provided on page 2-1. Tank numbers must correspond to those on the registration certificate. Each attribute must be verified by personal observation and thorough review of the facility's records.

The inspector shall verify as much of the system as is visible without excavation – open all sumps and manways, look in fill openings and inside dispensers.

Indicate the current product and water level in each tank in inches. Product and water levels shall be determined by stick measurement. For systems with an ATG, the product and water level should be compared to the ATG measurements to verify that the ATG is properly calibrated and functional.

A copy of the code page (page 2-1) should be included in the owner's copy of the report, but does **not** need to be submitted to DEP.

When counting sumps/pans tested tight on lines 9b, 10b and 11c, count only if a copy of the last containment test is maintained by the owner.

Provide a site drawing to document the conditions at the site and the layout of the tank systems. Use site drawings to document unique and complex tank system conditions, including, but not limited to tank and piping manifolds, multiple piping constructions and/or ages at a facility or in the same piping run.

## **PAGES 3 through 8**

Enter the facility name, inspection date, DEP Facility Identification Number and tank system numbers on the top (header area) of pages 3 through 8. The tank system number is the sequence number that corresponds to the specific tank system, including associated piping.

### **(Section II.) Release Detection Reference**

Complete the section(s) for the method(s) being used by the owner/operator to meet the regulatory requirements – both the current (corresponding codes must be entered on page 2) and others used in the last 12 operating months (Section VII, page 9). For previous methods, write the dates they were used next to the header above the corresponding blocks on pages 3 through 5. For example, an automatic tank gauge (ATG) was used from January to August of 2004, the inspection is performed in January of 2005 and the owner is currently using statistical inventory reconciliation (SIR) – the inspector would write next to the ATG header on page 3, "January to August 2004," and next to the SIR header on bottom of page 3, "September 2004 to present."

When examining release detection certifications, consider the type of system in which the equipment is installed. For example, if the piping is flexible, is the line leak detector used in a pressurized system certified for flexible piping, and is the limitation on the maximum length of this type of piping exceeded in this particular system? Special attention must be paid to pressurized systems that have multiple turbine pumps.

For inspections of new tank systems that have been in operation for less than 12 months, release detection records are required for each month of operation (regulated substance stored in the tank). Note in the release detection recordkeeping block (Section V, page 8) and in the comments section (page 9) the date the system began to store regulated substance. Record the compliance on page 1 of the report based on the months of actual operation (storing product).

For all other systems that are not exempt from release detection, the last twelve operating months of records are required for each system – tank and piping. If a tank system has not been used and was empty for a portion of the 12 months preceding the inspection, note this in the comments section (page 9). Release detection records are required

for the most recent 12 months that the tank contained product. Review all records – those demonstrating the tank was empty as well as operating records described above – for a sufficient period to include the last 12 operating months. List in the comments section (page 9), by tank, months with missing release detection records. Also list, by tank, the months with failed or inconclusive release detection tests.

Before submitting the FOI report, ensure that the documents listed under the applicable release detection method(s) were reviewed, the blanks in the applicable section(s) are filled in and the information required in the comments section has been entered.

For a UST to be considered compliant with release detection, each block for the applicable method must be either checked or marked 'N/A,' including the recordkeeping subsection on page 8. Each 'N/A' must be adequately explained in the comments section.

**(Section III.) Equipment Testing**

Complete all applicable sections relating to periodic equipment testing. Only facilities with containment sumps used for interstitial monitoring of piping must meet one the "Containment Sump Testing" requirements. Include the following for the most recent equipment testing: the name of the tester, date of the test, test method used (i.e. PEI RP1200, manufacturer's instructions), and the test results.

**(Section IV.) Corrosion Protection (CP)**

Complete all applicable sections related to Corrosion Protection Compliance Criteria. Ensure all boxes and spaces in the appropriate sections are filled in accurately, and completely.

All CP testing must be conducted in accordance with an applicable industry standard and the Department's guidance titled, "Guidelines for the Evaluation of Underground Storage Tank Cathodic Protection Systems" (263-4200-002).

For any CP testing conducted after [IMPLEMENTATION DATE], the "UST Cathodic Protection System Evaluation Form" (2630-FM-BECB0610) must be attached to and submitted with the FOI report form.

When cathodic protection or supplemental anodes have been added to a tank, be sure to enter the date of the shell assessment, date of installation and describe the tank shell assessment method. For supplemental anode addition to an sti-P3® tank, the tank system should be assessed in accordance with STI R972.

Valid assessments of CP upgrades depend on when the upgrade was conducted. Upgrades must be conducted in accordance with the applicable industry standard that was valid at the time the upgrade was completed. If there is a question concerning tank shell evaluation, contact the appropriate regional office. Note: there are no upgrade standards for piping. Bare steel piping, except as described in the, "Guidelines for Conducting Underground Storage Tank (UST) Facility Operations Inspections (FOI)" (263-3120-003), must be replaced rather than upgraded.

**(Section V.) IUM Record Review**

Thoroughly review the facility's records including tank and piping release detection, equipment testing and maintenance, walkthrough inspections, and USTIF coverage. Verify that the conditions are met for each line. Check the appropriate boxes when the facility owner has met the condition. Describe areas of noncompliance in the comments section (page 9).

**(Section VI.) Operator Training**

Review the facility's training records and posted operating procedures. Check appropriate boxes when the facility owner has met the condition. Describe areas of noncompliance in the comments section (page 9).

**Informal Training Given by the Inspector.** Areas of noncompliance must be discussed with the owner, Class A and/or Class B operator. When you speak directly to a Class A or B operator concerning noncompliance, describe the activity in the informal training section. Include the date, who was involved, their operator class, a description of the topics covered, the approximate depth of the coverage and whether the individual understood the discussion.

**PAGE 9**

Enter the facility name, inspection date and DEP facility identification number on the top (header area) of page 9 and on any additional comments (continuation) sheets.

**(Section VII.) Comments**

During the course of the inspection, the inspector must examine all containment sumps and spill prevention devices for the presence of product, water and debris; failure to do so may subject the inspector to enforcement action. After the inspection, the results of the inspectors examination of the containment sumps and spill prevention devices must

be listed in the comments section (page 9). If product is present in any sumps or any other evidence of a release is observed, the inspector must notify the Department.

Complete the information regarding tank and piping construction specifics. If several makes or types of tanks and piping are present, describe all of them in the space below.

Describe any unusual circumstances at the facility or any components of the storage tank systems that require further explanation.

The listing of descriptive comments on page 1 of these instructions is not meant to be exhaustive. The comments section should be used to note additional information discovered or actions taken during the inspection that affect compliance at the facility. For example, include comments concerning improperly closed or unregistered regulated tanks that were found during the inspection.

Record phone conversations or email correspondence with DEP personnel that took place concerning the inspection.

If additional comments sheets are needed, label each sheet with the report header information and attach the sheet(s) to the back of the inspection report. A sample continuation page may be found on the Storage Tanks web site.

### COMPLETING THE INSPECTION FORM

Ensure that the headings on all pages are filled out completely and correctly.

Return to page 1 to complete the observation entries, inspection summary and authentication of the inspection report.

#### PAGE 1

**Financial Responsibility.** Indicate whether you reviewed documentation that verified that the facility has continuously participated in USTIF.

**Contamination.** Indicate whether you observed suspected or confirmed contamination during the FOI. If you observe evidence of contamination during the FOI, you must report it to the appropriate regional office in writing within 48 hours of the initial observation.

**Improperly Closed or Unregistered USTs.** Indicate whether you observed improperly closed or other unregistered USTs during the FOI.

**Fire/safety permits.** If a fire/safety permit is required, document the name and issuing body.

**Amended Registration.** If during the course of the inspection any of the conditions requiring an amended registration were found, check the appropriate box. Strongly urge the owner to submit an amended registration when necessary.

**Inspection summary.** The inspection summary cannot be completed until the facility has been thoroughly evaluated. Complete this block at the *end* of the inspection. Providing blatantly wrong or unsubstantiated information can lead to enforcement actions. The Tank Number is the system sequence number; it must correspond to the information entered on pages 2 through 9 and the Registration Certificate. To be in compliance, applicable check boxes must either be checked or marked 'N/A' and the nonapplicable items adequately explained in the comments section.

**Authentication.** Handwritten signatures of both the inspector and owner (representative) should be the last entry made on the inspection report. Carefully read the certification before signing the report. Lack of a tank owner or representative's signature is an unusual circumstance and must be explained in the comments section (page 9). Once signed by the inspector, the report form must be submitted to the Department.

**Attachments:** Include groundwater or vapor monitoring authentication record. Attach as many comments continuation pages as needed to describe the site, inspection and actions the owner has taken to come into compliance. If not recorded on page 8, include corrosion protection evaluation/survey results and rectifier monitoring results (when applicable). If not provided on page 2, include site diagrams/drawings showing unique and complex tank system conditions.

**Report Submission.** Mail or otherwise deliver the completed inspection report to the Department addresses shown below and provide a copy to the facility owner or owner's representative.

Copy: Pennsylvania Department of Environmental Protection  
 Rachel Carson State Office Building  
 Division of Storage Tanks  
 P.O. Box 8763  
 Harrisburg, PA 17105-8763

Copy: Owner

Copy: Inspector's file – keep for at least 10 years

Original: Appropriate DEP regional office:

<p><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</p>	<p><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</p>	<p><b>Northeast Region</b>            2 Public Square            Wilkes-Barre, PA 18701-1915            570-826-2511              Counties: Carbon, Lackawanna,            Lehigh, Luzerne, Monroe,            Northampton, Pike, Schuylkill,            Susquehanna, Wayne and            Wyoming</p>
<p><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</p>	<p><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</p>	<p><b>Southeast Region</b>            2 East Main Street            Norristown, PA 19401-4915            484-250-5900              Counties: Bucks, Chester,            Delaware, Montgomery and            Philadelphia</p>



**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENVIRONMENTAL CLEANUP AND BROWNFIELDS  
UNDERGROUND STORAGE TANK FACILITY  
OPERATIONS INSPECTION**

**FOR DEP USE ONLY**  
 Reviewer \_\_\_\_\_ Date \_\_\_\_\_  
 Entered by \_\_\_\_\_ Date \_\_\_\_\_

**FACILITY INFORMATION**

ID Number \_\_\_\_\_ - \_\_\_\_\_  
 Name \_\_\_\_\_  
 Location \_\_\_\_\_  
 Address \_\_\_\_\_  
 Municipality \_\_\_\_\_  
 GPS Location Lat: \_\_\_\_\_ Long: \_\_\_\_\_

**Representative Present During Inspection**

Name \_\_\_\_\_  
 Phone \_\_\_\_\_  
 Owner     Operator     Employee     None

**CERTIFIED INSPECTOR**

Name \_\_\_\_\_  
 ID No. \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_  
 Date of First Site Visit (month/day/year) \_\_\_\_\_

**TANK OWNER (must be a person or an entity)**

Name \_\_\_\_\_

**TANK OPERATOR (if different than owner)**

Name \_\_\_\_\_

USTIF participation documented and verified      Yes       No   
 • Required of all UST owners except federal and state agencies.  
 Suspected or confirmed contamination observed      Yes  (notify proper region within 48 hours)      No   
 Improperly closed or unregistered tanks present      Yes  (provide comment)      No   
 Fire/safety permit(s) available (if required)      Yes       No       N/A   
 Fire/Safety Permit Number(s) \_\_\_\_\_ Issued By \_\_\_\_\_

**Amended registration form required for (check all that apply):**

- Added tanks
- Closed tanks
- Change in tank size
- Change in substance stored
- Change of operational status (in or out of service)
- Change of owner

**Inspection summary.**

Indicate the compliance status of each item below using the following codes: N = Noncompliant; C = Compliant. **Note: Yes, No, and N/A are not acceptable statements for these fields. These fields may also not be left blank.**

	Tank No.				
Tank Construction and Corrosion Protection					
Piping Construction and Corrosion Protection					
Spill Prevention					
Overfill Prevention					
Registration Certificate Display					
Tank Release Detection					
Piping Release Detection					
Equipment Testing					

I, the DEP Certified Inspector (IUM), have inspected the entire above referenced facility including examining manways, sumps, monitoring wells and dispensers. Based on my personal observation of the facility and documentation provided by the owner, I certify under penalty of law as provided in 18 PA C.S.A. Section 4904 (relating to unsworn falsification to authorities), that the information provided by me is true, accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
 Certified Inspector's Signature

\_\_\_\_\_  
 Date

As the representative of the owner or operator, I have reviewed the completed inspection report. I certify under penalty of law as provided in 18 PA C.S.A. Section 4904 (relating to unsworn falsification to authorities), that the information provided by me is true, accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Title

\_\_\_\_\_  
 Date

Original: Regional Office – Norristown, Wilkes Barre, Harrisburg, Williamsport, Pittsburgh, or Meadville  
 Copy: Owner  
 Copy: DEP, Division of Storage Tanks, P.O. Box 8763, Harrisburg, PA 17105-8763  
 Copy: Inspector

**UNDERGROUND STORAGE TANK FACILITY  
OPERATIONS INSPECTION**

Facility Name \_\_\_\_\_ Date \_\_\_\_\_ Facility ID \_\_\_\_\_

I. **TANK SYSTEM INFORMATION.** For each tank, fill in the required information and codes from the following list. Where multiple codes are allowed and used for a specific tank component, describe the arrangement in the COMMENTS section. (See FOI form instructions for details.)

	Tank No.	DEP Use				
1. Tank capacity (name plate gallons)						
2. Substance currently stored (and grade)						
3. Tank Installation date (mm/yyyy)						
3a. Piping Installation date (mm/yyyy)						
4. This drone tank is manifolded to tank number						
5a. Stick reading of product level, in inches, at time of inspection						
5b. Stick reading of water level, in inches, at time of inspection						
6. Total secondary containment on this tank system						(18)
7. Tank construction and corrosion protection						(1)
8a. Primary (inner or single-wall) piping construction †						(2)
8b. Secondary (outer) piping construction †						(2)
9a. Number of tank top sumps ‡						
9b. Number of tank top sumps tested tight ‡						(21)
10a. Number of transition sumps						
10b. Number of transition sumps tested tight						(21)
11a. Number of connected dispensers						
11b. Number of connected dispensers with pans						
11c. Number of dispenser pans tested tight						(22)
12a. Piping joints/connections construction at tank						(PFLX)
12b. Piping joints/connections construction at dispenser						(PFLX)
13. Pump (product dispensing) system						(4)
14a. Number of spill containments (must be permanently installed)						(6)
14b. Number of spill containments tested tight						(6)
15. Overfill type (must be permanently installed)						(7)
16. Current registration certificate displayed/readily available						(8)
17. Stage I vapor recovery						(19)
18. Stage II vapor recovery						(20)
19. This tank supplies an emergency generator						
Evaluate the tank system release detection methods carefully before filling in the following rows.						
20. Tank release detection						(12)
21. Piping small release detection (0.2 gph monthly or 0.1 gph annually)						(5)
22. Pressure (line 13 is C or D) piping line leak detector (LLD function)						(5)
23. LLD function includes a positive turbine pump shutoff						(23)

† indicate manufacturer, model, and generation (if applicable) in Section VII.  
‡ at tank penetrations that have pipe that routinely contains or conveys product.

Site drawing / manifold schematic (not master-drone system):

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Copy: Owner  
Copy: DEP, Division of Storage Tanks, P.O. Box 8763, Harrisburg, PA 17105-8763  
Copy: Inspector

## Tank System Component Codes

### 6. Total secondary containment

- Y Yes
- N No

### 7. Tank construction

- A Single-wall steel, unprotected
- B Single-wall, galvanic anodes
- C Impressed current protection
- E Single-wall fiberglass (FRP)
- F Double-wall fiberglass (FRP)
- G Double-wall Act 100 or equivalent
- H Single-wall Act 100 or equivalent
- I Steel with lined interior
- J Concrete
- O Double-wall, steel primary, galvanic anodes
- P Cathodically protected and lined
- V Double-wall Act 100 or equivalent with Anodes
- W Single-wall Act 100 or equivalent with Anodes
- N Unknown
- 99 Other (must provide written comment)

### 8a. Primary (inner or single-wall) piping construction

- A Bare steel (including only wrapped or coated)
- B Cathodically protected, metallic
- C Copper, unprotected
- D Fiberglass or rigid non-metallic
- E Flexible non-metallic
- F Unknown
- G No dispensing piping
- I Stainless Steel
- 99 Other (must provide written comment)

### 8b. Secondary (outer) piping construction

- N None (Single-walled piping)
- B Cathodically protected, metallic
- D Fiberglass or rigid non-metallic
- E Flexible non-metallic
- F Unknown
- G No dispensing piping
- I Poly-encased Stainless Steel
- 99 Other (must provide written comment)

### 12. Piping joints/connections

- A Unprotected metallic component(s) (including only wrapped or coated)
- B Cathodically protected, metallic
- F Unknown (must provide written comment)
- I Completely inside a containment sump
- M Completely jacketed with sealed boot
- N NO jacket, not in contact with the ground
- X None (must provide written comment)
- 99 Other (must provide written comment)

### 13. Pump (delivery) system

- A Suction, check valve at pump or siphon bar only
- B Suction, check valve at tank
- C Pressure
- D Gravity flow to dispenser/pump
- E None

### 15. Overfill type (if code S or B, ensure compatible with delivery method)

- S Drop tube shut off device
- A Overfill alarm (provide description and location in comment section)
- B Ball float valve
- E Filled in less than 25 gallon increments
- N None present or not usable

### 16. Current registration certificate display

- Y Properly displayed - manned
- R Readily available - unmanned
- N Not displayed

### 17. Stage I vapor recovery

- A Coaxial
- B 2 port
- N Not complete or none

### 18. Stage II vapor recovery

- A Complete balance system
- B Complete assist system
- C UG piping only; not complete
- D Decommissioned
- N None of the above

### 19. This tank supplies an emergency generator

- Y Yes
- N No

### 20. Tank release detection

- D Statistical Inventory Reconciliation (SIR)
- E Certified Automatic Tank Gauge (0.2 gph Leak Test)
- F Manual Tank Gauging (36 Hour), no TTT
- G44 Manual Tank Gauging, 44 Hours
- G58 Manual Tank Gauging, 58 Hours
- H Interstitial Monitoring (2 Walls)
- J Groundwater Monitoring
- K Vapor Monitoring
- N None
- O Exempt (must provide written comment)

### 21. Piping small release detection (0.2/0.1 gph)

- B Annual Line Tightness Test (pressure)
- C Line Tightness Test - 3 years (suction)
- D Interstitial Monitoring (monthly - includes visual checking)
- E Groundwater Monitoring
- F Vapor Monitoring
- H None
- I Exempt (must provide written comment)
- J Statistical Inventory Reconciliation (SIR)
- K Electronic Line Leak Detector (0.1 or 0.2 gph test)

### 22. Piping line leak detection (3 gph within 1 hr.)

- A Mechanical Line Leak Detector (incl. test)
- H None
- K Electronic Line Leak Detector (3 gph test)
- L Continuous Interstitial Monitoring with alarm or pump shut off

### 23. Positive Turbine pump shutoff

- Y Yes - present and tested
- P Present
- N Not present

**UNDERGROUND STORAGE TANK FACILITY  
OPERATIONS INSPECTION**

Facility Name \_\_\_\_\_ Date \_\_\_\_\_ Facility ID \_\_\_\_\_ - \_\_\_\_\_

**II. RELEASE DETECTION REFERENCE**

- Records may be located at the facility or a readily available alternate site.
- The records include all of the information listed below for chosen release detection methods.
- The inspector has personally reviewed the records.
- A test with an inconclusive result or failure is an indication of a (suspected) product release and must be investigated within 7 days.

*Instructions: Check the box to indicate that a criterion has been met.  
Circle the box to indicate that a criterion has not been met.  
Circle with "N/A" when a criterion is not applicable (provide comment).*

| Tank System |
|-------------|-------------|-------------|-------------|-------------|
|             |             |             |             |             |

**Automatic Tank Gauging: (Tank only – code E)**

ATG manufacturer: \_\_\_\_\_ ATG model: \_\_\_\_\_

Does the automatic tank gauge perform continuous in-tank release detection?  Yes,  No

valid monthly leak test conducted and documented	<input type="checkbox"/>				
manufacturer's certification of ability to detect 0.2 gph release is available	<input type="checkbox"/>				
probes and gauge software certified for manifolded tank systems	<input type="checkbox"/>				
• when not specifically certified, the siphon must be broken to properly test					
maintenance records, for the last year, including calibration, preventative and repair equipment is operational	<input type="checkbox"/>				

**Manual Tank Gauging: (Tank only – code F, G44 or G58)**

tank capacity is 1,000 gallons or less	<input type="checkbox"/>				
tank installed on or before 11/10/2007	<input type="checkbox"/>				
performed weekly	<input type="checkbox"/>				
1/8th inch accuracy stick readings	<input type="checkbox"/>				
average 2 stick readings before and after test	<input type="checkbox"/>				
test length appropriate for each tank					
• 36 hours minimum	<input type="checkbox"/>				
• 44 hours, 551-1000 gallons, 64" diameter					
• 58 hours, 551-1000 gallons, 48" diameter					
variation is within standard (both weekly and monthly)	<input type="checkbox"/>				

**Interstitial Monitoring: (Tank code H; describe monitoring equipment in comments)**

interstitial area monitored monthly (required for tanks installed after 11/10/2007)	<input type="checkbox"/>				
interstitial sensors properly placed (per manufacturer's instructions)	<input type="checkbox"/>				
monitoring wells (secondary barrier) or ports are clearly marked and secured	<input type="checkbox"/>				
maintenance records, for the last year, including preventative and repair equipment manufacturer's performance claims are available	<input type="checkbox"/>				
secondary barrier is compatible with and impermeable to the stored substance	<input type="checkbox"/>				

**Statistical Inventory Reconciliation: (Tank code D and/or Piping code J)**

test vendor: _____ version: _____					
manufacturer's certification of ability to detect 0.2 gph release is available	<input type="checkbox"/>				
data is collected according to the test vendor's instructions	<input type="checkbox"/>				
analysis completed and valid results supplied to owner/operator within 30 day monitoring period	<input type="checkbox"/>				
• valid reports include calculated leak rate, minimum detectible leak rate, leak threshold, probability of detection and probability of false alarm					
suspected releases properly investigated within 7 days of any inconclusive or failed report, to confirm or deny the occurrence of a release	<input type="checkbox"/>				

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 Copy: Inspector

**UNDERGROUND STORAGE TANK FACILITY  
OPERATIONS INSPECTION**

Facility Name \_\_\_\_\_ Date \_\_\_\_\_ Facility ID \_\_\_\_\_ - \_\_\_\_\_

**II. RELEASE DETECTION REFERENCE (continued)**

*Instructions: Check the box to indicate that a criterion has been met.  
Circle the box to indicate that a criterion has not been met.  
Circle with "N/A" when a criterion is not applicable (provide comment).*

| Tank System              |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> |

**Groundwater or Vapor Monitoring: (Tank code J or K and/or Piping code E or F; describe well locations and monitoring equipment in comments)**

wells are located according to site evaluation; attach page with properly licensed evaluator authentication to the inspection report	<input type="checkbox"/>				
wells are properly installed in accordance with site evaluation and regulations	<input type="checkbox"/>				
wells are monitored and results recorded monthly in accordance with site evaluation	<input type="checkbox"/>				
monitoring wells are marked and secured	<input type="checkbox"/>				
fill material is sufficiently porous to allow expeditious detection at the monitoring wells	<input type="checkbox"/>				
substance stored meets regulatory requirements for type of monitoring	<input type="checkbox"/>				
equipment manufacturer's performance claims are available	<input type="checkbox"/>				
equipment maintenance records, for the last year, including calibration, preventative and repair	<input type="checkbox"/>				

**Groundwater monitoring:**

monitoring devices can detect 1/8 inch of product or less on water	<input type="checkbox"/>				
groundwater is within 20 feet of surface grade	<input type="checkbox"/>				
wells are sealed from ground surface to the top of the filter pack	<input type="checkbox"/>				
casing is properly slotted: allows entry of product during all groundwater conditions	<input type="checkbox"/>				

**Vapor Monitoring:**

the monitoring device is not rendered inoperative by moisture	<input type="checkbox"/>				
background contamination will not interfere with vapor monitoring	<input type="checkbox"/>				
vapor monitors will detect increases in concentrations of stored substance	<input type="checkbox"/>				

**Interstitial Monitoring: (Piping code D and/or L; describe monitoring equipment in comments)**

interstitial area monitored monthly (required for all totally-contained pressurized piping systems installed after 11/10/2007)	<input type="checkbox"/>				
secondary enters sump and allows a release to be detected	<input type="checkbox"/>				
interstitial sensors properly placed (per manufacturer's instructions)	<input type="checkbox"/>				
monitoring wells or ports (when used) are clearly marked and secured	<input type="checkbox"/>				
maintenance records, for the last year, including preventative and repair	<input type="checkbox"/>				
equipment manufacturer's performance claims are available	<input type="checkbox"/>				
secondary barrier (pipe) is compatible with and impermeable to the stored substance (Code L only) continuous monitoring used as line leak detector (gravity or pressurized piping) – capable of detecting a 3.0 gph release from any portion of the piping system within 1 hour	<input type="checkbox"/>				
(Code L only) system tested for operability within the last year	<input type="checkbox"/>				
(Code L only) monthly "sensor status" (or equivalent) records available	<input type="checkbox"/>				

**Exempt Suction System: (SUCTION piping only – code I)**

**NOTE: No further release detection required on piping meeting all these criteria.**

the tank top is lower than the suction pump inlet	<input type="checkbox"/>				
the below grade piping slopes uniformly back to the tank	<input type="checkbox"/>				
there is no more than one check valve in the piping	<input type="checkbox"/>				
the check valve is located close to or inside the suction pump	<input type="checkbox"/>				
compliance with above specifications can be readily determined; describe in comments	<input type="checkbox"/>				

**UNDERGROUND STORAGE TANK FACILITY  
OPERATIONS INSPECTION**

Facility Name \_\_\_\_\_ Date \_\_\_\_\_ Facility ID \_\_\_\_\_ - \_\_\_\_\_

**II. RELEASE DETECTION REFERENCE (continued)**

*Instructions: Check the box to indicate that a criterion has been met.  
Circle the box to indicate that a criterion has not been met.  
Circle with "N/A" when a criterion is not applicable (provide comment).*

| Tank System |
|-------------|-------------|-------------|-------------|-------------|
|             |             |             |             |             |

**Piping Tightness (Line) Testing: (Piping only – code B or C)**

tester name: \_\_\_\_\_ tester certification number: \_\_\_\_\_

test vendor: \_\_\_\_\_ version: \_\_\_\_\_

date of last test: \_\_\_\_\_ result: \_\_\_\_\_

test certification of ability to detect 0.1 gph release at 1.5 times the normal operating pressure is available	<input type="checkbox"/>				
performed by UTT certified installer (after 11/10/2008)	<input type="checkbox"/>				
test conducted at proper frequency	<input type="checkbox"/>				
<ul style="list-style-type: none"> <li>● conducted annually for pressurized piping without monthly monitoring</li> <li>● conducted every 3 years for suction piping not meeting code I requirements</li> </ul>	<input type="checkbox"/>				
if test device permanently installed, maintenance records, for the last year, including calibration, preventative and repair	<input type="checkbox"/>				

**Mechanical Line Leak Detector: (PRESSURIZED Piping only – code A)**

manufacturer: \_\_\_\_\_ model: \_\_\_\_\_

date last operability test: \_\_\_\_\_ tester name: \_\_\_\_\_

operability test result: \_\_\_\_\_

certification of ability to detect a release of 3 gph at 10 psig within 1 hour is available	<input type="checkbox"/>				
maintenance records, in addition to the annual test, for last year, including calibration, preventative and repair	<input type="checkbox"/>				

**Electronic Line Leak Detector: (PRESSURIZED Piping only – code K)**

manufacturer: \_\_\_\_\_ model: \_\_\_\_\_

date of last 3gph test: \_\_\_\_\_ 3gph test result: \_\_\_\_\_

date last operability test: \_\_\_\_\_ tester name: \_\_\_\_\_

operability test result: \_\_\_\_\_

certification of ability to detect a release of 3 gph at 10 psig within 1 hour is available	<input type="checkbox"/>				
maintenance records, in addition to annual test, for last year, including calibration, preventative and repair	<input type="checkbox"/>				
continuously monitors piping	<input type="checkbox"/>				

Is the electronic leak detector performing the "monthly" monitoring function?  Yes,  No If yes:

date of last 0.2gph test: \_\_\_\_\_ result: \_\_\_\_\_

third-party certification of ability to detect 0.2 gph release is available	<input type="checkbox"/>				
documentation of monthly test available for last year	<input type="checkbox"/>				

Is the electronic leak detector performing the "annual" monitoring function?  Yes,  No If yes:

date of last 0.1gph test: \_\_\_\_\_ result: \_\_\_\_\_

third-party certification of ability to detect 0.1 gph release at 1.5 times the normal operating pressure (or an equivalent release rate with an equivalent pressure) is available	<input type="checkbox"/>				
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**UNDERGROUND STORAGE TANK FACILITY  
OPERATIONS INSPECTION**

Facility Name \_\_\_\_\_ Date \_\_\_\_\_ Facility ID \_\_\_\_\_

**III. EQUIPMENT TESTING**

*Instructions: Check the box to indicate that a criterion has been met.  
Circle the box to indicate that a criterion has not been met.  
Circle with "N/A" when a criterion is not applicable (provide comment).*

| Tank System              |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> |

**Overfill Evaluation:**

tester name: \_\_\_\_\_ method: \_\_\_\_\_

date of last test: \_\_\_\_\_ result: \_\_\_\_\_

overfill testing conducted within the last 3 years and documentation available	<input type="checkbox"/>				
--	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

**Spill Containment Testing:**

tester name: \_\_\_\_\_ method: \_\_\_\_\_

date of last test: \_\_\_\_\_ result: \_\_\_\_\_

spill containment testing conducted within the last 3 years and documentation available	<input type="checkbox"/>				
---	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

**OR**

spill containment is double-walled	<input type="checkbox"/>				
both walls of spill containment are monitored at least monthly	<input type="checkbox"/>				

**OR**

tank filled in less than 25 gallon increments	<input type="checkbox"/>				
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**Containment Sump Testing: (Piping release code D and/or L):**

Tester name: \_\_\_\_\_ method: \_\_\_\_\_

date of last test: \_\_\_\_\_ result: \_\_\_\_\_

containment sump testing conducted within the last 3 years and documentation available	<input type="checkbox"/>				
--	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

**OR**

containment sump(s) is/are double-walled	<input type="checkbox"/>				
both walls of sump(s) are monitored at least annually	<input type="checkbox"/>				

**Release Detection Equipment Testing:**

Tester name: \_\_\_\_\_ method(s): \_\_\_\_\_

date of last test: \_\_\_\_\_ result: \_\_\_\_\_

electronic and mechanical components of release detection equipment tested within the last year and documentation available	<input type="checkbox"/>				
---	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

**UNDERGROUND STORAGE TANK FACILITY  
OPERATIONS INSPECTION**

Facility Name \_\_\_\_\_ Date \_\_\_\_\_ Facility ID \_\_\_\_\_ - \_\_\_\_\_

**IV. CORROSION PROTECTION COMPLIANCE CRITERIA**

- The UST Cathodic Protection System Evaluation Form(s) (2630-FM-BECB0610) must be attached to this report for the two most recent corrosion protection tests, if testing was conducted after (IMPLEMENTATION DATE)

*Instructions: Check the box to indicate that a criterion has been met.  
Circle the box to indicate that a criterion has not been met.  
Circle with "N/A" when a criterion is not applicable (provide comment).*

| Tank System              |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> |

**Lined Tanks: (Tank only – code I)**

tank inspected and lined according to national standard date lined: _____	<input type="checkbox"/>				
tank initially inspected 10 years after lining and every 5 years thereafter dates inspected: _____	<input type="checkbox"/>				

**Galvanic and Impressed Cathodic Protection: (Tank code B, C, O or P and/or Piping)**

tank structure to soil potential is equal to or more negative than -0.85 volts, or meets other nationally recognized protection standard: specify: _____	<input type="checkbox"/>				
potential on tank current monitoring (date) _____	<input type="checkbox"/>				
potential on tank previously monitored (date) _____	<input type="checkbox"/>				
pipe/flex structure to soil potential is equal to or more negative than -0.85 volts, or meets other nationally recognized protection standard: specify: _____	<input type="checkbox"/>				
potential on pipe/flex current monitoring (date) _____	<input type="checkbox"/>				
potential on pipe/flex previously monitored (date) _____	<input type="checkbox"/>				

**Impressed Current Design and Rectifier Output: (Tank code C or P and/or Piping)**

system designed by a corrosion expert	<input type="checkbox"/>				
system is turned on and functioning within design limits	<input type="checkbox"/>				
any variation of ± 10% of the initial readings have been properly investigated	<input type="checkbox"/>				
documentation of last three amp readings (plus volt and runtime when meters available), recorded at least once every 60 days:	<input type="checkbox"/>				
most recent: volts: _____ amps: _____ runtime: _____ date: _____					
60 days prior: volts: _____ amps: _____ runtime: _____ date: _____					
120 days prior: volts: _____ amps: _____ runtime: _____ date: _____					

If Cathodic Protection or supplemental anodes were added to an existing tank system, fill in the following (Information is Required for Compliance):

Date assessed: \_\_\_\_\_ Date installed: \_\_\_\_\_  
Assessment Method: \_\_\_\_\_

**UNDERGROUND STORAGE TANK FACILITY  
OPERATIONS INSPECTION**

Facility Name \_\_\_\_\_ Date \_\_\_\_\_ Facility ID \_\_\_\_\_ - \_\_\_\_\_

**V. IUM Record Review:**

- An empty tank (less than 1" of product/sludge) is not required to perform release detection. Indicate date emptied in comments.
- Recently installed tank systems must begin performing release detection immediately after receiving product. Indicate date of first product receipt in comments.

*Instructions: Check the box to indicate that a criterion has been met.  
Circle the box to indicate that a criterion has not been met.  
Circle with "N/A" when a criterion is not applicable (provide comment).*

| Tank System |
|-------------|-------------|-------------|-------------|-------------|
|             |             |             |             |             |

tank release detection records for the last 12 months the system contained product are available	<input type="checkbox"/>				
tank release detection records are all valid and passing	<input type="checkbox"/>				
piping release detection records for the last 12 months the system contained product are available	<input type="checkbox"/>				
piping release detection records are all valid and passing	<input type="checkbox"/>				
equipment testing records are available, valid, and passing for most recent testing of overfill, spill containment, containment sumps, and release detection equipment (as applicable)	<input type="checkbox"/>				
walkthrough inspection records are available for the last 12 months the system contained product	<input type="checkbox"/>				
monthly and annual walkthrough inspections cover all required equipment	<input type="checkbox"/>				
records showing the system continuously participated in USTIF are available (paid USTIF invoices and/or fuel delivery receipts with USTIF fee)	<input type="checkbox"/>				

**VI. Operator Training**

- list of trained operators designates a class A operator; includes their training certification
- list of trained operators designates a class B operator; includes their training certification
- list of trained operators designates class C operator(s); date of initial training or last refresher is within the previous 12 months
- written instructions and notification procedures are readily available for class C operators at retail facilities; are posted in a location visible to dispenser operators at other facilities

**DESCRIBE INFORMAL TRAINING PROVIDED FOR OWNER, CLASS A AND/OR CLASS B OPERATORS – see instructions.**

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**UNDERGROUND STORAGE TANK FACILITY  
OPERATIONS INSPECTION**

Facility Name \_\_\_\_\_ Date \_\_\_\_\_ Facility ID \_\_\_\_\_ - \_\_\_\_\_

**VII. COMMENTS INCLUDING ACTIONS TO BRING INTO COMPLIANCE (Attach additional sheets where necessary)**

Tank Manufacturer		Tank Construction (i.e. Double-walled Act 100 with Anodes)	
Piping Manufacturer	Piping Model/Brand	Piping Generation (if applicable)	

DRAFT

Original: Regional Office – Norristown, Wilkes Barre, Harrisburg, Williamsport, Pittsburgh, or Meadville  
Copy: Owner  
Copy: DEP, Division of Storage Tanks, P.O. Box 8763, Harrisburg, PA 17105-8763  
Copy: Inspector

## PLANNING FOR PERMANENT CLOSURE CHECKLIST ABOVEGROUND STORAGE TANK SYSTEMS

- "Aboveground Storage Tank System Closure Notification Form" submitted to appropriate DEP regional office with copy sent to Pennsylvania Department of Labor and Industry (or appropriate office in Philadelphia or Allegheny County) at least 30 days prior to initiating permanent closure.
- "Storage Tanks Registration/Permitting Application Form" submitted to appropriate DEP regional office, if the AST systems are required to be registered and they are not.
- Pennsylvania "One-Call" contacted (1-800-242-1776) to have utilities mark their lines.
- Local municipality contacted to obtain any necessary permits or approvals for tank system closure.
- DEP certified remover hired to perform tank handling activities.
- Arrangements made for site assessment and laboratory analysis of samples collected.
- Safety Data Sheets (SDS) obtained for all hazardous substances stored in the AST systems to be closed.
- Arrangements made for treatment/disposal of any contaminated soils encountered.  
**NOTE:** Unless this item is specified in the contract, it can remain a continuing burden of the owner/operator.
- "Storage Tanks Registration/Permitting Application Form" obtained to amend facility status, validated by the DEP certified remover and submitted to the Division of Storage Tanks after AST system closure is completed.  
**NOTE:** Registration fee billing will continue until an amended "Storage Tanks Registration/Permitting Application Form" is submitted to the Division of Storage Tanks.



## ABOVEGROUND STORAGE TANK SYSTEM CLOSURE NOTIFICATION FORM

**NOTE:** Notification of permanent closure must be received by the appropriate regional office of the Department at least 30 days prior to initiation of the closure activities.

<b>I. Location of Tank System</b>			
Facility Name		Facility Identification Number	
Street Address	City	State PA	Zip Code
Municipality	County		
Contact Person		Phone Number ( )	
<b>II. Owner of Tank System</b>			
Owner Name			
Street Address		Phone Number ( )	
City	State	Zip Code	
<b>III. Month/Day/Year of Proposed Closure</b> ___ / ___ / ___			
<b>IV. Certified Remover/Company Performing Tank Handling Activities</b>			
Certified Remover Name		Remover Certification Number	
Street Address		Phone Number ( )	
City	State	Zip Code	
Certified Company Name		Company Certification Number	
<b>V. Contractor/Individual Performing Site Assessment Activities</b>			
Name of Contractor or Individual			
Street Address		Phone Number ( )	
City	State	Zip Code	
<b>VI. Will this closure involve replacement of at least one old tank with a new tank?</b>			
Yes <input type="checkbox"/> No <input type="checkbox"/>			
<b>VII. Signature of Tank System Owner</b>			Date

VIII. Description of Aboveground Storage Tank Systems (Complete for each tank system undergoing closure)					
DEP Tank ID Number					
Total Capacity (Gallons)					
Substance(s) Stored Throughout Operating Life of Tank (Check All That Apply)	<b>a. Petroleum</b>				
	Unleaded Gasoline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Leaded Gasoline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Aviation Gasoline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Pure Ethanol	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Blended Ethanol _____%	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Kerosene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Jet Fuel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Diesel Fuel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Biodiesel _____%	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	New Motor Oil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Used Motor Oil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nonpetroleum Oil, Specify				
	Other, Specify				
	<b>b. Hazardous Substance</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Name of Principal CERCLA Substance					
AND					
Chemical Abstract Service (CAS) No.					
<b>c. Unknown</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Proposed Closure Method(s):</b>					
Partial System Closure		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Tank</b> <input type="checkbox"/> N/A	a. Removal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Closure-in-Place	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Change-in-Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Piping</b> <input type="checkbox"/> N/A	a. Removal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Closure-in-Place	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Change-in-Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Dispenser</b> <input type="checkbox"/> N/A	a. Removal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Closure-in-Place	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Change-in-Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other</b> _____	a. Removal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Closure-in-Place	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Change-in-Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Describe Planned Closure Activities:</b>					



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENVIRONMENTAL CLEANUP AND BROWNFIELDS

**ABOVEGROUND STORAGE TANK SYSTEM  
CLOSURE REPORT FORM**

\_\_\_\_\_  
Facility I.D.

\_\_\_\_\_  
Facility Name

\_\_\_\_\_  
Municipality County

\_\_\_\_\_  
Date Prepared

\_\_\_\_\_  
Name of Person Submitting Report  
(Please Print)

\_\_\_\_\_  
Company Name  
(If Applicable)

\_\_\_\_\_  
Title

Closure Method (Check all that apply):

- AST Removal
- AST Closure-In-Place
- AST Change-In-Service

Site Assessment Results (Check all that apply):

- No Obvious Contamination - Sample Results Meet Standards/Levels
- No Obvious Contamination - Sample Results Do Not Meet Standards/Levels
- Obvious, Localized Contamination - Sample Results Meet Standards/Levels
- Obvious, Localized Contamination - Sample Results Do Not Meet Standards/Levels
- Obvious, Extensive Contamination

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENVIRONMENTAL CLEANUP AND BROWNFIELDS

DATE RECEIVED: \_\_\_\_\_

**ABOVEGROUND STORAGE TANK SYSTEM  
CLOSURE REPORT FORM**

Owners who are permanently closing aboveground storage tank systems may use this form to demonstrate that a storage tank system closure was performed in accordance with technical guidance document 263-4200-001 "Closure Requirements for Aboveground Storage Tank Systems". PLEASE PRINT OR TYPE. COMPLETE ALL QUESTIONS.

**SECTION I. Owner/Facility/Tank/Waste Management and Disposal Information**

1. Facility ID Number \_\_\_\_\_
2. Facility Name \_\_\_\_\_
3. Facility County \_\_\_\_\_
4. Facility Municipality \_\_\_\_\_
5. Facility Address \_\_\_\_\_
6. Facility Contact Person \_\_\_\_\_
7. Facility Telephone Number (\_\_\_\_) \_\_\_\_\_
8. Owner Name \_\_\_\_\_
9. Owner Mailing Address \_\_\_\_\_
10. Description of Aboveground Storage Tank Systems (Complete for each tank system closed)

DATE OF TANK SYSTEM CLOSURE (Month/Day/Year)		-	-	-	-
<b>Description of Aboveground Storage Tank System (Complete for each tank system undergoing closure)</b>					
DEP Tank ID Number					
Total Capacity (Gallons)					
Substance(s) Stored Throughout Operating Life of Tank System (Check All That Apply)	<b>a. Petroleum</b>				
	Unleaded Gasoline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Leaded Gasoline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Aviation Gasoline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Pure Ethanol	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Blended Ethanol _____%	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Kerosene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Jet Fuel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Diesel Fuel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Biodiesel _____%	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel Oil No. 6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	New Motor Oil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Used Motor Oil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nonpetroleum Oil, Specify				
	Other, Specify				
	NOTE: If Hazardous Substance Block is Checked, Attach Safety Data Sheets (SDS)	<b>b. Hazardous Substance</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Name of Principal CERCLA Substance AND Chemical Abstract Service (CAS) No.					
<b>c. Unknown</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Yes  N/A

16. If tanks were cleaned on-site:

a. Briefly describe the disposition of usable product: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Briefly describe the disposal of unusable product, sludges, sediments, and wastewater generated during cleaning. Provide the name and permit number of the processing, treatment, storage or disposal facility. (Attach documentation of proper disposal):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. If tank contents were determined/deemed to be hazardous waste, provide:

(1) Generator ID Number: \_\_\_\_\_

(2) Licensed Hazardous Waste Transporter Name and ID Number: \_\_\_\_\_  
\_\_\_\_\_

17. If tanks were removed from the site for cleaning:

a. Provide the name and permit number of the processing, treatment, storage or disposal facility performing the tank cleaning:  
\_\_\_\_\_

b. If tank contents were determined/deemed to be hazardous waste, provide:

(1) Generator ID Number: \_\_\_\_\_

(2) Licensed Hazardous Waste Transporter Name and ID Number: \_\_\_\_\_  
\_\_\_\_\_

18. Briefly describe the disposition of tanks/piping (Attach documentation of proper disposal):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. If contaminated soil is excavated:

a. Briefly describe the disposition and amount \_\_\_\_\_ (tons) of contaminated soil. Provide the name and permit number of the processing, treatment, storage or disposal facility. (Attach documentation of proper disposal):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. If contaminated soil is determined/deemed to be hazardous waste, provide:

(1) Generator ID Number: \_\_\_\_\_

(2) Licensed Hazardous Waste Transporter Name and ID Number: \_\_\_\_\_  
\_\_\_\_\_



## ABOVEGROUND STORAGE TANK SYSTEM CLOSURE REPORT FORM

### SECTION II. Tank Handling Information

Facility ID Number \_\_\_\_\_ - \_\_\_\_\_  
DEP Tank ID Number(s) \_\_\_\_\_

Yes    N/A

1. Briefly describe the excavation and initial on-site staging of uncontaminated/contaminated soil and debris:

\_\_\_\_\_

2. Briefly describe the method of piping system closure and the closure of the piping systems including the quantity and condition of the piping:

\_\_\_\_\_

3. Briefly describe the condition of the tanks and any problems encountered during tank handling or tank removal activities:

\_\_\_\_\_

4. Briefly describe the method used to purge the tanks of and monitor for hazardous or explosive vapors:

\_\_\_\_\_

5. If tanks were cleaned on-site:

a. Briefly describe the tank cleaning process: \_\_\_\_\_

\_\_\_\_\_

b. If subcontracted, name and address of company that performed the tank cleaning:

\_\_\_\_\_

\_\_\_\_\_

6. If tanks were "Closed-in-Place", briefly describe how tanks were rendered inoperative, marked permanently closed with date, vented and secured to prevent unauthorized entry: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. If contamination was suspected or observed, the "Notification of Contamination" form was submitted.

I, \_\_\_\_\_, hereby certify, under penalty of law as provided in 18 Pa. C.S. §4904 (relating to  
(Print Name)  
unsworn falsification to authorities) that I am the certified remover who performed the tank handling activities associated  
with the closure of the above referenced storage tank(s) and that the information provided by me in this closure report  
(Section I) is true, accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of Certified Remover

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date

\_\_\_\_\_  
Remover Certification Number

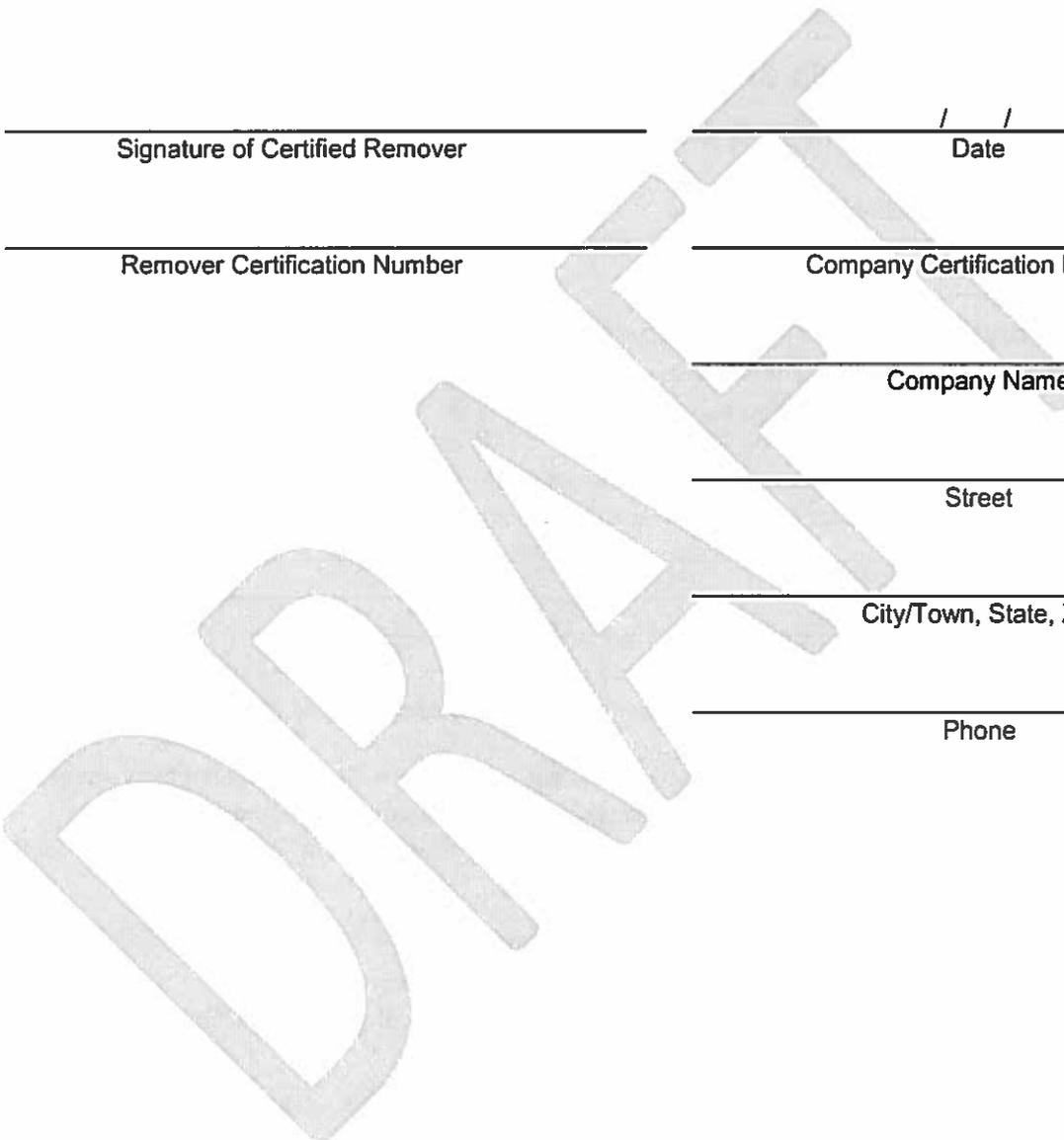
\_\_\_\_\_  
Company Certification Number

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Street

\_\_\_\_\_  
City/Town, State, Zip

\_\_\_\_\_  
Phone



## ABOVEGROUND STORAGE TANK SYSTEM CLOSURE REPORT FORM

### SECTION III. Site Assessment Information

**Tank Registration # \_\_\_\_\_ (complete one sheet for EACH tank system and attach ALL laboratory sheets pertaining to that system)**

**Facility ID Number \_\_\_\_\_ - \_\_\_\_\_**

**A.** Provide depth of *BEDROCK* and *WATER* IF encountered during excavation or soil boring (write "N/A": if NOT encountered).

Bedrock \_\_\_\_\_ feet below land surface      Water \_\_\_\_\_ feet below land surface

**B.** Provide Length of *PIPING* IF piping was closed-in-place (write "N/A" if NOT closed-in-place).

Length of piping \_\_\_\_\_ feet

**C. TANK SYSTEM REMOVED FROM THE GROUND/SITE**

1). Was obvious contamination observed while excavating, sampling or removing the tank system?

NO -----> Conduct confirmatory sampling -----> See end of this section for options on submission and maintenance of closure records -----> Do not complete item C.2. below.

YES -----> Report release to DEP within 24 hours -----> Describe contamination observed and likely source(s) (tank, piping, dispenser, spills, overfills): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ -----> Complete item C.2. below.

2). Was contamination localized (within three feet of the tank system in every direction with no obvious water contamination)?

YES -----> Remove or remediate contaminated soil -----> Conduct confirmatory sampling -----> See end of this section for options on submission and maintenance of closure records.

NO -----> Continue Interim Remedial Actions -----> See end of this section for options on submission and maintenance of closure records.

**D. TANK SYSTEM CLOSED-IN-PLACE OR CHANGED-IN-SERVICE**

Was obvious contamination observed during sampling, boring or assessing water depths?

NO -----> Conduct confirmatory sampling -----> See end of this section for options on submission and maintenance of closure records.

YES -----> Report release to DEP within 24 hours -----> Describe contamination observed and likely source(s) (tank, piping, dispenser, spills, overfills): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Continue with corrective action -----> See end of this section for options on submission and maintenance of closure records.

**E.** If the answer to C.1. is "no", the answer to C.2. is "yes" or the answer to D. is "no", confirmatory samples are required. Use the sample/analysis information sheet on page 10 of 11 to provide the information on confirmatory sampling and complete the diagram on Page 11 of 11.

**Options for Submission and Maintenance of Closure Site Assessment Records**

Records of the site assessment must be maintained for at least three years after completion of permanent closure or change-in-service in one of the following ways:

- (a) By the owners and operators who took the tank system out of service;
- (b) By the current owners and operators of the tank system site; or
- (c) By mailing these records to the DEP regional office responsible for the county in which the tank is located if they cannot be maintained at the closed facility.

Where the results of the site assessment indicate that obvious, localized soil contamination was encountered and the analytical results of the confirmatory sampling show levels below the statewide standard/action levels, this closure report form (Sections I, II, and III) or some other acceptable site characterization report must be received by the Department within 180 days of verbally reporting the release.

Where the results of the site assessment indicate that no obvious contamination or obvious, localized contamination was encountered, but the analytical results of the confirmatory sampling show levels above the statewide standard/action levels, or where there is obvious, extensive contamination, Section 245.310(a)(8) of the Corrective Action Process (CAP) regulations requires that details of removal from service be included in the site characterization report. A copy of the completed closure report form should be submitted as part of the site characterization report to satisfy the requirements of Section 245.310(a)(8) of the CAP regulations.

I, \_\_\_\_\_, hereby certify, under penalty of law as provided in 18 Pa. C.S. §4904 (relating to unsworn  
(Print Name)  
falsification to authorities) that I am the person who performed the site assessment activities associated with the closure of the above referenced storage tank system(s) and that the information provided by me in this closure report (Section III) is true, accurate and complete to the best of my knowledge and belief.

_____ Signature of Person Performing Site Assessment	_____/_____/_____ Date
_____ Title of Person Performing Site Assessment	_____ Name of Company Performing Site Assessment
_____ Telephone Number of Person Performing Site Assessment	



**Site Location and Sampling Map** - Use this page or suitable facsimile to provide a large-scale map of the site where storage tank systems were closed. Scales between 1" = 10 and 1" = 100 feet frequently work well. Include the following information as each applies to the site: facility name and I.D., county, township or borough, property boundaries or area of interest, buildings, roads and streets with names or route numbers, utilities, location and ID number of storage tank systems removed including piping and dispensers, soil stockpile locations, excavations or other locations of product recovery, north arrow, approximate map scale and legend. Also, show depth and location of samples with sample ID numbers cross-referenced to the same ID numbers shown on Page 10 of 11.

**Facility Name and ID:** -

**County:**

**Township/Borough:**

DRAFT



**FOR DEP USE ONLY**  
Reviewer \_\_\_\_\_ Date \_\_\_\_\_  
Entered by \_\_\_\_\_ Date \_\_\_\_\_

## UNDERGROUND STORAGE TANK MODIFICATION REPORT

<p><b>I. FACILITY INFORMATION</b></p> <p>Facility I.D. Number _____</p> <p>Facility Name _____</p> <p>Facility Address _____</p> <p>Municipality _____</p> <p>GPS Location Lat: _____ Long: _____</p>	<p><b>II. ACTIVITY INFORMATION</b></p> <p>This modification activity is?</p> <p><input type="checkbox"/> Minor modification <input type="checkbox"/> Major modification</p> <p>Is this modification in response to an inspection?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes: Inspector: _____</p> <p style="text-align: right;">Inspection Date: _____</p>																				
<p><b>III. TANK INFORMATION</b></p> <p>Tank modification is in accordance with manufacturer's specifications and current industry standards. If no, explain all irregularities in the comment section.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Tank modification complies with Fire Safety Requirements (for flammable &amp; combustible liquids). If no, explain all irregularities in the comment section.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable</p> <p>Fire/Safety Permit Number _____ Issued By _____ Date _____</p>																					
<p><b>IV. INSTALLER INFORMATION</b> (If additional installers were involved, include their information in VII. Comments)</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Installer Name</th> <th style="width: 15%;">Installer Cert. No.</th> <th style="width: 20%;">Certification Category(ies)</th> <th style="width: 20%;">Company Name</th> <th style="width: 25%;">Company Cert. No.</th> </tr> </thead> <tbody> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table> <p style="text-align: center;"> <span style="margin-right: 150px;">Installer Contact Name</span> <span style="margin-right: 150px;">Contact Email</span> <span>Contact Phone</span> </p>		Installer Name	Installer Cert. No.	Certification Category(ies)	Company Name	Company Cert. No.	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Installer Name	Installer Cert. No.	Certification Category(ies)	Company Name	Company Cert. No.																	
_____	_____	_____	_____	_____																	
_____	_____	_____	_____	_____																	
_____	_____	_____	_____	_____																	
<p><b>V. INSTALLER CERTIFICATION</b></p> <p>This Section must be completed by the certified installer(s) for modifications performed on underground storage tank systems. By signing below, the certified installer verifies that the tank handling activity was conducted in compliance with the standards of Act 32 and applicable regulations. The signature also certifies, under penalty of law as provided in 18 PA C.S.A. Section 4904 (relating to unsworn falsification to authorities), that the information provided is true, accurate, and complete to the best of his/her knowledge and belief.</p> <p>_____</p> <p style="text-align: center;"> <span style="margin-right: 150px;">Signature(s)</span> <span style="margin-right: 150px;">Date(s) of Signature</span> <span>Date(s) Work Completed</span> </p>																					

FACILITY I.D. # \_\_\_\_\_ - \_\_\_\_\_

<b>VI. TANK SYSTEM COMPONENTS.</b> (Describe only components that have been installed or modified.)					
Tank #	Tank #	Tank #	Tank #	Tank #	Tank #
<p>(1) Tank Modification (describe in VII. Comments)</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> C Cathodic protection (modified)</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 99 Other</p>			<p>(6) Spill Prevention Repair (describe repair, test and type in VII. Comments) ‡</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Spill Bucket Insert/Repair</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> New Single-Wall</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> New Double-Wall</p>		
<p>(2) Underground Piping Installation or Modification (describe in VII. Comments)</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> B Cathodic protection added</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Field design by a "corrosion expert"</p> <p style="padding-left: 20px;">Industry Standard used for CP</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> H Modification of existing piping</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> I Double walled steel piping</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> J Double walled fiberglass</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> K Double walled plastic</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> M Jacketed piping</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 99 Other</p>			<p>(7) Overfill Prevention Installation or Modification (describe status of previous overfill prevention i.e. removed, remains as backup in VII. Comments)</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> S Drop tube shut-off device added</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> A Overfill alarm added</p>		
<p>(PFLEX) Piping Flexible Connection Installation or Modification (describe in VII. Comments)</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> B Metallic w/cathodic protection added</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> I Placed inside containment</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> M Jacket added</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 99 Other</p>			<p>(12) Tank Release Detection Modification (include manufacturer and model number in VII. Comments)</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> E Automatic tank gauge added/replaced</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> H Interstitial monitor (2 walls) added</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> J Groundwater monitoring added (attach site evaluation)</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> K Vapor monitoring added (attach site evaluation)</p>		
<p>(4) Product Delivery (Pump) System Modification (describe in VII. Comments)</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> A Suction: Check valve at pump</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> B Suction: Check valve at tank</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> C Pressure: Submersible pump (STP)</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> D Gravity Fed</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 88 Installed/removed siphon bar</p>			<p>(19) Stage I Vapor Recovery Modification</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> A Coaxial added/replaced</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> B 2 Port added/replaced</p>		
<p>(5) Pipe Release Detection Modification (describe in VII. Comments)</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> A Automatic line leak detector added</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> D Interstitial monitoring added</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> K Electronic line leak detector added</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> L Continuous Interstitial monitor added</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 88 STP shut off added</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 99 Other</p>			<p>(20) Stage II Vapor Recovery Modification</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> A Complete balance system added</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> B Complete assist system added</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> C Underground piping only added</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> D Stage II decommissioned</p>		
			<p>(21) Tank top Sump Installation or Repair (describe installation and test in VII. Comments) ‡</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Y Yes</p>		
			<p>(22) Dispenser Pan Installation or Repair (describe installation and test in VII. Comments) ‡</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 88 New dispenser installed</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Y Under existing dispenser</p>		

‡ New, replaced, and repaired spill buckets, containment sumps, and dispenser pans must be tested for tightness in accordance with the manufacturer's recommendations and/or applicable industry standards.

FACILITY I.D. # \_\_\_\_\_ - \_\_\_\_\_

**VII. COMMENTS** (Describe activity completed in detail. Explain any modifications marked "99 Other" on page 2.)

*The modification report is not complete until all modified or installed components noted in Section V. have been accurately and completely described in the comments section, below.*

*DRAFT*

**VIII. SITE DRAWING** (Include layout, activity locations, and other drawings necessary to illustrate modifications)

*DRAFT*



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENVIRONMENTAL CLEANUP AND BROWNFIELDS

## STORAGE TANK SITE-SPECIFIC INSTALLATION PERMIT APPLICATION INSTRUCTIONS

### GENERAL INFORMATION

The following instructions are intended to assist the applicant in properly completing a DEP Storage Tank Site Specific Installation Permit (SSIP) Application. Permitting regulations are in 25 PA Code Chapter 245 Subchapter C. Information is available from and the application must be submitted to:

Department of Environmental Protection  
Bureau of Environmental Cleanup and Brownfields  
Division of Storage Tanks  
P.O. Box 8762  
Harrisburg, PA 17105-8762  
(717) 772-5599

The application package must contain two (2) complete copies of all parts of the application and the required fee. Information must be typed or clearly printed. The application package contains the following:

- General Information Form (GIF)
- Site Specific Installation Permit Form Part I
- Site Specific Installation Permit Form Part II (if required)
- Attachments
- Fee

Please review the application form and attachments carefully before submitting to the Department. The Department will only begin its review after the receipt of a complete application package. Use the Site-Specific Installation Permit Completeness Review Checklist to ensure the submittal of a complete application package.

Applicants are highly encouraged to contact the Department for a pre-application conference or discussion.

Site-Specific Installation Permits will expire five years from the date of issuance unless the Department receives a written extension request from the owner prior to the expiration date and grants an extension.

### INSTALLATION ACTIVITIES WHICH REQUIRE A PERMIT

A SSIP Application is required before the following storage tank systems can be installed:

- Aboveground storage tank (AST) systems with a capacity greater than 21,000 gallons.
- New AST facilities with an aggregate AST capacity greater than 21,000 gallons.
- Field constructed underground storage tank (UST) systems not installed within a previously registered underground storage tank system.
- Storage tank systems with a capacity greater than 1,100 gallons containing a highly hazardous substance.

Refer to the following matrix to determine the applicable requirements:

Tank Type	Facility Type	Tank Location	Part I Required	Mapping Part II #1	Siting Part II #2	Geological Part II #3	Environmental Assessment Part II #4
Large AST	Existing Large	New	Yes	Yes	Yes	Yes	No
Large AST	Existing Small	New	Yes	Yes	Yes	Yes	Yes
Large AST	Existing Large	Same Footprint	Yes	No	No	Yes	No
Large AST	New	New	Yes	Yes	Yes	Yes	Yes
Small ASTs (aggregate >21,000 gal)	New Large	New	Yes	Yes	Yes	Yes	No
Highly Haz AST/UST	Existing or New	New or Same Footprint	Yes	No	No	No	No
UST Field Constructed	Existing or New	New or Same Footprint	Yes	No	No	No	No

**Instructions**

**Tank Type: Applies to proposed storage tank**

- Large AST – Aboveground Storage Tank with a capacity greater than 21,000 gallons
- Small AST – Aboveground Storage Tank with a capacity less than or equal to 21,000 gallons
- Highly Haz – UST greater than 1,100 gallons or AST greater than 1,100 and equal or less than 21,000 gallons; storing a Highly Hazardous Substance as listed in the Regulated Substances List.
- UST Field Constructed – Underground Storage Tank that is fabricated on site

**Facility Type: Applies to current facility status**

- Existing Large – Storage tank facility with aggregate registered AST capacity greater than 21,000 gallons.
- Existing Small – Storage tank facility with aggregate registered AST capacity less than or equal to 21,000 gallons.
- New – No registered AST at facility.
- New Large – Facility has no registered AST but aggregate AST capacity will be greater than 21,000 gallons.
- Existing or New – Applies to both existing AST and new facilities.

**INSTRUCTIONS FOR COMPLETING THE SSIP APPLICATION FORM**

**PART I** must be completed by ALL applicants.

- I. Indicate if the storage tank facility is new or existing. Indicate if the existing facility has regulated aboveground storage tanks.
- II. Enter the owner/business name and telephone number.
- III. Enter the facility name and telephone number. If the facility has a storage tank facility identification number, enter the number as it appears on the registration certificate.
- IV. Indicate if the proposed tank(s) is an UST or AST. Enter the substance which will be stored and the substance's CAS No. (Chemical Abstract Service Number). Enter the proposed tank capacity in gallons. List the Fee for each Tank (see V. below to calculate fee).
- V. The minimum fee for a SSIP application is \$20. The fee for USTs is \$20 per tank. Fees for ASTs at an existing AST facility are based on each tank's capacity. The fee is \$20 for each 10,000 gallons of capacity. Round the capacity to the nearest 10,000 gallons and multiply the number of 10,000s by \$20. **Example:** An AST with a capacity of 42,000 gallons would have an application fee of \$80.

42,000 rounded to nearest 10,000 is 40,000  
40,000 divided by 10,000 is 4  
4 times \$20 equals \$80

\*The fee for a new large aboveground tank facility is calculated on the aggregate regulated AST capacity. Add the tank capacities and round to the nearest 10,000 gallons.

Make checks payable to "Commonwealth of Pennsylvania".

- VI. Certification, that the general requirements for the SSIP will be met and that the application information is true and correct, must be completed by the tank owner or a responsible official of the applicant. The general requirements are found in 25 PA Code §245.232. Acknowledgment of the general requirements is indicated by the responsible official placing his/her handwritten initials in the space before each appropriate statement.

Include a summary describing how the community was informed of the project, and any interaction with the public regarding the project. For new facilities and facility expansions, it is recommended that a notice be published in a newspaper of general circulation or the project be otherwise advertised to the neighboring community. See DEP technical guidance 012-0900-003, "Policy on Public Participation in the Permit Application Review Process" for more information.

Municipal and County notifications should follow the guidelines in DEP Policy 012-0200-001, "Policy for Consideration of Local Comprehensive Plans and Zoning Ordinances in DEP Review of Permits for Facilities and Infrastructure." This policy explains how DEP takes local land use planning and zoning ordinances into account during the permit review process. View this policy online at [www.dep.pa.gov](http://www.dep.pa.gov), Search: eLibrary.

A Spill Prevention Response (SPR) Plan is required for facilities with a total aboveground storage tank capacity greater than 21,000 gallons. An updated SPR Plan, which includes the proposed tanks, must be submitted with the SSIP application or to the appropriate DEP regional Environmental Cleanup Program's Storage Tank Section before a SSIP application can be reviewed. Indicate, by checking the appropriate box, the type of submission, complete new plan or revision of an existing plan, and enter the date that the SPR Plan or revision was submitted.

The Department is required to determine the applicant's compliance status with the applicable state and federal laws pursuant to Section 1301 of the Storage Tank Act, 35 P.S. §6921.1301. Please include the applicant's company structure and the names and tax identification numbers of any related companies (i.e. partner, parent company, subsidiary) owning or operating tanks in Pennsylvania.

The certification statement must be signed by the tank owner or a responsible official of the owner.

## PART II

It is recommended that this part of the application be completed by a person experienced in siting requirements and environmental assessment.

1. Mapping requirements include a plot plan and a copy of the 7½ minute USGS topographic map showing the exact location of the proposed tank(s). **Maps, plans and cross sections shall be prepared and sealed by a Pennsylvania registered professional engineer, Pennsylvania registered land surveyor or a Pennsylvania registered geologist and be on a scale no less than 1 inch to 400 feet. Mapping requirements are found at §245.233.**

The latitude and longitude needs to be shown on the plot plan for the approximate center of each proposed storage tank. DEP expects the level of accuracy for the latitude and longitude coordinates to be within 25 meters. This information and method of determination must be included on the plot plan and in the following format:

- \* Latitude & Longitude expressed in the following format/detail:

**Latitude =** Degrees as 2-digit decimal ranging from 00 thru 90  
Minutes as 2-digit decimal ranging from 00 thru 60  
Seconds as 2-digit and expressed to ten-thousandths of a second (SS.S)

**Longitude =** Degrees as 3 digit decimal ranging from 000 thru 180  
Minutes as 2-digit decimal ranging from 00 thru 60  
Seconds as 2-digit and expressed to ten-thousandths of a second (SS.S)

- \* **Specific method used to determine latitude/ longitude coordinates:**

Map Interpolation, or  
Geographic Position System (GPS) or  
Other method (Specify)

- \* **Specify the level of accuracy ie. 6 meter, 10 meter, 25 meter**

The plot plan must include:

- facility name
- facility boundaries
- tank locations
- public roads within or adjacent to the facility
- streams, lakes or surface watercourses located in or adjacent to the facility
- municipality and county name
- location of test borings
- location of any mining activities
- location of public and private groundwater supplies
- latitude and longitude for each new tank

The topographic map must include:

- facility name
- municipality and county name
- facility boundaries
- tank location(s)
- quadrangle name
- location of ground water supply sources within 2,500 feet of facility
- surface drainage courses

2. Siting requirements include determination of floodplains, wetlands, and geological features that are in the vicinity of this construction or installation. Siting requirements are found at §245.234. The following agencies may be able to provide information that could assist you in making siting determinations:

Floodplain: eMAP PA <http://www.depgis.state.pa.us/emappa/>

County or Local Emergency Management Agencies

Federal Emergency Management Agency

[www.fema.gov](http://www.fema.gov)  
(877) 336-2627

Wetlands: Local County Conservation District

DEP Bureau of Waterways Engineering and Wetlands  
Division of Wetlands, Encroachment and Training  
PO Box 8460  
Harrisburg, PA 17105-8460  
(717) 787-3411

Instructions

3. Answers of "yes" to any of the questions regarding geological considerations requires the submittal of additional geotechnical analysis. Depending on the extent of geological concerns, tank foundation design considerations may need to be included. **An appropriately registered professional must complete the Professional Certification enclosed in the SSIP application package, as well as seal any additional geotechnical analysis and/or tank foundation design documentation.** The following agency may be able to provide information that could assist you in making geological interpretations.

Geological Features:

Department of Conservation and Natural Resources  
Bureau of Topographic and Geological Survey  
3240 Schoolhouse Road  
Middletown, PA 17057  
(717) 702-2017  
[www.dcnr.state.pa.us/topogeo](http://www.dcnr.state.pa.us/topogeo)

4. The environmental assessment addresses the potential impact the proposed tank(s) may have on the environment and public safety. Provide adequate information about the investigation done to determine any potential threats and the proposed mitigation process, which will allow the Department to determine if adequate protection will be provided. The investigation must consider conditions at the site, adjacent locations and down gradient areas. The potential impact considerations must address the possibility of a release from the storage tank system including the containment structures. Environmental assessment requirements are found at §245.235.

**A. COMMUNITY WATER SUPPLIES** – Applicants seeking public water system location information should use eMapPa. This program contains a buffer tool that allows users to identify nearby water supplies using a GIS application. The tool will also provide the public water supply contact information so users can contact the water supplier if more information is needed. Please note that specific location data of public water supplies is considered sensitive information and may not be provided. Here is the link: <http://www.depgis.state.pa.us/emappa/>

**B. PRIVATE WATER SUPPLIES** – Use of the eMAP PA tool (<http://www.depgis.state.pa.us/emappa/>) and the Pennsylvania Groundwater Information System (PAGWIS) database (<http://www.dcnr.state.pa.us/topogeo/groundwater/pagwis/index.htm>) will assist you in determining and locating any private wells in the vicinity of your project. The PAGWIS is included as a layer in eMAP PA. Note that all wells within 2,500 feet of the project must be plotted on the topographic map and submitted with the application.

**C. WETLANDS** – Use available means to determine the presence or absence of wetlands on and near the project site. The agencies listed previously in the instructions under "wetlands" may be able to assist. Also available is an online soil survey tool, USDA Web Soil Survey (<https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>), which may assist in determining if hydric soils exist on the site.

**D. CRITICAL OR UNIQUE WILDLIFE HABITATS / AREA WHICH SUPPORTS ENDANGERED, THREATENED, OR RARE PLANT OR ANIMAL SPECIES** – The Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Tool, online at [www.naturalheritage.state.pa.us](http://www.naturalheritage.state.pa.us), is the first step in determining any potential impacts to endangered or threatened species in the area of the project. Click on the link to the "PNDI Project Planning Environmental Review" and follow the directions to produce a PNDI receipt for your project. If the PNDI results indicate that further review is required, follow the instructions on the report to contact the appropriate agency for follow-up. Include the agency's response with the SSIP application.

**E. HISTORICAL OR ARCHAEOLOGICAL SITES** – Identification of any impact to historical or cultural resources that could be affected during earth-moving activities can be accomplished by contacting the PA Historical and Museum Commission, address below, with a description of the project and location information. A response will be given noting whether or not additional investigation is required.

PA Historical and Museum Commission  
Bureau of Historic Preservation  
Commonwealth Keystone Building, Second Floor  
400 North Street  
Harrisburg, PA 17120-0093  
Phone: (717) 783-8946

**F. RECREATIONAL PARKS AND FORESTS, NATURAL AREAS OR ENVIRONMENTAL CENTERS** – Identify any parks, recreational areas, or natural areas in the vicinity of your project. This can be done through the use of maps or by contacting any pertinent Federal, State, or Local agency.

**G. PENNSYLVANIA SCENIC RIVERS / NATIONAL WILD AND SCENIC RIVER SYSTEM** – Information regarding both PA and national scenic rivers can be found online at <http://www.dcnr.state.pa.us/brc/conservation/rivers/scenicrivers/index.htm>

**H. PRIME FARMLAND OR AGRICULTURAL SECURITY AREA** – Information regarding farmland issues can be found by contacting the county conservation district. The online Pennsylvania SoilMap tool at [soilmap.psu.edu](http://soilmap.psu.edu) may assist in determining if the soil type in the project area could be considered prime farmland.

- I. **SPECIAL PROTECTION WATERSHEDS AS DESIGNATED IN CHAPTER 93** – Identify whether your project is near or could impact any watersheds designated as High Quality or Exceptional Value in 25 PA Code, Chapter 93. Applicants seeking Watershed location information should use eMapPa. This program contains a buffer tool that allows users to identify nearby watersheds using a GIS application. Here is the link: <http://www.depgis.state.pa.us/emappa/>

**Other Sources of Information**

USGS Topographic maps  
DCNR Recreational Guide and Highway Map  
Local Emergency Management Agency

**TECHNICAL GUIDANCE REFERENCES**

(Available online at [www.dep.pa.gov](http://www.dep.pa.gov), Search: eLibrary)

- |              |  |
|--------------|--|
| 012-0200-001 | Policy for Consideration of Local Comprehensive Plans and Zoning Ordinances in DEP Review of Permits for Facilities and Infrastructure |
| 012-0900-003 | Policy on Public Participation in the Permit Application Review Process  |
| 400-0200-001 | Policy for Pennsylvania Natural Diversity Inventory (PNDI) Coordination During Permit Review and Evaluation                            |
| 021-2100-001 | Policy for Implementing the Department of Environmental Protection (Department) Permit Review Process and Permit Decision Guarantee.   |



COMMONWEALTH OF PENNSYLVANIA  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 BUREAU OF ENVIRONMENTAL CLEANUP AND BROWNFIELDS

**STORAGE TANK TRAINING COURSE APPROVAL APPLICATION**

This application must be complete and accurate. Type or print legibly. If additional space is needed use a clean sheet of white paper upon which you must include the applicant name, and identify the section being continued.

OFFICIAL USE ONLY					
Received _____	Approved <input type="checkbox"/>	Denied <input type="checkbox"/>	Returned <input type="checkbox"/>	Client ID# _____	
Reviewed by _____		Date _____		Course Approval # _____	

**SECTION I – APPLICATION TYPE**

- INITIAL** Approval (First time applying under Chapter 245)
  - AMENDMENT** (Change information previously submitted) Client ID# \_\_\_\_\_
  - RENEWAL** (Required every 3 years) Course ID# \_\_\_\_\_
- If amending or renewing an existing training course Course ID# \_\_\_\_\_

**SECTION II – APPLICANT INFORMATION**

Applicant Type Code \_\_\_\_\_ Federal Tax ID# (EIN) or SSN \_\_\_\_\_

Company or Individual's Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip +4 \_\_\_\_\_ Country \_\_\_\_\_

Company Contact Name \_\_\_\_\_

Last	First	MI	Suffix
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Phone (\_\_\_\_) \_\_\_\_ - \_\_\_\_ Ext \_\_\_\_ Fax (\_\_\_\_) \_\_\_\_ - \_\_\_\_

Company Email Address \_\_\_\_\_

**SECTION III – COURSE INFORMATION**

Official Course Title \_\_\_\_\_

Does this training course target individuals seeking:

- INITIAL** Category Certification
- Category Certification **RENEWAL**
- UST Operator Training**

**Underground Tanks**

UMR  UMX and UMI  UTT

**Aboveground Tanks**

AMMX  AMNX  AMEX  AFMX  ACVL  AMR  AFR

**UST Operator Training**

CLASS A  CLASS B  CLASS A & B

**SECTION IV – INSTRUCTOR INFORMATION** Provide the information requested for each training course instructor. If you need additional space copy this page.

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Instructor Last Name	First Name	MI	Suffix
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Title

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Affiliation

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Phone Number	Ext
--------------	-----

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Professional Background (Education & Experience – Use space below if needed)

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Instructor Last Name	First Name	MI	Suffix
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---

Title

---

Affiliation

---

Phone Number	Ext
--------------	-----

---

Professional Background (Education & Experience – Use space below if needed)

---

Instructor Last Name	First Name	MI	Suffix
----------------------	------------	----	--------

---

Title

---

Affiliation

---

Phone Number	Ext
--------------	-----

---

Professional Background (Education & Experience – Use space below if needed)

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**SECTION V – COURSE OUTLINE ATTACHMENTS**

You must provide the following information as attachments to this application. Label the attachment "Course Outline" and type or print the applicant's name in the top right-hand corner of each attachment sheet. The Course Outline must include all of the following:

1. A description of the subject matter to be presented, to include a list of industry standards and regulations referenced .....
2. The order in which each topic will be presented .....
3. The amount of time dedicated to the presentation of each topic .....
4. The name of the instructor presenting each topic, and .....
5. The location where the training course will be conducted .....

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**SECTION VI – COURSE TEST DESCRIPTION ATTACHMENTS**

You must provide the following information as attachments to this application. Label the attachment "Test Description" and type or print the applicant's name in the top right-hand corner of each attachment sheet. The Test Description must include all of the following:

1. A description of the preparation of the test, to include organization and format. ....
2. A description of the test content, including representative questions. The test must measure the participant's knowledge of the technical, administrative, and legal requirements related to the subject matter of the training course. ....
3. A description of the procedures for administering, monitoring and grading the test. ....
4. An indication of the passing score. This score must be achieved by the participant in order to receive a passing grade and certificate from the training provider. ....
5. A copy of the Certificate given to the participant upon successful completion of the training course. Successful completion means attendance at all sessions and attainment of a minimum passing grade. The Certificate must include the name of the participant, the course title, the name of the training provider, course approval number, the date the training was completed, the date the certificate expires, and the signature of the training course provider. ....

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**SECTION VII – CERTIFICATION**

I understand that final approval of the training course may, at the discretion of the department, involve a presentation of the training course to the department by the applicant. In addition, the department may audit the approved training course to ensure adherence to the material submitted in this application.

I certify under penalty of law as provided in 18 PA C.S.A. §4904 (relating to unsworn falsification to authorities) that the information provided in this application is true, accurate and complete to the best of my knowledge and belief.

Typed or printed name of applicant \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_



## INSTRUCTIONS

### STORAGE TANK TRAINING COURSE APPROVAL APPLICATION

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#### GENERAL INFORMATION

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##### APPLICATION PACKAGES

To expedite the processing of the applicant's request, the Department (DEP) asks that you use the most up-to-date application package available. This Training Course Approval Package, as well as other Department-wide or program specific permit application packages is available in Microsoft Word format. Most forms are also available as PDF files. You can download the Word document file to your personal computer, complete it electronically, and print it for submission to the Department. To obtain DEP application packages visit our web site, write or call:

**PA Department of Environmental Protection  
Bureau of Environmental Cleanup and Brownfields  
Division of Storage Tanks  
PO Box 8762  
Harrisburg, PA 17105-8762**

**1-800-42-TANKS (in PA only)  
717-772-5599**

For more information, visit  
[www.dep.pa.gov](http://www.dep.pa.gov). Search: Storage Tanks.

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#### GENERAL INSTRUCTIONS

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These instructions are designed to aid the applicant when completing the Training Course Approval Application Form. The information the Department needs to evaluate your request must be provided in the form of attachments to the application. The Department requests that you use 8 1/2 x 11 sized paper and that you print or type the applicant name, and identify the applicable section number in the top right-hand corner of the attachment.

##### File Copy & Submittal

Retain a copy of your application and all attachments for your records. Send the completed application materials to the address shown above. If you have any questions about the application, please call the Customer Service number above and ask for the Certification Unit.

##### Evaluation & Approval

Each course will be evaluated for approval in accordance with the provisions of Chapter 245 §241.141 (relating to Training Approval). Final approval of the training course may, at the discretion of the Department, require a presentation of the training course to the Department by the applicant.

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## INSTRUCTIONS

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### SECTION I – APPLICATION TYPE

**Initial** – Select this Application Type if this is your first request for approval of this training course. If you or your company have been approved to conduct technical training for installer categories not related to this request, record your Client ID # on the application.

**Amendment** – Select this Application Type if you are changing information previously submitted to the Department. Changes must be reported within 14 days of the change. When amending information please record your Client ID# and your Course ID# on the application. You are required to amend your application when there are changes to...

- Applicant Information (Section II)
- Course Title (Section III)
- Instructor Information (Section IV)
- Course Outline (Section V)
- Test Description (Section VI)

**Renewal** – Select this Application Type if you are renewing a previously approved training course. In order for you to continue offering the course you must renew the approved course every 3 years. The Renewal Application must be complete, and include all attachments whether or not there are changes. Please record your Client and Course ID numbers on the application.

---

### SECTION II – APPLICANT INFORMATION

**Applicant Type Code** – The Applicant Type Code is also referred to as the Client Type Code. Enter the code that represents the structure of your company.

<u>Government</u>		<u>Non-Government</u>	
<b>AUTH</b>	Authority	<b>ASSOR</b>	Association/Organization
<b>CNTY</b>	County	<b>ESTST</b>	Estate/Trust
<b>FED</b>	Federal Agency	<b>INDIV</b>	Individual
<b>MUNI</b>	Municipality	<b>LLC</b>	Limited Liability Company
<b>OTHER</b>	Other (Govt)	<b>LLP</b>	Limited Liability Partnership
<b>SCHDI</b>	School District	<b>NPACO</b>	Non-Pennsylvania Corporation
<b>STATE</b>	State Agency	<b>OTHER</b>	Other (Non-Govt)
		<b>PACOR</b>	Pennsylvania Corporation
		<b>PARTG</b>	Partnership – General
		<b>PARTL</b>	Partnership – Limited
		<b>SOLEP</b>	Sole Proprietorship

**Federal Tax (EIN) or SSN** – A Federal Tax ID or Employer Identification Number (EIN) is assigned by the IRS. The EIN is an important part of the application. It aids the Department when identifying clients and helps prevent duplicate data entry. It is required for “company” applicants. The individual client’s SSN is required for the same reason.

**Name, Address, Phone Numbers** – Provide the information requested. Type or print legibly.

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**SECTION III – COURSE INFORMATION**

**Official Course Title** – Type or write the full name of this course.

**Target Audience and Categories** - Select the type of candidate that the training course targets.

For installer training, does this course fulfill the needs of those installers needing to meet the requirements for initial certification in a category, or will the course meet the requirements of those seeking to renew certification? Renewal courses may provide an update and overview of the referenced content versus the full training course needed for initial category certification. Indicate which certification category(ies) is/are applicable to the course. The complete category list and descriptions can be found in the Storage Tank Regulations at §245.110. Course content should closely match the industry standards and regulations referenced in the Department's study guides for the applicable certification category.

For operator training, does this course fulfill the needs of a Class A operator, Class B operator, or both? Training courses for Class A operators must confer a broad scope of knowledge, and training courses for Class B operators must provide more in-depth knowledge, on the subject areas addressed in Appendix A. Also refer to required training provisions at §245.436(c).

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**SECTION IV – INSTRUCTOR INFORMATION**

Provide the information requested for each course instructor. For "professional background" include the instructor's education and experience. If you need additional space to list all of your course instructors, copy Section IV.

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**SECTION V – COURSE OUTLINE ATTACHMENTS**

Provide each item of the course outline on an attachment to the application. In the top right-hand corner of the attachment write the applicant name and "Course Outline". You must include a current course outline even if you are renewing the course.

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**SECTION VI – TEST DESCRIPTION ATTACHMENTS**

Provide each item of the test description on an attachment to the application. In the top right-hand corner of the attachment write the applicant name and "Test Description". You must include the current test description even if you are renewing the course.

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**SECTION VII – CERTIFICATION**

The individual applicant, or an officer of a company requesting Pennsylvania Department of Environmental Protection approval and recognition of a category-specific Training Course must read and sign the certifying statement. Type or print the applicant's name (individual, or company officer authorized to sign the application), and then sign and date the application.

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## Appendix A

### Required Training Subjects for Class A Operators

Class A operator training includes a general broad knowledge of underground storage tank (UST) system requirements and regulations. Training must provide information that should enable the Class A operator to make informed decisions regarding regulatory compliance and to ensure that appropriate persons are fulfilling operation, maintenance and recordkeeping requirements and standards of Chapter 245, including the following subject areas:

- Spill and overfill prevention
- Release detection and related reporting requirements
- Recordkeeping requirements
- Corrosion protection
- Emergency response
- Suspected or confirmed release investigation and related reporting
- Product and equipment compatibility
- Financial responsibility and related Underground Storage Tank Indemnification Program
- Notification and storage tank registration requirements, including DEP permitting
- Temporary and permanent tank system closure requirements
- Overview of Class B and Class C operator requirements

### Required Training Subjects for Class B Operators

Class B operator training includes in-depth knowledge and understanding of the operation and maintenance aspects of underground storage tank (UST) systems and related regulatory requirements. Training must provide specific information on the components of UST systems, materials of construction, methods of release detection and release prevention applied to UST systems and components. Training must address operation and maintenance requirements of Chapter 245, including the following subject areas:

- Spill and overfill prevention
- Release detection, methods and related reporting requirements
- Corrosion protection and related testing
- Emergency response
- Product and equipment compatibility
- Reporting and recordkeeping requirements
- Manufacturer's equipment maintenance requirements
- Class C operator training requirements and instructions



**STORAGE TANK INSTALLER AND INSPECTOR CERTIFICATION APPLICATION**  
*(Read the instructions before completing this application)*

DATE		OFFICIAL USE ONLY	
Appl. Appr.	Appl. Denied	Application # _____	
_____	_____	Client ID # _____	
_____	_____	Employer ID # _____	
		Master Auth. # _____	
		Auth. ID# _____	
		Date Rec'd _____	

**SECTION I – APPLICANT INFORMATION**

Name \_\_\_\_\_ SSN \_\_\_\_\_  
Last First MI

Home Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip +4 \_\_\_\_\_

Municipality \_\_\_\_\_ County \_\_\_\_\_  
(City, Boro, Twp)

Home Telephone (\_\_\_\_\_) \_\_\_\_\_ Cell Phone (\_\_\_\_\_) \_\_\_\_\_

Email Address \_\_\_\_\_

DEP Client ID # \_\_\_\_\_ DEP Certification ID # \_\_\_\_\_

**SECTION II – APPLICATION TYPE**

- FIRST certification request     MODIFY/ADD certification     RENEW certification

Is this application being submitted in response to a Letter of Denial under Chapter 245?

- Yes     No

Has an enforcement action (NOV, suspension, revocation, order, etc.) pursuant to the Storage Tank Act ever been taken against the applicant?

- Yes     No

If Yes, explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SECTION III – CURRENT EMPLOYER INFORMATION (If more than one, attach additional pages)**

Hire Date \_\_\_\_\_ Employer's Federal Tax ID # (EIN) \_\_\_\_\_  
 Employer's DEP Client ID # \_\_\_\_\_ Employer's Certification # \_\_\_\_\_  
 Name \_\_\_\_\_ Company Type Code \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip +4 \_\_\_\_\_  
 Municipality \_\_\_\_\_ County \_\_\_\_\_  
 (City, Boro, Twp)  
 Telephone (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_  
 Company Contact Person \_\_\_\_\_  
 Email Address \_\_\_\_\_

**SECTION IV – MAIL CORRESPONDENCE TO ADDRESS**

Applicant Address  Employer's Address

If the applicant has more than one employer and chooses to have correspondence delivered to the employer's address, provide the name of that employer. \_\_\_\_\_

**SECTION V – CERTIFICATION CATEGORIES**

**(A) INITIAL Category Approval (Not a Renewal)**

Select category items under the heading **INITIAL** for those categories in which you are qualified. An Installer/Inspector Description Sheet is available for your review in determining qualifications for each category of certification. An applicant *must* complete a separate Attachment A for each certification category requested.

If the certification category requires technical training, manufacturer's certification, or inspector certification, you must submit a copy of the certificate with this application. The certificate must specifically name the applicant.

**(B) RENEWAL**

- **Retest** – Retaking and passing the category-specific examination may be used for renewal.
- **Training** – An applicant may choose to attend, and must complete successfully, a Department approved category-specific training course instead of retesting. Successful completion of the course means attendance at all sessions of the course and attainment of the minimum passing grade for the approved course. You must submit a copy of the course completion certificate with this application.

Also select Training if you are submitting a manufacturer's training certificate for UTT or TL categories. You must submit a copy of the certificate with this application. The certificate must specifically name the applicant. Individuals holding IUM, IAM, or IAF certification are trained by DEP staff. *A training record for inspectors is maintained by the Department so no training certificate needs to be submitted with the application.*

**(C) DELETIONS**

If the applicant wants to withdraw a category certification before the scheduled date of expiration, indicate which category by selecting the delete box adjacent to that category.

INSTALLER CATEGORIES	Initial	Renewal		Delete
		Retest	Training	
<b>Underground</b>				
UMX _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
UMI _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
UMR _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
UTT _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Aboveground</b>				
AMMX _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AMNX _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AMR _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AFMX _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AFR _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AMEX _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ACVL _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Underground/Aboveground</b>				
TL _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>INSPECTOR CATEGORIES</b>				
<b>Underground</b>				
IUM _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Aboveground</b>				
IAM _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IAF _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SECTION VI – APPLICANT’S CERTIFYING STATEMENT**

I certify under penalty of law as provided in 18 PA C.S.A. §4904 (relating to unsworn falsification to authorities), that I am the applicant herein named, that I have received the safety training as provided for under §245.111(h) of the regulations, and that the information I have provided on this Application for Certification is true, accurate, and complete to the best of my knowledge and belief.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 Signature of the Applicant (In Ink) Date

**SECTION VII – EMPLOYER’S CERTIFYING STATEMENT**

I certify under penalty of law as provided in 18 PA C.S.A. §4904 (relating to unsworn falsification to authorities), that I am an officer of the applicant’s employer. The applicant herein named has been provided with adequate safety training as provided for under §245.111(h) of the regulations. I further certify that the information provided on this Application for Certification is true, accurate, and complete to the best of my knowledge and belief.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 Signature & Title of Company Officer (In Ink) Date

**APPLICANT'S CHECKLIST** (Please type or print your name below)

**INITIAL REQUEST FOR CERTIFICATION IN A CATEGORY**

- This Application, signed by the applicant and the employer
- Attachment A (If required)
- A Copy of the Applicable Training Certificate(s)

**REQUEST FOR RENEWAL OF CERTIFICATION IN A CATEGORY**

- This Application, signed by the applicant and the employer
- Select the RETEST checkbox if renewing by examination, or
- Select the TRAINING checkbox if renewing by training, or equipment manufacturer's certification.

IF YOU ARE RENEWING YOUR CERTIFICATION

Please record the date you last attended administrative training

- I last attended Administrative Training on \_\_\_\_\_, 20\_\_\_\_\_.
- I am not required to attend Administrative Training because I am certified as an INSPECTOR ONLY and I DO NOT hold a tank handling certification of any kind.

The Department reserves the right to request additional information necessary to determine whether the issuance of a certification conforms to Act 32 and Chapter 245.

The applicant should retain a copy of the application and all attachments. Mail, DO NOT FAX, the original application (not the instructions) & copies of applicable training certificates to:

**Pennsylvania Department of Environmental Protection  
Bureau of Environmental Cleanup and Brownfields  
Division of Storage Tanks  
PO Box 8762  
Harrisburg, PA 17105-8762**

If you have questions please call Customer Service at:

**717-772-5599  
or  
1-800-42-TANKS (In PA)**

Additional information may be obtained by calling Storage Tanks customer service at the above numbers, or by visiting [www.dep.pa.gov](http://www.dep.pa.gov), Search: Storage Tanks.



## INSTRUCTIONS

### STORAGE TANK INSTALLER AND INSPECTOR CERTIFICATION APPLICATION

***Do not return these instructions with the completed application***

When completing the application, type or print legibly. Illegible applications will be returned unprocessed. Unless otherwise directed, include with the application all attachments, certificates, or licenses required to support qualification for category-specific certification. The license, certificate or any other documentation, whether provided by a manufacturer, government agency, or training course provider must specifically name the applicant.

The Department must receive the application at least 60 days prior to the announced date of the scheduled examination. If you are renewing your certification you should submit your application 60-120 days before your certificate expires.

#### NOTE:

*If you only need to change applicant contact information or company affiliation, use the Storage Tank Installer and Inspector Amendment Form. The Amendment Form must be submitted within 14 days of any change of information.*

#### SECTION I – APPLICANT INFORMATION

Provide information for each item; leave nothing blank. If, for example, you do not have an email address, Client ID#, or Certification ID#, write "NA" (not applicable) on the appropriate line. Record your full Social Security number.

This application is for *individuals* requesting *individual* certification. For that reason, as an *individual* DEP Client, the Department prefers to have your home address and phone number. If you have a DEP Client ID # please record the number on your application. You can find your DEP Client ID # on your certificate or any correspondence from the Department.

#### SECTION II – APPLICATION TYPE

There are 3 types of applications; **First**, **Modification**, and **Renewal**. The first application is indicated for an applicant who has *never been granted* DEP certification as an Installer or Inspector.

A **modification** application is selected by DEP certified Installers and Inspectors who are requesting certification in a **new certification category** that they have not previously held.

Applicants should select **renewal** when requesting re-certification in a category currently held, or held previously and which has expired.

#### SECTION III – CURRENT EMPLOYER INFORMATION

Provide information for each section. If your employer is a **DEP Certified company** it will have a **DEP Client ID#** and a **DEP Certification#**. If the company is not DEP certified, one of the company officers will have to complete a Storage Tank Company Certification Application. You may not perform tank handling or inspection activities as an employee of a non-DEP certified company. If you work for more than one employer, copy page 2 and submit information for each employer.

Note: Employer means that the company withholds taxes and issues you a W-2 form for the period of your employment. You are not an employee if you perform work as a sub-contractor.

The Department has provided a list of Client Type Codes for use by Installers and Inspectors, as well as by companies. Installers and Inspectors requesting certification are always Individual Clients. A company Client Type Code is determined by the structure of the company. A complete list of codes follows:

**DEP Client Type Codes**

<u>Government</u>		<u>Non-Government</u>	
<b>AUTH</b>	Authority	<b>ASSOR</b>	Association/Organization
<b>CNTY</b>	County	<b>ESTST</b>	Estate/Trust
<b>FED</b>	Federal Agency	<b>INDIV</b>	Individual
<b>MUNI</b>	Municipality	<b>LLC</b>	Limited Liability Company
<b>OTHG</b>	Other (Government)	<b>LLP</b>	Limited Liability Partnership
<b>SCHDL</b>	School District	<b>NPACO</b>	Non-Pennsylvania Corporation
<b>STATE</b>	State Agency	<b>OTHER</b>	Other (Non-Government)
		<b>PACOR</b>	Pennsylvania Corporation
		<b>PARTG</b>	General Partnership
		<b>PARTL</b>	Limited Partnership
		<b>SOLEP</b>	Sole Proprietorship

**SECTION IV – MAIL CORRESPONDENCE TO ADDRESS**

Tell us where you want to receive mail. If you choose “employer’s address” and you are employed by more than one DEP certified company be certain to indicate which company should receive your mail.

**SECTION V – CERTIFICATION CATEGORIES**

In this section mark in which of the 15 categories you are requesting certification, and which application type applies to your request. The Storage Tank Installer and Inspector Certification Application provides the applicant with specific guidance.

**SECTION VI – APPLICANT’S CERTIFYING STATEMENT**

The applicant is required to read and sign Section VI.

**SECTION VII – EMPLOYER’S CERTIFYING STATEMENT**

An officer representing the applicant’s employer must read and sign Section VII.

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The Department reserves the right to request additional information necessary to determine whether the issuance of a certification conforms to Act 32 and Chapter 245. The applicant should retain a copy of the application and all attachments. Send the application materials (not the instructions) to:

**Pennsylvania Department of Environmental Protection**  
**Bureau of Environmental Cleanup and Brownfields**  
**Division of Storage Tanks**  
**PO Box 8762**  
**Harrisburg, PA 17105-8762**  
**717-772-5599**  
or  
**1-800-42-TANKS (In PA)**

Additional information may be obtained by calling Storage Tanks customer service at the above numbers, or by visiting our website [www.dep.pa.gov](http://www.dep.pa.gov), Search: Storage Tanks.

## INITIAL QUALIFICATIONS STORAGE TANK INSTALLER AND INSPECTOR CERTIFICATION

This table displays the minimum experience, education, and training required to be met by applicants for their initial certification in a technical category. Adoption of the regulations promulgated under PA Code 25, Chapter 245 (Administration of the Storage Tank and Spill Prevention Program) established criteria for applicants requesting category-specific certification in a technical category never held previously by the applicant. See 245.11 (Certified Installer Experience and Qualifications), and 245.113 (Certified Inspector Experience and Qualifications).

### INSTALLER CATEGORIES

Category Code	Description	Experience, Education, Training, or Certification	<sup>1</sup> Total Number Of Activities Completed
UMX	Underground Storage Tank System Installation & Modification	2 years, or college degree and 1 year. Technical Training	10 Installations or major modifications (at least 5 installations)
UMI	Underground Storage Tank System Minor Modification	2 years, or college degree and 1 year. Technical Training	10 Minor Modifications
UMR	Underground Storage Tank Removal	2 years, or college degree and 1 year. Technical Training	6 Removals
UTT	Underground Storage Tank System Tightness Tester	Department approved training with testing equipment manufacturer's certification	None
AMMX	Aboveground Manufactured Metallic Storage Tank or Storage Tank System Installation and Modification	2 years, or college degree and 1 year. Technical Training	10 Installations or major modifications (at least 5 installations)
		----- Or UMX Certification	None
		----- Or AFMX Certification	None
AMNX	Aboveground Manufactured Non-Metallic Storage Tank or Storage Tank System Installation and Modification	2 years, or college degree and 1 year. Technical Training	10 Installations or Major Modifications (at least 5 installations)
		----- Or AMMX Certification	6 AST Installations

Category Code	Description	Experience, Education, Training, or Certification	<sup>1</sup> Total Number Of Activities Required
AMR	Aboveground Storage Tank Removal	2 years, or college degree and 1 year. Technical Training	6 Removals
		----- Or UMR Certification	None
		----- Or AFR Certification	None
AFMX	Aboveground Field-Constructed Metallic Storage Tank Installation, Modification & Removal	3 years, or college degree and 2 years Technical Training	12, which may be Installations or Major Modifications
AFR	Aboveground Field-Constructed Storage Tank Removal	2 years, or college degree and 1 year. Technical Training	6 Removals
AMEX	Aboveground Storage Tank Mechanical Installation, Modification, & Removal	3 years, or college degree and 2 years Technical Training	12, At Least 6 Installations
ACVL	Aboveground Storage Tank Civil Installation & Modification of Tank Related Structural Components	3 years, or college degree and 2 years Technical Training	12, At Least 6 Installations
TL	Aboveground & Underground Storage Tank Liner	2 years Manufacturer's Certification	9 Tank Linings

<sup>1</sup> The total number of activities completed required by subsection (a) shall have been completed within the 3-year period immediately prior to submitting the application for certification. The activities shall have been completed in compliance with Federal and State requirements and the applicant shall have had substantial personal involvement at the storage tank site in the activities. Non-certified individuals may work at the site but the certified installer is directly responsible to assure that the activities are conducted properly. This work qualifies toward the total number of activities completed requirement.

## INSPECTOR CATEGORIES

Category Code	Description	Experience, Education, Training, or Certification	Total Number Of Activities Completed
<sup>2</sup> IUM	Inspector, Underground Storage Tank Systems and Facilities	<ul style="list-style-type: none"> <li>• 4 years, or college degree and 2 years</li> <li>• Department approved tank tightness testing familiarization or UTT Certification.</li> <li>• UMX Certification</li> <li>• Corrosion Protection Training</li> </ul>	None
<sup>2</sup> IAM	Inspector, Aboveground Manufactured Storage Tank Systems and Facilities	<ul style="list-style-type: none"> <li>• 4 years, or college degree and 2 years</li> <li>• API 653 Certification Or STI Inspector Certification Or Department approved AST inspector certification</li> </ul>	None
<sup>2</sup> IAF	Inspector, Aboveground Field Constructed Storage Tank Systems and Facilities	<ul style="list-style-type: none"> <li>• 4 years, or college degree and 2 years</li> <li>• API 653 Certification Or Department approved AST Inspector certification</li> </ul>	12 Integrity or construction inspections

<sup>2</sup> Inspector certification will be granted to applicants meeting the experience, education, training, certification, and examination requirements; however, the inspector may not conduct unsupervised Facility Operations, Integrity or Construction Inspections until completion of DEP-provided training for new inspectors.

## RENEWAL QUALIFICATIONS STORAGE TANK INSTALLER AND INSPECTOR CERTIFICATION

This table displays the minimum experience, education, and training required to be met by applicants for certification in a technical category. Adoption of the regulations promulgated under PA Code 25, Chapter 245 (Administration of the Storage Tank and Spill Prevention Program) established new criteria for applicants requesting renewal of category-specific certification in a technical category held previously by the applicant. See 245.114 (Renewal and Amendment of Certification).

### INSTALLER CATEGORIES

Category Code	Description	Experience and Training
UMX	Underground Storage Tank System Installation & Modification	Examination or Technical training <sup>1</sup> Administrative Training
UMI	Underground Storage Tank System Minor Modification	Examination or Technical training <sup>1</sup> Administrative Training
UMR	Underground Storage Tank Removal	Examination or Technical training <sup>1</sup> Administrative Training
UTT	Underground Storage Tank System Tightness Tester	Testing Equipment Manufacturer's Certification <sup>1</sup> Administrative Training
AMMX	Aboveground Manufactured Metallic Storage Tank or Storage Tank System Installation and Modification	Examination or Technical training <sup>1</sup> Administrative Training
AMNX	Aboveground Manufactured Non-Metallic Storage Tank or Storage Tank System Installation and Modification	Examination or Technical training <sup>1</sup> Administrative Training
AMR	Aboveground Storage Tank Removal	Examination or Technical training <sup>1</sup> Administrative Training
AFMX	Aboveground Field-Constructed Metallic Storage Tank Installation, Modification & Removal	Examination or Technical training <sup>1</sup> Administrative Training
AFR	Aboveground Field-Constructed Storage Tank Removal	Examination or Technical training <sup>1</sup> Administrative Training

Category Code	Description	Experience and Training
AMEX	Aboveground Storage Tank Mechanical Installation, Modification, & Removal	Examination or Technical training ¹Administrative Training
ACVL	Aboveground Storage Tank Civil Installation & Modification of Tank Related Structural Components	Examination or Technical training ¹Administrative Training
TL	Aboveground & Underground Storage Tank Liner	Manufacturer's Certification ¹Administrative Training

**INSPECTOR CATEGORIES**

Category Code	Description	Experience and Training
IUM	Inspector, Underground Storage Tank Systems and Facilities	Department Inspector Training
IAM	Inspector, Aboveground Manufactured Storage Tank Systems and Facilities	<ul style="list-style-type: none"> <li>• Department Inspector Training And</li> <li>• API 653 Certification Or</li> <li>STI Inspector Certification Or</li> <li>Department Approved Inspector Certification</li> </ul>
IAF	Inspector, Aboveground Field Constructed Storage Tank Systems and Facilities	<ul style="list-style-type: none"> <li>• Department Inspector Training And</li> <li>• API 653 Certification Or</li> <li>Department Approved Inspector Certification</li> </ul>

¹Administrative training will be provided by the department. Applicants shall have completed administrative training within the 24-month period immediately preceding submission of their renewal application. Applications are not to be submitted to the department more than 120 days prior to certification expiration, except in pre-approved circumstances.



## INSTRUCTIONS

### STORAGE TANK INSTALLER AND INSPECTOR CERTIFICATION ATTACHMENT A

#### Do not return these Instruction Sheets with completed application form

All information must be either typed or printed in a legible manner. A separate copy of a complete Attachment A package (pages 1 through 4) must be attached to the application form for each certification category being requested. An application requesting a category for which the Attachment A package is incomplete or missing will be denied for the subject category.

Section I. Enter the name and the full Social Security Number that appears in Section I of the application form. Enter the certification category for which this Attachment A documents.

Section II. Indicate the number of years of experience in the specific certification category being requested. This number must be at least that stated in the "total experience and qualifications or education plus experience" requirement in Sections 245.111 and 245.113 of Chapter 245 for the category being requested in order for the applicant to be considered qualified for that category. Refer to **Installer/Inspector Description Sheet** for this information.

The employment history for the years of experience (and substantial involvement) listed in Section II must be listed in the space provided. The history dates should be listed as month/year and must cover the years being considered as experience, but need not be consecutive. If additional space is required to provide the experience employment history, additional pages may be added to the Attachment A section of the application. Each additional page must have applicant's SSN (Last four #) in upper right corner.

The applicant may, at his or her option, substitute documentation of acceptable education for part of the "total experience and qualifications" requirement as allowed by Sections 245.111 and 245.113 of Chapter 245 for the certification category being requested. Refer to **INITIAL QUALIFICATIONS – STORAGE TANK INSTALLER AND INSPECTOR CERTIFICATION** for a listing of the "total experience and qualifications or education plus experience" requirements by category.

The types of education that are acceptable as a partial substitute for experience for installer certification include bachelor's degrees in:

civil engineering, mechanical engineering, environmental engineering, petroleum engineering, chemical engineering, structural engineering, geotechnical engineering, hydrology, geology, or equivalent degree as determined by the Department.

The types of education that are acceptable as a partial substitute for experience for inspector certification include bachelor's degrees in:

civil engineering, mechanical engineering, environmental engineering, petroleum engineering, chemical engineering, structural engineering, geotechnical engineering, hydrology, geology, or equivalent degree as determined by the Department.

Section III. In this section, the applicant must provide all the information requested for each activity being documented as completed, for the certification category in question.

This information includes:

**Date activity completed** – Provide the month and year the activity being documented was completed.

To qualify for initial certification, the activities completed must have occurred within the three-year period immediately prior to submitting the application. Type of activity completed – Enter one appropriate code per line from below.

- I Installation (tank handling associated with installation)
- M Modification (tank handling associated with modification)
- P Operations, integrity, and construction inspections or tank tightness test performed on a storage tank system or facility
- R Removal (tank handling associated with removal)

Tank Handling Activities are those activities in which the applicant has had substantial hands-on personal involvement at the storage tank site. Supervision or oversight of tank handling activities do not qualify for initial certification.

Be aware that an activity is considered to be an installation if it involves activities to construct, reconstruct, or erect the components of a storage tank system or storage tank facility so as to put that system or facility into service.

In the category for aboveground field constructed metallic storage tank (AFMX), for installation or reconstruction activities involving tanks greater than 90 feet in diameter, each activity shall count as two installations for purposes of meeting the total number of activities requirement.

Modification involves activities to upgrade, repair, refurbish, or restore any part of an existing storage tank system or storage tank facility. Major modification activities involve modifications that alter the design of the storage tank or system and modifications that affect the integrity of the system as defined at Chapter 245.1.

For example, activities to install a tank, its associated piping and a release detection system for a new storage tank system installation would be considered one installation activity. Activities to replace associated piping and/or add a release detection system for an existing storage tank system would be considered as separate modification activities.

Inspection of installations, modifications, and operations or integrity inspections also qualify as activities completed for inspector categories and would be entered as "P" in the "Type of activity completed" block.

**System component involved** – Enter one appropriate code per line from below.

- A Underground storage tank system
- F Aboveground manufactured metallic storage tank or storage tank system
- G Aboveground nonmetallic storage tank system
- H Aboveground field constructed metallic storage tank greater than 90 foot diameter
- I Aboveground field constructed metallic storage tank less than or equal to 90 foot diameter
- K Aboveground storage tank system mechanical (piping, valves, corrosion protection, release detection, spill and overfill prevention, etc)
- L Aboveground storage tank system civil (foundations, field grading systems, vaults, pump supports, pipe supports, drainage systems, etc)
- M Underground or Aboveground storage tank lining

**Brief Description of Activity Completed** – Provide a brief description of the specific activity completed.

To qualify for certification, the number of activities completed, the type of activity completed and the system component involved must be appropriate to the certification category being requested. (Only one activity code and one component code should appear on each line.)

For example, for an applicant to qualify initially for Aboveground storage tank – mechanical – installation/modification (AMEX), he or she would have to list at least 12 activities completed within the last three years. These 6 installations and 6 modifications must be related to aboveground storage tank system piping, valves, corrosion protection systems, release detection systems, spill and overflow prevention systems, or other storage tank mechanical appurtenances.

The tank handling activities used to document required activities for initial certification must be on Storage Tank Program regulated tanks. The term regulated tank is based on the definition of "Aboveground Storage Tank" and "Underground Storage Tank" (Chapter 245, Section 245.1). These tanks are or will be registered with the DEP. Activities on these tanks require a certified installer/inspector to submit tank registration/permitting forms for installation and removal and tank modifications reports to document modifications. Certified inspectors are required to report underground facility operation inspections and aboveground inspections on DEP reporting forms.

Include tank registration number for inspections, modifications and removals. New installations of tank systems and out-of-state tanks must include information on tank capacity and substance stored to prove that these tanks are similar to PA regulated storage tanks.

**Section IIIb.** In this section, the applicant must provide all the information as to the storage tank facility involved and the applicant's employer for each of the activities documented in section IIIa. The storage tank facility and employer information listed under each activity number in section IIIb must correspond to the number of the activity being documented in section IIIa.

For example, an applicant documenting the installation of an underground storage tank system in item number 1 of section IIIa must provide in item number 1 of section IIIb, the required information regarding the storage tank facility where the storage tank system was installed and the applicant's employer at the time of the installation.

In cases where the applicant completed more than one activity at the same facility, the applicant may enter "Same as 'n'" (where 'n' is the "activity number" of first activity at that facility) in the "Owner Name" block for that activity in IIIb. In cases where the applicant completed more than one activity under the same employer, the applicant may follow the same procedure by entering "Same as 'n'" (where 'n' is the "activity number" for the first listing of that employer) in the "Company name" block.

If the applicant's employer for an activity completed in Section IIIa is his present employer, then a company official must sign the form, confirming and verifying the activity. A signature from past employers is not required.

The certification number of the individual under whose supervision the activity was reported must appear under the employer in Section IIIb. PA Certification Numbers are only required for activities completed in Pennsylvania.

The current telephone number for the contact or facility for which the activity was completed must appear under Section IIIb.



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENVIRONMENTAL CLEANUP AND BROWNFIELDS

**STORAGE TANKS REGISTRATION / PERMITTING  
APPLICATION FORM**

Before completing this form, read the step-by-step instructions provided in this application package.

Facility ID #  Facility Name	<b>DEP USE ONLY</b>
	Client ID#
	Site ID#
	Account #
	Auth ID#
	APS ID#
	Master Auth ID#

**I. PURPOSE OF SUBMITTAL**

**INITIAL** (Applies to First-Time Facility Registration)

- |   |  |
|---|--|
| <input type="checkbox"/> Register Tanks(s) to be Used*  | <input type="checkbox"/> Register Tank(s) to be Temporarily Out of Use |
| <input type="checkbox"/> Register Tank(s) to be Removed | <input type="checkbox"/> Register Tank(s) to be Closed in Place        |

**AMENDED** (Applies to Currently Registered Tank(s) or Existing Facility)

- |  |  |
|--|--|
| <input type="checkbox"/> Changed Owner Information                 | <input type="checkbox"/> Changed Contact Information                   |
| <input type="checkbox"/> Changed Facility Information              | <input type="checkbox"/> Changed Facility Operator Information         |
| <input type="checkbox"/> Changed to Currently In Use Tank(s)*      | <input type="checkbox"/> Added Tank(s) to Existing Facility*           |
| <input type="checkbox"/> Changed to Temporarily Out of Use Tank(s) | <input type="checkbox"/> Changed to Permanently Closed Tank(s)/Removed |
| <input type="checkbox"/> Changed Product                           | <input type="checkbox"/> Changed to Exempt Tank(s)                     |

**CHANGE OF OWNERSHIP**

- Tanks Changed Ownership and Remain at Same Facility\*

\* For Underground Storage Tanks (UST), attach the UST Operator Training Documentation Form (2630-PM-BECB0514a) and copies of the Class A and Class B operator training certificates.

**II. CURRENT OR NEW TANK OWNER / CLIENT INFORMATION**

DEP Client ID#	Client Type/Code	Fee Kind (check one if applicable)		
		<input type="checkbox"/> Volunteer Fire Co/EMS Org	<input type="checkbox"/> State Govt	<input type="checkbox"/> Fed Govt
Organization Name or Registered Fictitious Name	Employer ID# (EIN)	Dun & Bradstreet ID#		
Individual Last Name	First Name	MI	Suffix	SSN
Additional Individual Last Name	First Name	MI	Suffix	SSN
Mailing Address Line 1	Mailing Address Line 2			
Address Last Line - City	State	ZIP+4	Country	
Client Contact Last Name	First Name	MI	Suffix	
Client Contact Title	Phone	Ext		
E-mail Address	FAX			

**III. SITE INFORMATION**

<b>DEP Site ID#</b>		<b>Site Name</b>					
<b>EPA ID#</b>		<b>Estimated Number of Employees to be Present at Site</b>					
<b>Description of Site</b>							
<b>County Name</b>		<b>Municipality</b>		<b>City</b>	<b>Boro</b>	<b>Twp</b>	<b>State</b>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>County Name</b>		<b>Municipality</b>		<b>City</b>	<b>Boro</b>	<b>Twp</b>	<b>State</b>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Site Location Line 1</b>				<b>Site Location Line 2</b>			
<b>Site Location Last Line – City</b>				<b>State</b>	<b>ZIP+4</b>		
<b>Detailed Written Directions to Site</b>							
<b>Site Contact Last Name</b>		<b>First Name</b>		<b>MI</b>	<b>Suffix</b>		
<b>Site Contact Title</b>				<b>Site Contact Firm</b>			
<b>Mailing Address Line 1</b>				<b>Mailing Address Line 2</b>			
<b>Address Last Line – City</b>				<b>State</b>	<b>ZIP+4</b>		
<b>Phone</b>	<b>Ext</b>	<b>FAX</b>		<b>E-mail Address</b>			
<b>NAICS Codes (Two- &amp; Three-Digit Codes – List All That Apply)</b>						<b>6-Digit Code (Optional)</b>	
<b>Site to Client Relationship</b>							

**IIIa. PROPERTY OWNER INFORMATION**

Same as Owner Identified in Section II.       Different than Owner Identified in Section II; identified below.

<b>Organization Name or Registered Fictitious Name</b>		<b>Employer ID# (EIN)</b>		<b>Dun &amp; Bradstreet ID#</b>	
<b>Individual Last Name</b>	<b>First Name</b>	<b>MI</b>	<b>Suffix</b>	<b>SSN</b>	
<b>Additional Individual Last Name</b>	<b>First Name</b>	<b>MI</b>	<b>Suffix</b>	<b>SSN</b>	
<b>Mailing Address Line 1</b>		<b>Mailing Address Line 2</b>			
<b>Address Last Line – City</b>		<b>State</b>	<b>ZIP+4</b>	<b>Country</b>	
<b>Property Owner Contact Last Name</b>		<b>First Name</b>	<b>MI</b>	<b>Suffix</b>	
<b>Property Owner Contact Title</b>			<b>Phone</b>	<b>Ext</b>	
<b>E-mail Address</b>				<b>FAX</b>	

**IV. FACILITY INFORMATION**

DEP Storage Tank Facility ID#	Facility Name	Facility Kind				
Facility Location Line 1 (if different than Site Location)		Facility Location Line 2				
Facility Location Last Line - City	State	ZIP+4				
Latitude/Longitude Point of Origin	Latitude			Longitude		
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds
Horizontal Accuracy Measure	Feet	--or--	Meters			
Horizontal Reference Datum Code	<input type="checkbox"/> North American Datum of 1927 <input type="checkbox"/> North American Datum of 1983 <input type="checkbox"/> World Geodetic System of 1984					
Horizontal Collection Method Code						
Reference Point Code						
Altitude	Feet	--or--	Meters			
Altitude Datum Name	<input type="checkbox"/> The National Geodetic Vertical Datum of 1929 <input type="checkbox"/> The North American Vertical Datum of 1988 (NAVD88)					
Altitude (Vertical) Location Datum Collection Method Code						
Geometric Type Code						
Data Collection Date						
Source Map Scale Number	Inch(es) =		Feet			
	--or--		Centimeter(s) = Meters			
Flammable & Combustible Liquid Permit # (if applicable)						
State or Municipality that Issued the Permit						

**FACILITY OPERATOR INFORMATION**

Same as Owner Identified in Section II.       Different than Owner Identified in Section II; identified below.

DEP Client ID#	Client Type / Code				
Organization Name or Registered Fictitious Name	Employer ID# (EIN)		Dun & Bradstreet ID#		
Individual Last Name	First Name	MI	Suffix	SSN	
Additional Individual Last Name	First Name	MI	Suffix	SSN	
Mailing Address Line 1	Mailing Address Line 2				
Address Last Line - City	State	ZIP+4	Country		
Client Contact Last Name	First Name	MI	Suffix		
Client Contact Title	Phone		Ext		
E-mail Address	FAX				

**V. CHANGE OF OWNERSHIP INFORMATION**

- All Tanks Changed Ownership at the Facility
- Some Tanks Changed Ownership at the Facility (List all applicable tank numbers in Section VI.)

OWNERSHIP CHANGE TO - Client information is noted in Section II.

OWNERSHIP CHANGE FROM (previous owner information)

Name	_____	
Employer ID# (EIN) or SSN	_____	
Mailing Address Line 1	_____	
Mailing Address Line 2	_____	
Address Last Line - City	State	ZIP+4
Previous Facility ID#	_____	

DATE OF SALE/TRANSFER	_____
-----------------------	-------

**SIGNATURE & CERTIFICATION OF PREVIOUS OWNER**

Previous owner's signature is not available. As required, the "new" owner has attached a deed of transfer or other proof of ownership to this application.  Yes  No  N/A

I have reviewed this form for submission to the Department. I certify under penalty of law as provided in 18 PA. C.S.A. §4903 (relating to false swearing) and 18 PA. C.S.A. §4904 (relating to unsworn falsification to authorities), that I have the authority to sign this Section for the transfer of permit or registration for the storage tanks listed herein. Further, I certify that all information provided in Section V is true, accurate and complete to the best of my knowledge and belief.

Type or Print Previous Owner Name \_\_\_\_\_

Previous Owner Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Facility ID# \_\_\_\_\_ Facility Name \_\_\_\_\_

**VI. STORAGE DESCRIPTION**

Type or print legibly each regulated storage tank at this facility under your ownership.

Status Codes: C-Currently in Use T-Temporarily Out of Use E-Exempt  
Type Codes: M-Manufactured F-Field Constructed

R-Removed P-Closed In Place

A. ABOVEGROUND TANKS. List all new tanks. If amending information, list only those tanks being amended. Copy this page if more lines are needed.

Tank#	Prev Status	New Status	Type	Install Date (Mo/Day/Yr)	Change of Status Date (Mo/Day/Yr)	Capacity (Gallons)	Substance Code (Currently or Last Stored)	CERCLA Name (If Hazardous Substance (If Other Petroleum Substance or Petroleum Based Mixture)	CAS# (If Hazardous Substance)	Exempt Reference Code
A										
A										
A										
A										
A										
A										
A										
A										
A										
A										

B. UNDERGROUND TANKS. List all new tanks. If amending information, list only those tanks being amended. Copy this page if more lines are needed.

Tank#	Prev Status	New Status	Type	Install Date (Mo/Day/Yr)	Change of Status Date (Mo/Day/Yr)	Capacity (Gallons)	Substance Code (Currently or Last Stored)	CERCLA Name (If Hazardous Substance (If Other Petroleum Substance or Petroleum Based Mixture)	CAS# (If Hazardous Substance)	Exempt Reference Code

Facility ID#

Facility Name

**VII. ABOVEGROUND & UNDERGROUND NEW TANK INSTALLATION INFORMATION**

The DEP Certified Installer should complete this section. New tanks listed in Section VI must also be listed in this Section. Write the Tank Number(s) and place an  in the appropriate box for each component that was installed.

Tank Construction & Corrosion Protection (1)	Tank #						
Tank Manufacturer: Model:							
A. Unprotected Steel (Single Wall)	<input type="checkbox"/>						
B. Cathodically Protected Steel (Galvanic)	<input type="checkbox"/>						
C. Cathodically Protected Steel (Impressed Current)	<input type="checkbox"/>						
D. Unprotected Steel (Double Wall)	<input type="checkbox"/>						
E. Fiberglass (Single Wall)	<input type="checkbox"/>						
F. Fiberglass (Double Wall)	<input type="checkbox"/>						
G. Steel W/Plastic or Fiberglass Jacket or Double Wall Act 100	<input type="checkbox"/>						
H. Steel With FRP Coating (Act 100 or Equivalent)	<input type="checkbox"/>						
I. Steel With Lined Interior	<input type="checkbox"/>						
J. Concrete	<input type="checkbox"/>						
O. Cathodically Protected Double Wall Steel (Galvanic)	<input type="checkbox"/>						
P. Cathodically Protected Steel With Liner	<input type="checkbox"/>						
Q. Double Bottom (AST's Only)	<input type="checkbox"/>						
R. Molded Plastic Form (AST's Only)	<input type="checkbox"/>						
S. Stainless Steel	<input type="checkbox"/>						
T. Aluminum	<input type="checkbox"/>						
U. Fire Protected Double Wall AST	<input type="checkbox"/>						
V. Steel with Plastic or Fiberglass Jacket or Double Wall Act 100 with Anodes	<input type="checkbox"/>						
W. Steel with FRP Coating (Act 100 or Equivalent) with Anodes	<input type="checkbox"/>						
X. Molded Plastic Form (Double Wall) (AST's Only)	<input type="checkbox"/>						



Facility ID# \_\_\_\_\_ Facility Name \_\_\_\_\_

	Tank #						
<b>Product Delivery System (4)</b>							
A. Suction: Check valve at pump	<input type="checkbox"/>						
B. Suction: Check valve at tank	<input type="checkbox"/>						
C. Pressure	<input type="checkbox"/>						
D. Gravity fed	<input type="checkbox"/>						
E. None	<input type="checkbox"/>						
<b>Spill Prevention (6) UST Only</b>							
Y. Installed and Liquid Tight	<input type="checkbox"/>						
N. None	<input type="checkbox"/>						
E. Fill In Less Than 25 Gallons (Exempt)	<input type="checkbox"/>						
<b>Overfill Prevention (7)</b>							
A. Overfill Alarm	<input type="checkbox"/>						
B. Ball Float Valve and No Air Eliminator	<input type="checkbox"/>						
E. Fill In Less Than 25 Gallons (Exempt)	<input type="checkbox"/>						
N. None	<input type="checkbox"/>						
S. Drop Tube Shutoff Device	<input type="checkbox"/>						
Y. Yes (AST only)	<input type="checkbox"/>						
<b>Emergency Containment (16) ASTs Only</b>							
E. Exempt	<input type="checkbox"/>						
N. No	<input type="checkbox"/>						
Y. Yes	<input type="checkbox"/>						
V. Underground Vault	<input type="checkbox"/>						
<b>Secondary Containment (17) ASTs Only</b>							
E. Exempt	<input type="checkbox"/>						
N. No	<input type="checkbox"/>						
Y. Yes	<input type="checkbox"/>						
V. Underground Vault	<input type="checkbox"/>						

Facility ID# Facility Name

	Tank #							
<b>Stage I Vapor Recovery (19)</b>								
<b>USTs and ASTs When Applicable</b>								
A. Coax	<input type="checkbox"/>							
B. 2 Point	<input type="checkbox"/>							
N. None or Incomplete	<input type="checkbox"/>							
<b>Stage II Vapor Recovery (20)</b>								
A. Complete Balance System	<input type="checkbox"/>							
B. Complete Assist System	<input type="checkbox"/>							
C. UG Piping Only	<input type="checkbox"/>							
N. None	<input type="checkbox"/>							
<b>Tank-top Containment Sumps Present (21)</b>								
<b>(Product Piping Only) USTs Only</b>								
N. None	<input type="checkbox"/>							
S. At some penetrations and liquid tight	<input type="checkbox"/>							
A. At all penetrations and liquid tight	<input type="checkbox"/>							
<b>Under-dispenser Containment Present (22)</b>								
<b>USTs Only</b>								
N. None	<input type="checkbox"/>							
S. At some dispensers and liquid tight	<input type="checkbox"/>							
A. Under all dispensers and liquid tight	<input type="checkbox"/>							
<b>Line Leak Detector Shuts Off Pump (23)</b>								
<b>USTs Only</b>								
N. No	<input type="checkbox"/>							
Y. Yes	<input type="checkbox"/>							

Facility ID#

Facility Name

**VIII. ABOVEGROUND & UNDERGROUND TANK INFORMATION FOR PERMANENT CLOSURE**

Write the Tank Number(s) and place an  in the appropriate box for each tank that was removed or closed in place.

| Items 2 & 3 below apply to large ASTs and all USTs  | Tank #                   |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
|   | <input type="checkbox"/> |
| 1. Contamination suspected or observed and notification of contamination form was submitted to the appropriate DEP regional office. | <input type="checkbox"/> |
| 2. Closure document submitted to the appropriate DEP regional office.   | <input type="checkbox"/> |
| 3. Closure document kept on file by owner.  | <input type="checkbox"/> |

**IX. OWNER CERTIFICATION**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. This registration is conditioned upon compliance with provisions of the Storage Tank and Spill Prevention Act of 1989, all applicable regulations, and with the requirements for obtaining and maintaining a permit required under this Act. I certify my responsibility for assuring the following permit requirements:

- Storage tank systems are in compliance with applicable administrative, technical and operational requirements as specified in Subchapter E for underground tanks or Subchapter F or G for aboveground tanks.
- Tank handling and inspection activities are performed by an individual possessing DEP certification in the appropriate category as required in Subchapters A and B.
- Underground storage tanks meet the applicable financial responsibility requirements of Subchapter H (relating to financial responsibility requirements).
- A Spill Prevention Response (SPR) Plan must be submitted to the appropriate DEP regional office for facilities that have aboveground storage tanks where the total capacity of all aboveground tanks is greater than 21,000 gallons.
- Other state and local permits required for operation of the tank system have been attained.

My signature represents to the Department that I own the storage tank(s) and am aware of the responsibilities and potential liabilities as an "owner" arising under the Storage Tank and Spill Prevention Act of 1989 and all applicable regulations. I am also advised that statements made on this registration is made subject to the penalties of 18 PA. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Type or Print Owner Name \_\_\_\_\_

Owner Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

**Information & Invoices should be sent to:**

- Tank Owner Contact
- Site Contact
- Facility Operator
- Other Responsible Party Identified Below

Organization Name or Registered Fictitious Name \_\_\_\_\_ Employer ID# (EIN) \_\_\_\_\_ Dun & Bradstreet ID# \_\_\_\_\_

Individual Last Name \_\_\_\_\_ First Name \_\_\_\_\_ MI \_\_\_\_\_ Suffix \_\_\_\_\_ SSN \_\_\_\_\_

Additional Individual Last Name \_\_\_\_\_ First Name \_\_\_\_\_ MI \_\_\_\_\_ Suffix \_\_\_\_\_ SSN \_\_\_\_\_

Mailing Address Line 1 \_\_\_\_\_ Mailing Address Line 2 \_\_\_\_\_

Address Last Line – City \_\_\_\_\_ State \_\_\_\_\_ ZIP+4 \_\_\_\_\_ Country \_\_\_\_\_

Contact Title \_\_\_\_\_ Phone \_\_\_\_\_ Ext. \_\_\_\_\_

E-mail Address \_\_\_\_\_

Client to Site (Facility) Relationship \_\_\_\_\_

**X. INSTALLER / REMOVER CERTIFICATION**

This section must be completed by the certified tank handler(s) who is responsible for the installation or removal from service of the aboveground and underground storage tank systems listed in Section VI. Tank modification activity must be submitted on a "Tank Modification Report" form.

**SIGNATURE & CERTIFICATION OF INSTALLER(S) / REMOVER(S)**

As the certified tank handler responsible for the tank handling activities in the category or categories listed, I certify that all tank handling activities were conducted in compliance with the design, installation and operation standards of the Storage Tank and Spill Prevention Act of 1989 and all applicable regulations. I also certify, under penalty of law as provided in 18 PA C.S.A. 4904 (relating to unsworn falsification to authorities), that the information provided therein is true, accurate and complete to the best of my knowledge and belief.

Tank#	Installer/Remover Name	Construction Standard	Individual Certification#	Certification Category	Company Certification#	Installer/Remover Signature	Date

**XI. INSPECTOR CERTIFICATION**

This section must be completed by the DEP Certified Tank Inspector(s) who is responsible for verifying the installation standards for field constructed tanks and aboveground tanks greater than 21,000 gallons listed in Section VI. (Type or Print legibly) A DEP Certified Inspector may also be responsible for inspecting existing ASTs which are entering regulated service for the first time with no tank handling activities.

**SIGNATURE & CERTIFICATION OF INSPECTOR(S)**

As the certified tank inspector responsible for verifying tank handling activities and construction standards, I certify that the tank(s) listed below are constructed to appropriate industry standards and, if applicable, to manufacturer's specifications, that the tank(s) have been tested as required by industry standards; and that the tank(s) meet or exceed applicable design and operating standards; and are in compliance with the requirements of the Storage Tank and Spill Prevention Act of 1989, and all applicable regulations. I also certify under penalty of law as provided in 18 PA C.S.A. 4904 (relating to unsworn falsification to authorities), that the information provided herein is true, accurate and complete to the best of my knowledge and belief.

Tank#	Inspector Name	Construction Standard	Individual Certification#	Certification Category	Company Certification#	Inspector Signature	Date

**XII. SITE SPECIFIC INSTALLATION PERMIT NUMBER**

If a site-specific permit was required for a new tank installation, write the tank number(s) and permit number(s) in the appropriate box.

Site-Specific Installation Permit	Tank#						



## STORAGE TANKS REGISTRATION / PERMITTING APPLICATION INSTRUCTIONS

### GENERAL INFORMATION

**To Obtain DEP Application Packages.** To expedite the processing of the applicant's request, the Department of Environmental Protection (DEP) asks that you use the most up-to-date application package available. The most recent version of this package can be obtained by contacting the appropriate DEP office, or through our website noted below. This package, as well as other DEP-wide and/or program-specific permit application form packages are available in Microsoft Word format at this same web location. Applicants can download the appropriate form to a personal computer, complete the form electronically and print the document for submittal to DEP using the following steps:

- Type in DEP's website address: [www.dep.pa.gov](http://www.dep.pa.gov)
- Select: Businesses → Land
- Select: Storage Tanks
- Select: Forms and Applications

**Owners are Required to Register Storage Tanks.** If you own regulated storage tanks that are not registered as required by law, you must immediately submit a registration/permitting form. The following are instructions for completing the Registration/Permitting of Storage Tanks application form.

***It is unlawful to use, in any way, any regulated storage tank that has not been registered and permitted. Tank owners must submit a registration form within 30 days of any change in previously submitted information or the installation of regulated tanks.***

### STORAGE TANKS REGISTRATION/PERMITTING APPLICATION COMPLETION GUIDE

The following information is to assist the applicant in completing the Storage Tanks Registration/Permitting Application form.

- R = The completion of this Section of the application is **required**.
- M = This completion of this Section of the application **may possibly be required**, based on regulatory requirements or information changes.

Purpose of Submittal	Section of Application											
	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
<b>Initial Registration - New Facility</b>												
-- Tank To Be Used	R	R	R	R		R	R		R	R	M	M
-- Tank Temporarily Out of Use	R	R	R	R		R	M		R	R	M	M
-- Tank Removed/Closed in Place	R	R	R	R		R		R	R	R		
<b>Amended Information - Existing Facility</b>												
-- Tank Owner*	R	R							R			
-- Facility	R	R	M	R					R			
-- Contact*	R	R	M	R					R			
-- Operator*	R	R		R					R			
-- Tank*	R	R				R			R			
-- Add Tank	R	R				R	R		R	R	M	M
-- Remove/Close Tank	R	R				R		R	R	R		
-- Change Ownership	R	R	M		R	M			R			

\* To change previously submitted information, you may be allowed to use the Storage Tank Registration Amendment Form (2630-FM-BECB0607)

## DEFINITIONS

To provide the applicant with a better understanding of terminology, we are including the following definitions.

**eFACTS (Environment, Facility, Application, Compliance Tracking System).** DEP's electronic application system to document and maintain client, site and facility data for purposes of authorizing regulated activities and tracking compliance.

**eNotice.** DEP has developed a comprehensive environmental compliance information reporting system to give the public access to permitting and compliance information on individual facilities by program and by geographic area. This system is available by logging on to the DEP website and selecting eNOTICE.

**Client (Responsible Party).** A client (also referred to as applicant or permittee) is a person or organization that requests approval from DEP to perform a regulated activity. Client information is documented and assigned an internal DEP Client ID# for tracking purposes.

**Site (Place).** A site is a physical location of importance to DEP. A site may include locations where a regulated facility is physically located or where a regulated activity occurs that has the potential to impact the health and safety of the citizens and/or the natural resources of the Commonwealth. A site is not solely defined by geographical location (can span several municipalities and even counties in some cases) but rather by the client/applicant's purpose of doing business. All DEP programs' involvement at a physical location of importance to DEP is grouped under one 'entity' – site. This holistic view of site will promote an understanding of the interrelationships of facilities to support pollution prevention, multi-media inspections, a DEP-wide view of compliance and public understanding and access of information. Site information is documented and assigned an internal DEP Site ID# for tracking purposes.

**Site-to-Client Relationships.** DEP will create internal records to relate (link) each site with all clients associated with the site and/or its facilities.

**Facility.** A facility (also referred to as Primary Facility [PF]) is a logical bridge between sites and sub-facilities that allows DEP to provide a framework for a facility's or an activity's regulation. Primary Facility is a way to group a program's involvement at a site (what it regulates) under one heading. For example, the storage tank program groups all of their involvement (regulated entities) under the Primary Facility type of 'Storage Tank Location'. Facility information is documented and assigned an internal DEP Facility ID# for tracking purposes.

**Sub-Facility.** A sub-facility (SF) is program-specific. A SF is what DEP regulates. For example, a storage tank is a SF of a Storage Tank Location primary facility.

**Project.** A project includes all the construction, installation and/or renovation needed to achieve the applicant's goal. An applicant must obtain all required permits/approvals from DEP before beginning regulated activities or the construction or expansion of a regulated facility. Project information is documented and assigned an internal DEP application processing system number (APS ID#) for tracking purposes.

**Authorization.** Any DEP approval. For example, permits, plans, approvals, licenses, registrations, certifications, etc. Authorization information is documented and assigned an internal DEP Auth ID# for tracking purposes.

### STORAGE TANKS GENERAL INFORMATION

**Regulated Underground Storage Tanks (USTs).** Regulated USTs are defined as tanks used to contain regulated substances with a capacity of more than 110 gallons, where 10 percent or more of the volume (including the volume contained in the underground piping) is below the surface of the ground.

*The following tanks are considered exempt and are NOT regulated USTs under the Storage Tank and Spill Prevention Act of 1989:*

Reference Code	Description
U1	Tanks with a capacity of 110 gallons or less.
U2	Farm or residential tanks with a capacity of 1,100 gallons or less which store motor fuel for noncommercial purposes (not for resale).
U3	Tanks which store heating oil used on the premises where stored. Diesel, kerosene, etc., are included as long as they are used exclusively for heating.
U4	Pipeline facilities (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968, or the Hazardous Liquid Pipeline Safety Act of 1979, or which are intrastate pipeline facilities regulated under comparable state laws.
U5	Surface impoundments, pits, ponds or lagoons.
U6	Storm water or wastewater collection systems.
U7	Flow-through process tanks.
U8	Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations.
U9	Storage tanks situated in an underground area (such as a basement, cellar, mine working, drift, shaft or tunnel) if the tank is situated upon or above the surface of the floor. The tank must be able to be visually inspected. These tanks may be regulated as aboveground storage tanks.
U10	Tanks regulated under the Solid Waste Management Act of 1980, including, but not limited to, piping, tanks, collection and treatment systems used for leachate, methane gas and methane gas condensate management, except if regulated under 40 CFR Part 280. Waste oil tanks are not included in this exemption.
U11	Septic tanks and other subsurface sewage treatment tanks.
U12	Tanks which store unregulated substances such as asphalt (solid @ 60°F), propane, water, sand and liquid animal wastes and any other unregulated substances.
U13	Tanks which store any substance defined as hazardous waste under Subtitle C of Resource Conservation and Recovery Act (RCRA) and not regulated under other Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) programs.
U14	Change in service from a regulated to a non-regulated substance or use. If the use or substance was changed to a non-regulated substance, the closure guidance requirements must be met.
U15	Sump tanks which are used as temporary storage for emergency spill or overflow containment and are expeditiously emptied after use.
U17	Tanks which have been "out-of-operation" and empty since Dec. 22, 1988. Tanks which do not pose a current or potential threat to human health and the environment.
U19	A wastewater treatment tank system such as an oil and water separator. Does not include an oil catch tank connected to an oil-water separator.
U20	Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks (elevators) and electrical equipment tanks (electric transformers).
U21	Deminimus Concentration Tank. A tank that contains a regulated substance of insufficient concentration to be required to appear on a Material Safety Data Sheet (MSDS).

**Regulated Aboveground Storage Tanks (ASTs).** Regulated ASTs are defined as stationary tanks used to contain regulated substances, with a capacity of more than 250 gallons, where 90 percent of the volume is upon or above the supporting surface of the ground and can be visually inspected. This includes tanks which can be visually inspected in an underground area or in a building

*The following tanks are considered exempt and are NOT regulated ASTs under the Storage Tank and Spill Prevention Act of 1989:*

Reference Code	Description
A1	Tanks with a capacity of 250 gallons or less.
A2	Tanks with a capacity of 30,000 gallons or less which store heating oil used on the premises where stored. Diesel, kerosene, etc., are included as long as they are used exclusively for heating.
A3	Tanks with a capacity of 1,100 gallons or less which store motor fuel for non-commercial purposes (not for resale).
A4	Tanks located on a farm with a capacity of 1,100 gallons or less which store or contain substances that are used to facilitate the production of crops, livestock and livestock products on said farm.
A5	Pipeline facilities (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968, or the Hazardous Liquid Pipeline Safety Act of 1979, or which are intrastate pipeline facilities regulated under comparable state laws.
A6	Surface impoundments, pits, ponds or lagoons.
A7	Storm water or wastewater collection systems.
A8	Flow-through process tanks, including but not limited to, pressure vessels or process vessels and oil and water separators.
A9	Non-stationary tank, liquid trap or associated gathering lines directly related to oil and gas production or gathering operations.
A10	Tanks which store brines, crude oil, drilling or frac fluids and similar substances or materials and are directly related to the exploration, development or production of crude oil or natural gas regulated under the Oil and Gas Act of 1984.
A11	Tanks which are used for surface coal mining and are regulated under the Surface Mining Conservation and Reclamation Act of 1945.
A12	Tanks used for the storage of products which are regulated pursuant to the Federal Food, Drug and Cosmetic Act.
A13	Tanks regulated under the Solid Waste Management Act of 1980, including, but not limited to, piping, tanks, collection and treatment systems used for leachate, methane gas and methane gas condensate management.
A14	Tanks which store unregulated substances such as asphalt (solid @ 60°F), propane, water, sand, liquid animal wastes, refrigerant condensing material, any gaseous substances used in the administration of medical care.
A16	Tanks which store any substance defined as hazardous waste under Subtitle C of RCRA.
A17	Tanks that are non-stationary and are designed to be moved. In addition, the use of the tank requires that the tank be moved at least once in every 12-month period.
A18	Change in service from a regulated substance to a non-regulated substance or use. If there was any sign of contamination, it must be reported to the appropriate regional office.
A19	Sump tanks which are used as temporary storage for emergency spill or overflow containment and are expeditiously emptied after use.
A20	Tanks which store used motor oil and waste oil are regulated under the Solid Waste Management Act of 1980.
A21	Tanks with a capacity of 1,100 gallons or less which store new motor oil including lubricating and operational fluids for the mechanical components associated with the engine including any hydraulic, transmission, gear or braking systems.
A22	Tanks containing radioactive materials or coolants that are regulated under the Atomic Energy Act of 1954.
A23	Tanks regulated under the act of May 2, 1929, known as the Boiler Regulation Law.
A24	Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks (elevators) and electrical equipment tanks (electric transformers).
A25	Deminimus Concentration Tank, a tank that contains a regulated substance of insufficient concentration to be required to appear on a Material Safety Data Sheet (MSDS).

**Regulated Substance.** A regulated substance is an element, compound, mixture, solution or substance that when released into the environment may present substantial danger to the public health, welfare or the environment. This includes:

- Any substance defined as hazardous in Section 101 of CERCLA not to include hazardous wastes regulated by Subtitle C of RCRA;
- Petroleum, including crude oil and/or any fraction thereof and hydrocarbons which are liquid at standard conditions of temperature and pressure, including, but not limited to oil, petroleum, fuel oil, used oil, oil sludge, oil refuse, oil mixed with other non-hazardous wastes and crude oils, naphtha gasoline, diesel and kerosene;
- Nonpetroleum oils including biodiesel, synthetic fuels and oils, tung oils, wood-derivative oils and inedible seed oils from plants; and
- Pure ethanol intended for blending with motor fuel.

**Closure Requirements.** An amended Registration/Permitting Form must be submitted to DEP's central office at the time of **removal/closure of any regulated tank**, except for the removal/closure of regulated but currently unregistered tanks. For unregistered tanks to be closed, the form must be submitted to the appropriate regional office.

The removal or closure date should be the actual date the tank was removed or closed. If a date is not specified, the date of the certified Remover's signature will be used as the removal/closure date and fees will be charged up to that date.

When an underground tank or large aboveground tank (greater than 21,000 gals) is removed/closed in place or the substance stored is changed from a regulated to an unregulated substance or use, closure guidelines must be adhered to and an amended Registration/Permitting Form must be submitted. For underground or large aboveground (greater than 21,000 gallons) tanks, a Closure Report either must be retained at the facility site or submitted to the appropriate regional office (identified at the end of these instructions). **These records must be maintained for at least three years.**

A written notification of intent to close or a Closure Notification Form must be submitted to the appropriate regional office 30 days prior to the removal or closure of all regulated USTs and all ASTs greater than 21,000 gallons.

**Relocating Tanks.** When an underground or aboveground tank is relocated from one facility to another and both facilities are owned by the same owner, closure guidelines must be adhered to, and an amended Registration/Permitting Form must be submitted showing the tank status as removed. This tank must also meet new tank requirements and must be registered as a new tank on a separate Registration/Permitting Form for the facility at which it was re-installed.

When an underground or aboveground tank is relocated at the same facility, a Modification Report Form, which is a separate DEP form completed by a certified tank handler, must be submitted instead of an amended Registration/Permitting Form. All current regulations regarding removal and installation activities apply.

When all or some registered storage tanks at a facility are sold and these **tanks are relocated to another facility owned by a different owner**, the previous owner as well as the new owner must submit a Registration/Permitting Form. The previous owner's form must include the tanks' removal/closure dates. The new owner must submit a Registration/Permitting Form with all sections properly completed including the tanks' installation dates at the new facility.

This is further described in the following table:

<b>TANKS MOVED TO A DIFFERENT LOCATION (This is NOT a Change of Ownership)</b>			
<b>Scenario</b>	<b>New Owner</b>	<b>Previous Owner</b>	<b>Results</b>
1. Some or all tanks relocated from one facility to another. (Both facilities are owned by the same owner.)*	Not Applicable Note: SSIP requirements may apply. See Section XII.	Submits <i>two separate</i> Registration forms for Amended Registration.  Submits form for the old facility showing the removal of the tanks.  Submits form for the new facility showing the addition of tanks to existing facility.	Tanks removed from previous facility and tanks added to new facility. No change of ownership.
2. Some or all tanks relocated from one location at a facility to a different location at the same facility.*	Not Applicable	Not Applicable	Tanks relocated at same facility, no change of ownership, no Registration form is required. Certified handler submits a modification form.
3. Some or all tanks sold and relocated to a different <i>unregistered</i> facility of a different owner.*	Submits a Registration form for an Initial Registration with all sections completed showing the installation of the purchased tanks. NOTE: SSIP requirements may apply. See Section XII.	Submits a Registration form for an <b>Amended Registration</b> with all sections completed showing the removal of the sold tanks.	Tanks are removed from previous facility, and tanks are added to <i>newly</i> registered facility.
4. Some or all tanks sold and relocated to a different <i>currently registered</i> facility of a different owner.*	Submits a Registration form for an <b>Amended Registration</b> with all sections completed showing the addition of the purchased tanks at an existing facility. NOTE: SSIP requirements may apply. See Section XII.	Submits a Registration form for an <b>Amended Registration</b> with all sections completed showing the removal of the sold tanks.	Tanks are removed from previous facility, and tanks added to <i>currently</i> registered facility.
*Re-used underground tanks are tanks that are removed from their current location, moved to a different location and re-used. Either the manufacturer or persons certified by the manufacturer, or a registered professional engineer must certify re-used tanks to ensure tank requirements have been met. The tank owner should retain documentation.			

**Permits Necessary to Operate Storage Tanks.** Prior to operating storage tanks, the tank owner is required to obtain the necessary state and/or local permits. This form serves as both the Registration and Operating Permit application as required by the Storage Tank and Spill Prevention Act. Tank owners may not store, dispense from or place a regulated substance in a storage tank that does not have an operating permit. The DEP may register a tank, but may withhold or deny the operating permit for the tank if the owner is not in compliance with storage tank regulations, including payment of registration fees. Other permits may be required by other DEP programs, other State agencies and/or local jurisdictions.

**Certified Underground Storage Tank (UST) Operators.** All UST facilities must have designated Class A, Class B, and Class C operators. Documentation of the Class A and Class B operators must be provided to the department in the following situations:

- Change of Ownership
- New Facility
- New UST at an existing facility
- Changing a UST to "C" – currently in use status from "T" temporarily out of use or "E" – exempt status

Documentation is provided to the department via the UST Operator Training Documentation Form (2630-PM-BECB0514a), along with copies of the Class A and Class B operator training certificates. If an IUM- or UMX-certified individual is serving as the Class A or Class B operator, submit a signed statement from that individual attesting to their role as the certified operator.

## COMPLETING THE REGISTRATION/PERMITTING APPLICATION FORM

**Incomplete forms will be returned, delaying registration/permitting. Tanks cannot be used until properly registered and permitted.**

Type or print (in ink) all items except the signatures of the owner, installer/remover and inspector. Always include the Storage Tank Facility ID No. on the Registration/Permitting Form, unless the application is for a new facility.

A separate form is to be completed for EACH facility that has regulated storage tanks. If you need space for additional tanks, photocopy the appropriate section(s) of the form, write the Facility ID No. and Facility Name at the top and staple all sheets together.

An amended Registration/Permitting Form or Storage Tank Registration Amendment Form (2630-FM-BECB0607) must be submitted for any changes made to the owner, operator, facility, tank and/or contact information within 30 days of a change in information.

### I. PURPOSE OF SUBMITTAL

This section identifies the purpose for the submission of the Registration/Permitting Form.

**Initial.** This area of the form is only for first-time tank registrations at new facilities. Once a tank is registered and a facility number is assigned, these blocks should not be checked.

**Amended.** This area of the form is only for amendments or changes to currently registered facilities, or changes to Owner, Operator, Contact, Tank or Facility information and are NOT to be checked the first time a tank is registered at a new facility.

**Change of Ownership.** This area of the form is for change of ownership with all or some tanks remaining at the same facility. This should not be confused with instances when tanks change ownership and are relocated to a different facility, or when tanks are moved to another facility of the same owner. For those type of instances, see instructions under Relocating Tanks.

### II. CURRENT OR NEW TANK OWNER/CLIENT INFORMATION

This section identifies the current or new owner associated with the storage tanks registered at the facility.

**DEP Client ID#.** DEP-wide unique identification number assigned by DEP to the client after client information is entered into DEP's computer system. This one number identifies the client regardless of the program with which the client is working. This identification number will be identified on future correspondence from DEP as well as on client information available on our DEP website. When replying to DEP, inclusion of this number will make it easier to process your request in a timely manner. If you know your Client ID#, enter it. If you are a new client to DEP, skip to the next request for information.

**Client Type & Code.** Enter the code that represents the type of client acting as the responsible authority for the permitted activity. The list of Client Codes is included in this application package or may be found electronically on DEP's website under "Permit and Authorization Packages."

**Fee Kind** - If applicable, check the appropriate box that determines applicable registration fees or exemptions. These companies are still required by law to maintain current registration on all regulated tanks, but fees are either exempted or discounted as follows:

**Volunteer Fire Co./EMS Organizations.** Fees for regulated USTs only are exempted if the tanks are owned by volunteer fire companies and/or volunteer emergency medical services organizations whose staff provides these services without compensation. **NOTE:** Municipalities that provide fuel for volunteer companies/organizations from their municipally owned USTs are NOT exempt from registration fees.

**State Government.** State Government-owned tanks must be registered; however, underground and aboveground tanks are exempt from registration fees.

**Federal Government.** Federal Government-owned tanks are discounted 20% of the registration fees.

**Organization Name or Registered Fictitious Name.** Clients other than individuals must provide the name under which they conduct the activity or business for which the permit or other authorization will be issued.

Individuals should complete the "Organization Name" if they conduct their business or activity under a name other than their own (for example, "Jones Construction Company," rather than "Mary Jones").

For partnerships, be sure to list the business name of the partnership as it appears on legal partnership papers.

If the applicant is an individual(s) or partnership, be sure to also provide the appropriate information on the individual name lines.

**Employer ID# (EIN).** Also referred to as "Federal Tax ID#." The EIN aids DEP in identifying the organization and prevents duplicate data entry from occurring. This information is required.

**Dun & Bradstreet ID#.** If known, supply the applicant's Dun & Bradstreet Identification Number. This information is optional.

**Individual Last Name, First Name, MI, Suffix, Social Security Number (SSN).** This information, with the exception of the SSN, must be provided for applicants who are individuals or partnerships. The SSN aids DEP in identifying the individual and prevents duplicate data entry, although it is optional. This information is not accessible by the public or other government agencies.

**Additional Individual Last Name, First Name, MI, Suffix, Social Security Number.** This information, with the exception of the SSN, must be provided for additional applicants who are individuals or partnerships. The SSN aids DEP in identifying the individual and prevents duplicate data entry, although it is optional. This information is not accessible by the public or other government agencies.

**Mailing Address.** The mailing address of the client identified above (this should *not* include locational data that is not appropriate for a mail piece). In addition to the street number and name, PO Box#, RR#, Box# or Highway Contract# designations, use any appropriate designation and number to further define the mailing address of the applicant.

e.g.,	APT	(Apartment)	DEPT	(Department)	RM	(Room)
	BLDG	(Building)	FL	(Floor)	STE	(Suite)

**City, State, ZIP+4, Country.** Enter an appropriate city, borough or town designation (do not enter a township designation in this area). Do *not* use abbreviations for the city name. Use the two-character abbreviation for the state. Include the four-digit extension to the ZIP code. If other than USA, provide country.

**Client Contact Information.** Clients that are organizations must provide the name of a person representing the client (organization). This client contact must be an employee of the organization and must be located at the mailing address of the client and may receive correspondence on behalf of the client. Include the individual's name, title, daytime phone number and e-mail address. DEP will use this contact information for maintaining client data. This individual should be a high-level employee such as CEO, VPs, Operations Manager, etc. or someone capable of answering informational questions regarding the organization such as EIN, fictitious name ownership, address data, related organizations, corporate changes, etc. Project contact information should be entered in the Site Contact found in the Site Information section.

### III. SITE INFORMATION

This section identifies the site, its location and contact person.

**DEP Site ID#.** DEP-wide unique identification number assigned to the site. This one number identifies the site regardless of the program with which the applicant is working. This identification number will be identified on future correspondence from DEP as well as on site information available on our DEP website. When replying to DEP, inclusion of this number will make it easier to process your application in a timely manner. If you know your Site ID#, enter it. If you are identifying a new site to DEP, skip to the next request for information.

**Site Name.** The name of the site at the specific physical location. Do not use abbreviations, acronyms, etc.

**Environmental Protection Agency (EPA) ID#.** If known, supply the EPA ID# for the site (this number is also referred to as a FINDS ID#). This is optional.

**Estimated Number of Employees to be Present at Site.** To assist with future Pollution Prevention and Compliance Assistance initiatives, please include the estimated number of employees to be present at the site once it is active.

**Description of Site.** Provide a written description of the proposed site (e.g., water treatment plant, sewage treatment plant, toy factory, etc.).

**County, Municipality, State.** Indicate the county(ies) and municipality(ies) in which the site is located. Check the appropriate box to identify the type of municipality entered (city, borough, township). Include the two-character abbreviation for the state.

**Site Location.** Provide the physical address of the location where the permitted activities will occur. No P.O. Box Numbers will be accepted for site location information. Provide the City (or Municipality), State and the ZIP+4, if known.

**Detailed Written Directions to Site.** When providing written directions, do not use P.O. Box address data. Include landmarks and approximate distances from the nearest highway.

**Site Contact Information.** Provide the name of the person having overall responsibility for environmental matters at the site. Include the individual's name, title, firm, mailing address, daytime phone number and e-mail address (optional).

**NAICS Codes.** Clients applying for an authorization from DEP need to provide the appropriate North American Industry Classification System (NAICS pronounced nākes) code(s) at the Sector level (at a minimum). Enter all NAICS codes that pertain to the activity for which the application is being completed. More than one two-digit or three-digit NAICS code may be entered in the box provided. If you know your six-digit NAICS code, enter it in the optional box provided. This list of NAICS Sector and Subsector level codes can be found by referencing the list of NAICS Codes included with this application package or may be found electronically on DEP's website.

### IIIa. PROPERTY OWNER INFORMATION

This section identifies the owner of the property, if different from the storage tank system(s) owner.

**Organization Name or Registered Fictitious Name.** Clients other than individuals must provide the name under which they conduct the activity or business for which the permit or other authorization will be issued.

Individuals should complete the "Organization Name" if they conduct their business or activity under a name other than their own (for example, "Jones Construction Company," rather than "Mary Jones").

For partnerships, be sure to list the business name of the partnership as it appears on legal partnership papers.

**Employer ID# (EIN).** Also referred to as "Federal Tax ID#." The EIN aids DEP in identifying the organization and prevents duplicate data entry from occurring. This information is required.

**Dun & Bradstreet ID#.** If known, supply the applicant's Dun & Bradstreet Identification Number. This information is optional.

**Mailing Address.** The mailing address of the property owner identified above (this should *not* include locational data that is not appropriate for a mail piece). In addition to the street number and name, PO Box#, RR#, Box# or Highway Contract# designations, use any appropriate designation and number to further define the mailing address of the applicant.

e.g.,            APT    (Apartment)            DEPT    (Department)            RM    (Room)  
                  BLDG    (Building)                FL    (Floor)                    STE    (Suite)

**City, State, ZIP+4, Country.** Enter an appropriate city, borough or town designation (do not enter a township designation in this area). Do not use abbreviations for the city name. Use the two-character abbreviation for the state. Include the four-digit extension to the ZIP code. If other than USA, provide country.

**Property Owner Contact Information.** Property owners that are organizations must provide the name of a person representing the organization. This contact must be an employee of the organization and must be located at the mailing address of the property owner and may receive correspondence on behalf of the property owner. Include the individual's name, title, daytime phone number and e-mail address. This individual should be a high-level employee such as CEO, VPs, Operations Manager, etc. or someone capable of answering informational questions regarding the organization such as EIN, fictitious name ownership, address data, related organizations, corporate changes, etc.

**IV. FACILITY INFORMATION**

This section identifies the facility, facility operator and Fire Safety Permit Number.

**Storage Tank Facility ID#.** Upon receipt of an initial Registration/Permitting Form, the Storage Tank Program assigns a Facility ID# for the new facility. The Facility ID# will consist of a two-digit county code and a five-digit code to identify the first facility (E.G., 12-12345).

**Storage Tank Facility Name.** The name of the facility at the specific physical location. Do not use abbreviations, acronyms, etc.

**Facility Kind.** The Facility Kind more clearly defines the facility. The following are some examples for each Facility Kind. Start at the top of the list and choose the first Kind that best describes the facility.

Code	Facility Kind	Examples
MILIT	Military	US Army, Navy, Air Force or Marine Corps
AVIAT	Aviation	Airport, Hanger or Private airstrip
MFULS	Motor fuel for sale	Gas station, Service station, Convenience store, Card lock or Car wash
PDIST	Product distributor	Bulk facility, Refinery, Terminal or Regulated substance manufacturer
RESEX	Resource extraction	Mining or quarrying
FARM	Farming	More than 50% of the site is a farm (involved in the production of crops)
MARIN	Marina	Marina or Boat dock
PADMN	Public administration	Pa National Guard, State University, Veterans Medical Center, Post Office, Dept. of Public Works or Public Water treatment plant
UTSAN	Utility or Sanitary Services	Electric company, Telephone company, Waste water treatment plant (WWTP) or Private Water treatment plant
TRANS	Transportation	Package shipping, Trucking company or Bus line
AGRIC	Agriculture	Nursery, or Pesticide manufacturer or distributor
MFGIN	Manufacturing or Industrial	Durable goods manufacturer
RETCO	Retail or commercial	Auto dealership, Department store or Warehouse
SVC	Service organization	Hotel, Catering service, or Teaching or not-for-profit hospital
MFULN	Motor fuel not for retail sale	Golf course*, Tool rental*, Cemetery or Lawn service

\* No separate charge for fuel

**Latitude/Longitude.** Latitude and longitude measures aid in providing the physical location of the facility. If known, indicate appropriate degrees, minutes and seconds for the project. The Latitude/Longitude Point of Origin is the place or location where the reading was actually taken.

**Additional Locational Data Information.** This information is being requested in order to determine the method, accuracy and description of the latitude and longitude information that is being provided with the application. If known, please provide this information for your locational data. The list of locational data codes and descriptions can be found electronically on DEP's website under "Permit and Authorization Packages."

**Facility Operator Information.** This facility operator is the person or organization responsible for the daily operation of the storage tank facility. The facility operator information is to be completed by following the instructions for Section II, Current or New Tank Owner/Client Information. If operator information is the same as the owner information provided in Section II, check the appropriate box and skip to "Flammable & Combustible Liquid Permit Number." If different, check the appropriate box and provide the requested information.

**Flammable & Combustible Liquid Permit #.** Owners must obtain a permit prior to installing storage tanks that will store a flammable or combustible product with a flash point of less than 200 degrees Fahrenheit. The State Fire Marshal's Office had been issuing permits for these types of tanks since 1924. In 1998, this responsibility was transferred to the Department of Labor and Industry.

For more information or to apply for a Flammable and Combustible Liquid Permit, tank owners (except those in Allegheny and Philadelphia counties) should contact the Department of Labor and Industry's Bureau of Occupational and Industrial Safety. Tank owners in Allegheny County should contact their County Fire Marshal's Office, and tank owners in Philadelphia County should contact the Philadelphia County Office of Licensing and Inspections.

Complete this section by providing the Flammable and Combustible Liquid Permit Number and the state or municipal agency which issued the permit.

### V. CHANGE OF OWNERSHIP INFORMATION

When all currently registered storage tanks at a facility are purchased and all tanks remain at that facility, the new owner must promptly submit an amended Registration/Permitting Form with all sections properly completed, including the Change of Ownership information.

When some currently registered storage tanks at a facility are purchased and those tanks remain at that facility, the new owner must promptly submit an amended Registration/Permitting Form with all sections properly completed, including the Change of Ownership information. The new owner will be assigned a new Facility ID Number by DEP.

This is further described in the following scenarios:

<b>Tanks Sold to a New Owner &amp; Remain at Same Facility (Change of Ownership)</b>			
Scenario	New Owner	Previous Owner	Results
1. All tanks purchased and remain at same facility.	Submits a Registration form with Owner, Facility, Contact and Change of Ownership sections completed.	Signs Section V of the Registration Form.	The entire facility is transferred to the new owner and retains the same Facility ID number.
2. Some tanks purchased and remain at same facility.	Submits a Registration form with Owner, Facility, Contact and Change of Ownership sections completed. Previous tank numbers for tanks purchased must be supplied.	Signs Section V of the Registration form.	A new facility is created for the new owner. A new Facility ID number is assigned for the purchased tanks.

If the previous owner's signature is not available, the new owner must provide a deed of transfer or other proof of ownership.

**VI. STORAGE TANK DESCRIPTION**

This section identifies each regulated storage tank at the facility.

Do not include aboveground tanks which were removed or closed in place prior to Feb. 5, 1990, or underground tanks which were removed or closed in place prior to Nov. 5, 1989.

**Tank Number.** Aboveground tank numbers begin with 001A and continue sequentially (002A, 003A, etc.). If the tanks are removed/closed, the numbers are **not reused**.

Underground tank numbers begin with 001 and continue sequentially (002, 003, etc.). If the tanks are removed/closed, the numbers are **not reused**.

**Previous Status.** The status code selected should reflect the previous status of the tank. This does not apply to new tank installations.

**New Status.** The status code selected should reflect the new or initial status of the tank at the time of submitting the Registration/Permitting Form.

Status Code	Description
C	Currently in Use
T	Temporarily Out of Use
E	Exempt
R	Tank Removed
P	ASTs Cleaned, Piping Dismantled & System Left On-Site
P	USTs Cleaned On-Site & Filled with an Inert, Non-Shrinking Material

**Type.** The type code indicates whether the tank is manufactured (M) or field-constructed (F).

**Install Date and Change of Status Date.** The date (month-day-year) must be included on the registration form. Proposed dates are not acceptable.

The Install Date is the date the tank system was physically installed at the facility. This date will never change. The Change of Status date is the date used for all changes of status.

If a tank is currently in use or will be in use after registration, write "C" in the status column and the date installed in the Install Date column.

If a tank is temporarily out of use, write "T" in the Status column and enter the date the tank was taken out of use in the Change of Status Date column. All applicable registration fees are still required. **Tanks in "T" status will have their operating permit withheld or withdrawn, and are required to be empty.** Proof of tank pump-out or a letter certifying that the tank contains less than 1 inch of product must accompany the amended registration. An inspection may be required prior to returning to "C" status.

If a tank is exempt, write "E" in the Status column, and enter the appropriate exempt reference code (noted on pages 3 and 4 of these instructions). If the substance or use changed from regulated to unregulated, write the date changed in the change of status date column. A cover letter that clarifies the exemption reason should be included with the application.

If a tank has been removed, write "R" in the Status column and the date removed in the Change of Status Date column.

If a tank has been permanently closed-in-place, write "P" in the Status column and the closure date in the Change of Status Date column.

**Capacity.** The capacity reflects the name plate rating, not the amount customarily put in the tank.

***Each compartment of a multi-compartment tank should be registered as a separate tank if the compartment contains a regulated substance and meets the capacity criteria and acts separately from the other compartments.***

**Substance Code** – Use the substance code for the currently-stored or last-stored substance as follows:

Code	Description	Code	Description
AVGAS	Aviation Gasoline	JET	Jet Fuel
BIDSL	Biodiesel (>20% biodiesel)	KERO	Kerosene
DIESL	Diesel Fuel	NMO	New Motor Oil
ETHNL	Ethanol	NPOIL	Nonpetroleum Oil <sup>4</sup>
GAS	Gasoline	OTHER	Other (unlisted petroleum) <sup>5</sup>
GSHOL	Gasohol (> 15% alcohol)	UNREG	Unregulated Substance
HIHAZ	Highly Hazardous Substance <sup>1</sup>	USDOL	Used Oil (all forms)
HO	Heating Oil <sup>2</sup>		
HZSUB	Hazardous Substance <sup>3</sup>		

- 1 Hazardous substances with a CERCLA reportable release quantity of ten pounds or less. Tank systems that are less than 1,100 gallon capacity are not considered to be highly hazardous. These tanks need to be registered as hazardous.
- 2 Heating oil is defined as No. 1, No. 2, No. 4-Light, No. 4-Heavy and No. 6 grades of fuel oil. Also included in this definition are other residual fuel oils such as Navy Special and Bunker C.
- 3 Specify the full CERCLA Name(s) and CAS No(s). of the hazardous substance. Do not use the acronym or brand name of the substance. This includes hazardous mixtures.
- 4 Includes synthetic fuels and oils, wood-derivative oils and inedible seed oils.
- 5 Specify the full name(s) of the substance if it is "Other Petroleum Substance." Do not use the acronym or brand name of the substance.

**For mixtures of biodiesel or ethanol and petroleum products, indicate each component's percentage. Storage of alternative fuel blends, such as gasoline-ethanol blends containing greater than 10% alternative fuel, or biodiesel blended fuel containing greater than 5% biodiesel, may require submittal of the Alternative Fuel Storage Tank Installation/Conversion Form (2630-FM-BECB0608).**

**Tank Exempt Reference Code.** If the tank is exempt, write the appropriate exemption reference code from the Instructions.

**VII. ABOVEGROUND & UNDERGROUND NEW TANK INSTALLATION INFORMATION**

The DEP-certified installer should complete this section. Complete this section by writing the tank number and placing a check in the appropriate box for each new tank and component that was installed. This section is not to be completed for tank modification activities. For tank modifications, submit a "Tank Modification Report" form and not a Registration/Permitting Form.

New tanks listed in Section VI must also be listed in Section VII.

At least one block should be checked for each appropriate section (i.e., Tank Construction, Underground or Aboveground Piping, Pump System, etc. should all have at least one check in their respective section).

**All tank installations and removals/closures must be performed by a DEP-certified individual certified in the appropriate category. Owners of USTs must notify DEP 30 days prior to the installation, relocation or removal of a regulated tank. Owners of large aboveground tanks (capacity greater than 21,000 gallons) must obtain a Site Specific Installation Permit prior to construction and notify DEP 30 days prior to closure.**

**VIII. ABOVEGROUND & UNDERGROUND TANK INFORMATION FOR PERMANENT CLOSURE**

The certified remover should complete this section by writing the tank number and placing a check in the appropriate box for each tank that was removed or closed in place.

**IX. OWNER CERTIFICATION**

The owner is responsible for completing this Section. Type or legibly print the name and title of the owner. The owner must sign the form and enter the date the Registration/Permitting form was completed.

**Information & Invoices Mailed to.** The owner must indicate the location where information and invoices should be mailed.

**X. INSTALLER/REMOVER CERTIFICATION**

This section must be completed by the certified installer(s)/remover(s) responsible for the installation or removal from service of the aboveground and underground storage tanks listed in Section VI. Account for each tank that was installed or removed from service. Only enter the applicable categories required for each tank installation or removal. Do NOT enter all the categories in which you are certified.

**Construction Standard.** Provide the Construction Standard(s) which applies to the tank being installed as follows:

Construction Standard	
ACT-100/100U	Composite UST
API 12A	Steel Riveted AST
API 12B	Steel Bolted AST
API 12C	Steel Welded AST
API 12P	Fiberglass/Plastic AST
API 620	Steel Low Pressure AST
API 650	Welded AST
API 653	Re-Built AST
ASME	
ASME B96.1	Welded Aluminum Alloy
ASME RTP-1	Thermoplastic AST
ASME VIII	Pressure Vessel

Construction Standard	
ASTM D	
ASTM D1998	Polyethylene Upright Tank
ASTM D3299	Filament Wound Fiberglass
ASTM D4097	Contact Molded Fiberglass
OTHER	(specify)
STI-93	Cathodic Protected UST
UL-58	Steel UST
UL 142	Manufactured Steel AST
UL 1316	Fiberglass UST
UL 1746	External Cathodic Protected UST
UL 2085	Fire Rated AST
UNKNOWN	

**XI. INSPECTOR CERTIFICATION**

This section must be completed by the certified inspector(s) responsible for verifying installation standards for field constructed tanks and aboveground tanks greater than 21,000 gallons listed in Section VI. Account for each tank that was inspected.

**Construction Standard.** Provide the Construction Standard(s) which applies to the tank. Refer to the above chart for construction standard.

**XII. SITE SPECIFIC INSTALLATION PERMIT NUMBER**

This section identifies the tank number and Site Specific Installation Permit (SSIP) number assigned to tanks requiring an SSIP. The following tank types require an SSIP before a storage tank system can be installed:

- AST systems with a capacity greater than 21,000 gallons;
- New facilities with an aggregate AST capacity greater than 21,000 gallons;
- New field constructed UST systems; and
- New storage tank systems with a capacity greater than 1,100 gallons containing a highly hazardous substance.

## PROOF OF REGISTRATION

A letter serving as a temporary 90-day proof of registration for all new tank installations will be mailed to the facility's responsible official to permit product deliveries from the distributor until the official certificate is received.

**Invoicing.** After the Registration/Permitting Form is processed, an invoice will be generated and mailed to the owner's designated contact for payment. Thereafter, an invoice will be sent each year for the upcoming year's registration.

**Payment.** Do not submit payment until you have been invoiced. Submitting payment for new tanks which have not been invoiced will delay processing. Fees are pro-rated for the first year only. The annual registration fee schedule is as follows:

Storage Tanks	Capacity	Annual Registration Fee
Underground Storage Tanks (USTs)	All	\$50 per year, per tank
Aboveground Storage Tanks (ASTs)	5,000 gallons or less	\$50 per year, per tank
	5,001 to 50,000 gallons	\$125 per year, per tank
	Greater than 50,000 gallons	\$300 per year, per tank

***Operating permit is renewed with the payment of registration fee.***

**Registration Certificate.** When full payment is received and processed, a certificate is generated and mailed to the owner's designated contact. The certificate shows the annual expiration date and is proof of registration for the facility's storage tanks.

***The certificate should be posted in a protected area. The certificate must be available to the public at the facility where the tank(s) is located.***

## QUESTIONS / CONCERNS / FORMS

When calling and/or writing DEP in reference to the application, have your Facility ID# available.

If you have any questions or concerns or need to order forms, call our customer services staff at the following numbers:

Toll Free in PA: 1-800-42-TANKS  
Local or Out-of-State: 717-772-5599

You can also obtain forms and information by accessing the DEP website at [www.dep.pa.gov](http://www.dep.pa.gov), search: **Storage Tanks**.

## FINANCIAL RESPONSIBILITY REQUIREMENTS FOR UNDERGROUND TANK OWNERS

The release of regulated substances stored in USTs poses a threat to the environment and the public health and safety of the Commonwealth's citizens. A release is generally considered to be any leak, spill or discharge from an UST or interstitial space into soil or groundwater.

The Storage Tank and Spill Prevention Act, Act 32 of 1989 as amended, created the Underground Storage Tank Indemnification Fund (USTIF) to assist owners and operators in meeting the federal financial responsibility requirements. The Fund makes claim payments to eligible UST owners or operators for damages caused by a release from their UST, above the deductibles. To be eligible, the release must have occurred on or after February 1, 1994. There are other eligibility requirements.

Upon registration of an underground tank, the owner's information is given to the USTIF. The owner of a registered UST is billed according to the substance that is contained in the UST and its capacity. Participation in the USTIF is mandatory unless you have a deregulated heating oil tank for which coverage is optional. The USTIF fees are due annually, and monthly statements are sent until the balance due is paid in full.

The USTIF is located in the Department of Insurance and operates similar to an insurance company providing cleanup and third party liability coverage to UST owners and operators. For more information contact the USTIF at:

901 North 7<sup>th</sup> Street  
 Harrisburg, PA 17102  
 Telephone: (800) 595-9887 (toll free in PA) or 717-787-0763  
 email: [ra-ustif@state.pa.us](mailto:ra-ustif@state.pa.us)  
 website: [ustif.pa.gov](http://ustif.pa.gov)

**WHERE TO SEND REGISTRATION FORM**

PA DEP Division of Storage Tanks P.O. Box 8762 Harrisburg PA 17105-8762	or	PA DEP Division of Storage Tanks 400 Market St Harrisburg, PA 17101
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**WHERE TO SEND OTHER LETTERS, FORMS & REPORTS**

Thirty-day Letters of Intent to Close, Closure Notification forms and Registration/Permitting forms for Removing/Closing Unregistered Tank(s) must be mailed to the appropriate DEP regional office. Closure reports must be either retained at the facility site or submitted to the appropriate regional office.

DEP regional offices and the counties they serve:

<b>Southeast Region (1)</b> 2 East Main Street Norristown, PA 19401-4915	484-250-5900	<u>Counties:</u> Bucks, Chester, Delaware, Montgomery and Philadelphia
<b>Northeast Region (2)</b> 2 Public Square Wilkes-Barre, PA 18701-1915	570-826-2511	<u>Counties:</u> Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming
<b>Southcentral Region (3)</b> 909 Elmerton Ave Harrisburg, PA 17110-8200	717-705-4705	<u>Counties:</u> Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York
<b>Northcentral Region (4)</b> 208 W Third St Ste 101 Williamsport, PA 17701-6448	570-321-6525	<u>Counties:</u> Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union
<b>Southwest Region (5)</b> 400 Waterfront Dr Pittsburgh, PA 15222-4745	412-442-4000	<u>Counties:</u> Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland
<b>Northwest Region (6)</b> 230 Chestnut St Meadville, PA 16335-3481	814-332-6648	<u>Counties:</u> Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren

**NOTIFICATION OF RELEASE (Owners and Operators)**

Initial  
 Follow-Up

**NOTIFICATION OF CONTAMINATION (Certified Installers and Inspectors)**

**NOTIFICATION OF RELEASE (Owners and Operators)**

The Storage Tank Program's Corrective Action Process (CAP) regulations establish release reporting requirements for owners and operators of storage tank systems and storage tank facilities.

Subsection 245.305(a) of the regulations requires owners or operators to notify the appropriate regional office of the Department as soon as practicable, but no later than 24 hours, after the confirmation of a release.

Subsection 245.305(c) requires owners or operators to provide an initial written notification to the Department, each municipality in which the release occurred, and each municipality where that release has impacted environmental media or water supplies, buildings, or sewer or other utility lines, within 15 days of the notice required by subsection 245.305(a).

Subsection 245.305(d) requires owners or operators to provide follow-up written notification to the Department and to each impacted municipality of new impacts to environmental media or water supplies, buildings, or sewer or other utility lines discovered after the initial written notification required by subsection 245.305(c). Written notification is to be made within 15 days of the discovery of the new impact.

This form must be used to comply with subsections 245.305(c) and (d).

**OWNERS AND OPERATORS (O/O)**

**INDICATE IF THIS IS AN INITIAL OR FOLLOW-UP NOTIFICATION BY MARKING THE APPROPRIATE BOX FOUND IN THE TOP RIGHT-HAND CORNER OF THIS FORM. PLEASE COMPLETE ALL INFORMATION IN SECTIONS I, II, IIIA, IIIB, IV, V, VII and VIII.**

**NOTIFICATION OF CONTAMINATION (Certified Installers and Inspectors)**

The Storage Tank Program's Certification regulations establish standards of performance for certified installers and inspectors of storage tank systems and storage tank facilities.

Subsection 245.132(a)(4) of the regulations requires certified installers and inspectors to report to the Department a release of a regulated substance; suspected or confirmed contamination of soil, surface or groundwater from regulated substances; or a regulated substance observed in a containment structure or facility, while performing services as a certified installer or inspector.

Subsection 245.132(a)(6) requires that certified installers and inspectors provide the notification required by subsection 245.132(a)(4) to the Department in writing within 48 hours of observing suspected or confirmed contamination.

This form must be used to comply with subsections 245.132(a)(4) and (6).

**CERTIFIED INSTALLERS AND INSPECTORS (I/I)**

**PLEASE COMPLETE ALL INFORMATION IN SECTIONS I, II, IIIA, IIIC, VI, VII and VIII.**

**INSTRUCTIONS**

- I. **FACILITY INFORMATION** - Record the name, I.D. number and physical location (not P.O. Box) of the facility at which a release has been confirmed or at which suspected or confirmed contamination has been observed. Include the name and phone number of a person to contact at the facility.
- II. **OWNER/OPERATOR INFORMATION** - Record the name, business address and telephone number of the owner of the facility identified in Section I. Also, record the name and telephone number of the operator of the facility.
- III. **REGULATED SUBSTANCE INFORMATION** - Indicate to the best of your knowledge: A) the type of product or products involved; B) the quantity of product or products released; and C) whether the contamination is suspected or confirmed.
- IV. **CONFIRMED RELEASE INFORMATION** - Record the date of confirmation of the release, e.g., "9/18/01"; the date and regional office notified; and the date the local municipality(ies) [provide name of municipality(ies)] was/were sent a copy of this form. Indicate to the best of your knowledge the source/cause of the release, how the release was discovered and the environmental media affected and impacts.
- V. **INTERIM REMEDIAL ACTIONS** - Indicate the interim remedial actions planned, initiated or completed.
- VI. **SUSPECTED/CONFIRMED CONTAMINATION INFORMATION** - Record the date of observation of the suspected or confirmed contamination, e.g., "11/24/01". Indicate to the best of your knowledge the indications of a suspected release or extent of confirmed contamination resulting from the release of the regulated substance.
- VII. **ADDITIONAL INFORMATION** - Provide any additional, relevant, available information concerning the release or suspected or confirmed contamination. Include in this section specific details or problems about the release. For example, if the piping was the source of the release and the cause was corrosion of a metal connector or flexible connector, it is important to include that information here. Use additional 8½" x 11" sheets of paper, if necessary.
- VIII. **CERTIFICATION** - Please print your name, and provide your signature and date of signature. If a certified installer/inspector, provide certification number and company certification number.
- IX. **ATTACHMENT** - If a certified installer/inspector, provide a copy of failed valid tightness test(s), if applicable.

**PLEASE SEND COMPLETED ORIGINAL FORM TO:**

PA Department of Environmental Protection  
Environmental Cleanup and Brownfields Program  
Storage Tank Section

(and the appropriate address below, depending on where the FACILITY is located)

Southeast Region  
2 East Main Street  
Norristown, PA 19401  
PHONE: 484-250-5900  
FAX: 484-250-5961

**Counties**  
Bucks, Chester, Delaware,  
Montgomery, Philadelphia

Northeast Region  
2 Public Square  
Wilkes-Barre, PA 18701-1915  
PHONE: 570-826-2511  
FAX: 570-820-4907

**Counties**  
Carbon, Lackawanna, Lehigh,  
Luzerne, Monroe, Northampton,  
Pike, Schuylkill, Susquehanna,  
Wayne, Wyoming

South-central Region  
909 Elmerton Avenue  
Harrisburg, PA 17110  
PHONE: 866-825-0208  
FAX: 717-705-4830

**Counties**  
Adams, Bedford, Berks, Blair, Cum-  
berland, Dauphin, Franklin, Fulton,  
Huntingdon, Juniata, Lancaster,  
Lebanon, Mifflin, Perry, York

North-central Region  
208 W. Third Street, Suite 101  
Williamsport, PA 17701  
PHONE: 570-321-6525/327-3636  
FAX: 570-327-3420

**Counties**  
Bradford, Cameron, Centre,  
Clearfield, Clinton, Columbia,  
Lycoming, Montour,  
Northumberland, Potter, Snyder,  
Sullivan, Tioga, Union

Southwest Region  
400 Waterfront Drive  
Pittsburgh, PA 15222  
PHONE: 412-442-4000  
FAX: 412-442-4328

**Counties**  
Allegheny, Armstrong,  
Beaver, Cambria, Fayette,  
Greene, Indiana, Somerset,  
Washington, Westmoreland

Northwest Region  
230 Chestnut Street  
Meadville, PA 16335-3481  
PHONE: 814-332-6945  
800-373-3398  
FAX: 814-332-6121

**Counties**  
Butler, Clarion, Crawford, Elk,  
Erie, Forest, Jefferson,  
Lawrence, McKean, Mercer,  
Venango, Warren

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Cause (Mark All That Apply ☐):		
Faulty Installation.....	<input type="checkbox"/>	
Corrosion.....	<input type="checkbox"/>	
Physical/Mechanical Failure .....	<input type="checkbox"/>	
Spill During Delivery .....	<input type="checkbox"/>	
Overfill at Delivery .....	<input type="checkbox"/>	
Vehicle Gas Tank Overfill .....	<input type="checkbox"/>	
Product Delivery Hose Rupture.....	<input type="checkbox"/>	
Other (Specify) .....	<input type="checkbox"/>	
Unknown .....	<input type="checkbox"/>	

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**V. INTERIM REMEDIAL ACTIONS (O/O Only)**

(Mark All That Apply 

	Planned	Initiated	Completed	Not Applicable
Regulated Substance Removed from Storage Tanks .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire, Explosion and Safety Hazards Mitigated .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contaminated Soil Excavated .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Free Product Recovered .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Supplies Identified and Sampled .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temporary Water Supplies Provided .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (Specify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**VI. SUSPECTED / CONFIRMED CONTAMINATION INFORMATION (I/I Only)**

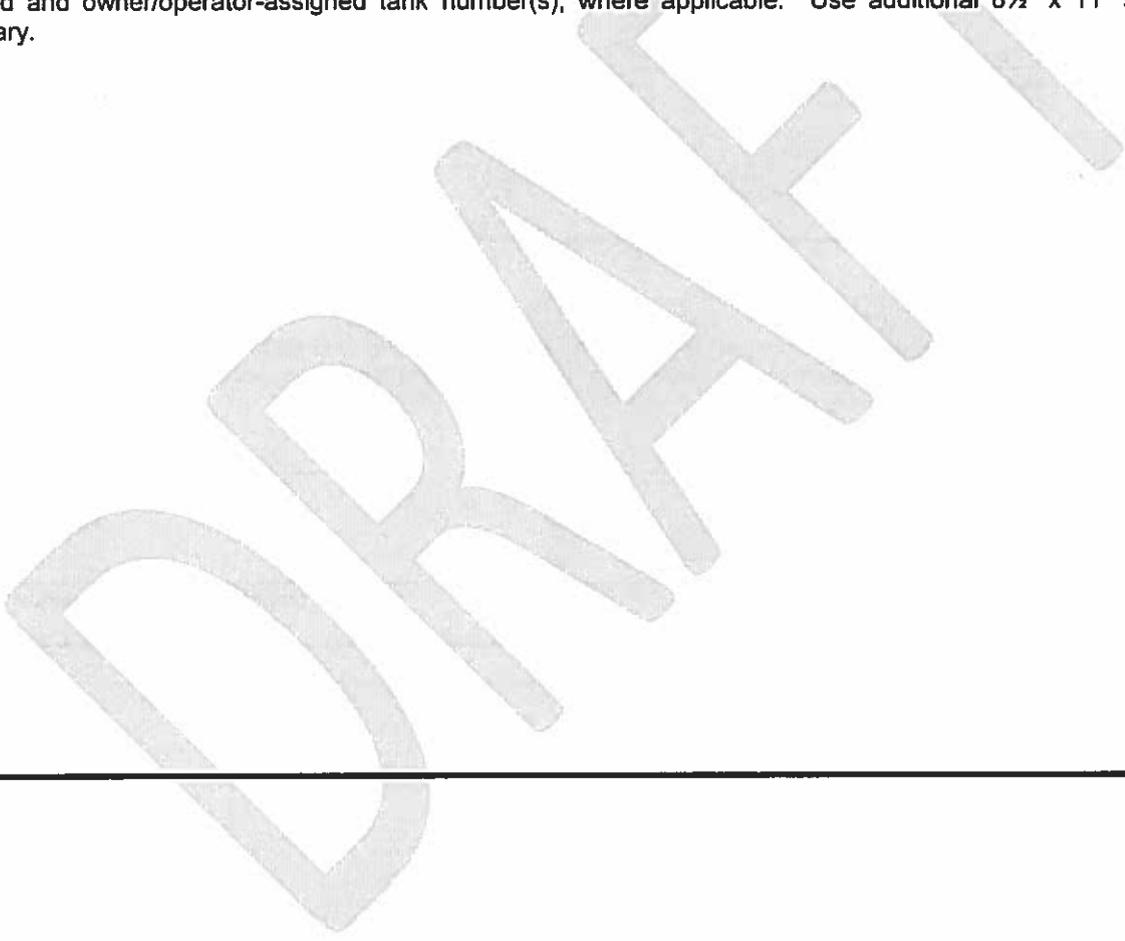
Date of Observation of Suspected/Confirmed Contamination:      /      /       
m / d / y

DRAFT

<b>Indication of Suspected Contamination (Mark All That Apply ☒):</b>	<b>Extent of Confirmed Contamination (Mark All That Apply ☒):</b>
Unusual Level of Vapors ..... <input type="checkbox"/>	Product Stained or Product Saturated Soil or Backfill ..... <input type="checkbox"/>
Erratic Behavior of Product Dispensing Equipment ..... <input type="checkbox"/>	Ponded Product ..... <input type="checkbox"/>
Release Detection Results Indicate a Release ..... <input type="checkbox"/>	Free Product or Sheen on Ponded Water ..... <input type="checkbox"/>
Discovery of Holes in the Storage Tank ..... <input type="checkbox"/>	Free Product or Sheen on the Ground Water Surface ..... <input type="checkbox"/>
Containment Sump Test Failure..... <input type="checkbox"/>	Free Product or Sheen on Surface Water ..... <input type="checkbox"/>
Spill Prevention Equipment Test Failure ..... <input type="checkbox"/>	Other (Specify) _____ <input type="checkbox"/>
Other (Specify) _____ <input type="checkbox"/>	

**VII. ADDITIONAL INFORMATION (Both O/O and I/I)**

Provide any additional, relevant, available information concerning the release or suspected or confirmed contamination. Include specific details or problems about the release. For example, if the piping was the source of the release and the cause was corrosion of a metal connector or flexible connector, it is important to include that information here. Provide DEP-assigned and owner/operator-assigned tank number(s), where applicable. Use additional 8½" x 11" sheets of paper, if necessary.





May 17, 2018

Environmental Quality Board  
PA Department of Environmental Protection  
P. O. Box 8477  
Harrisburg, PA 17105-8477

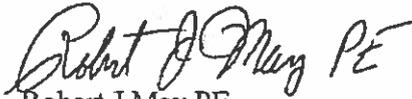
Dear Environmental Quality Board:

As Chairman of the PA Storage Tank Advisory Committee (STAC) at the last PA STAC meeting of May 17, 2018, I am writing to inform you that the PA STAC voted to recommend to present Chapter 245 to the Environmental Quality Board (EQB) as Final Rulemaking. PA STAC is requesting the EQB to vote on and approve Chapter 245 as final.

A quorum was present at the May 18<sup>th</sup> STAC meeting, and the vote for the recommendation to present Chapter 245 was a unanimous affirmative.

Please contact me with any questions or if any additional information is needed. I can be reached anytime by phone at 484.256.3198

Sincerely,



Robert J May PE  
Synergy Environmental Inc.  
155 Railroad Plaza  
Royersford, PA 19468





**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

**Bureau of Environmental Cleanup and Brownfields**

**COMMENT AND RESPONSE  
DOCUMENT**

**ADMINISTRATION OF THE  
STORAGE TANK AND SPILL PREVENTION  
PROGRAM**

25 Pa. Code Chapter 245  
48 Pa.B. 1101 (February 24, 2018)  
Environmental Quality Board Regulation #7-530  
(Independent Regulatory Review Commission #3199)

## **Introduction**

### **Administration of the Storage Tank and Spill Prevention Program**

On October 17, 2017, the Environmental Quality Board (Board, EQB) published a notice of public comment period for a proposed rulemaking concerning revisions to 25 Pa. Code Chapter 245 (relating to administration of the storage tank and spill prevention program).

The proposed amendments strengthen the requirements for operation and maintenance of underground storage tank (UST) equipment. Currently, UST owners and operators are required to have spill prevention, overfill prevention, and release detection equipment in place, but are not required to periodically verify the functionality of some of that equipment. This proposed rulemaking would also add a new certification category for persons that only perform minor modifications of UST systems. The proposed rulemaking also shortens the in-service inspection cycle for aboveground storage tanks (ASTs) in underground vaults and small ASTs and clarifies or corrects a number of other provisions in Chapter 245 based on the Department of Environmental Protection's (Department) experience in implementing this chapter since the last comprehensive Department rulemaking, which occurred over 10 years ago.

The proposed rulemaking will be effective upon publication in the *Pennsylvania Bulletin* as a final-form regulation.

### **Public Comment Period**

Notice of the public comment period on the proposed Chapter 245 amendments was published in the *Pennsylvania Bulletin* on February 24, 2018 (48 Pa. B. 1101). The EQB's public comment period opened on February 24, 2018, and closed on March 26, 2018.

This document summarizes the comments received during the Board's public comment period. Each public comment is listed with an identifying commentator number for each commentator that made the comment. A list of the commentators, including name and affiliation, may be found on pages 3 - 5 of this document. The House and Senate Environmental Resources and Energy Committees did not submit comments on the proposal.

Copies of all comments received by the Board are posted on the website of the Independent Regulatory Review Commission (IRRC) at <http://www.irrc.state.pa.us> (search by Regulation #7-530 or IRRC #3199) and on the e-Comment page of the Department's website at <http://www.dep.pa.gov>.

**Table of Commentators for the Environmental Quality Board**  
**Proposed Rulemaking for**  
**Administration of the Storage Tank and Spill Prevention Program**  
**Environmental Quality Board #7-530**  
**(IRRC #3199)**

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2.	JD Westcott Engineering & Inspections International Sugar Grove, PA 16350
3.	Jonathan McNeely VP of Corporate Development Tank Tech Incorporated 3975 State Hwy H Sikeston, MO 63801
4.	Stephen Klesic United Environmental Group Inc. Sewickley, PA 15143
5.	James R. Roewer Executive Director Utility Solid Waste Activities Group 701 Pennsylvania Avenue, NW Washington, DC 20004-2696
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8.	Melanie R. Horvath Director, Government Affairs Pennsylvania American Water 800 West Hersheypark Drive Hershey, PA 17033
9.	Karen S. Reese Staff Environmental Specialist Environmental Department FirstEnergy Corporation 76 South Main Street Akron, OH 44308
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12.	Chuck Barksdale Director, Environmental Planning Philadelphia Energy Solutions Refining and Marketing, LLC Philadelphia, PA
13.	Cassie Gaudiosi Director, West Point Safety & Environment Merck 770 Sumneytown Pike West Point, PA 19486-0004
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15.	Ed Kubinsky Crompco 1815 Gallagher Road Plymouth Meeting, PA 19462
16.	Frank Monteleone Environmental Affairs Manager AK Steel Corporation Butler Works P.O. Box 832 Butler, PA 16003-0832
17.	Grant R. Gulibon Director, Regulatory Affairs Pennsylvania Farm Bureau 510 S. 31 <sup>st</sup> Street P.O. Box 8736 Camp Hill, PA 17001-8736
18.	Kevin Sunday Director, Government Affairs Pennsylvania Chamber of Business and Industry 417 Walnut Street Harrisburg, PA 17101
19.	Jonathan Lutz Associate Director Associated Petroleum Industries of Pennsylvania 300 N. Second Street Suite 902 Harrisburg, PA 17191
20.	David Sumner, Executive Director Independent Regulatory Review Commission 333 Market St., 14th Floor Harrisburg, PA 17101

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## **Acronyms used in this Comment and Response Document**

ACVL – Aboveground Storage Tank – Civil, Installer Certification  
AFMX – Aboveground Field Constructed Metallic Storage Tank – Installation, Modification and Removal, Installer Certification  
API – American Petroleum Institute  
AST – Aboveground Storage Tank  
CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act  
CFR – Code of Federal Regulations  
CP – Cathodic Protection  
DEP or PADEP - Pennsylvania Department of Environmental Protection  
DOE – Department of Energy  
EDG – Emergency Diesel Generator  
EHB – Environmental Hearing Board  
EPA – U.S. Environmental Protection Agency  
EQB – Environmental Quality Board  
FR – Federal Register  
IRRC – Independent Regulatory Review Commission  
IUM – Underground Storage Tank Systems and Storage Tank Facilities, Inspector Certification  
NACE – National Association of Corrosion Engineers  
NPDES – National Pollutant Discharge Elimination System  
NRC – Nuclear Regulatory Commission  
PEI – Petroleum Equipment Institute  
POTW – Publicly Owned Treatment Work  
RAF – Regulatory Analysis Form  
RCRA – Resource Conservation and Recovery Act  
RP – Recommended Practice  
SPRP – Spill Prevention Response Plan  
SPCC – Spill Prevention Control and Countermeasures  
SSIP – Site-Specific Installation Permit  
STI – Steel Tank Institute  
TC – Toxicity Characteristic  
TL – Storage Tank – Liner, Installer Certification  
UDC – Under Dispenser Containment  
UL – Underwriters Laboratory  
UMI – Underground Storage Tank System Minor Modification  
UMX – Underground Storage Tank System – Installation and Modification, Installer Certification  
UST – Underground Storage Tank  
USTIF – Underground Storage Tank Indemnification Fund  
UTT – Underground Storage Tank System – Tightness Tester, Installer Certification

## COMMENTS AND RESPONSES

### General Comments

1. **Comment:** We support the comments on the proposed regulations that were provided by the Pennsylvania Chamber of Business and Industry, especially related to the definition of releases. (12)

**Response:** The Department acknowledges the comment.

2. **Comment:** From a general perspective, we support Pennsylvania's efforts to retain primacy over the federal requirements relating to the UST program contained in 40 CFR Part 280. Satisfying one set of regulatory requirements rather than potentially confronting dueling federal and state requirements is generally beneficial to the regulated community and helps streamline the administration and enforcement of such requirements. We concur that a significant number of the proposed changes to Chapter 245 appear to be designed to update Chapter 245 in light of the recent changes to 40 CFR Part 280. (11), (18)

**Response:** The Department appreciates the supportive comment.

3. **Comment:** Throughout the proposed regulations, the PADEP requires specified forms. The regulated community understands the PADEP's intent to have uniform data, however many operators and service providers have moved beyond manual form completion and instead rely upon computer applications for tasks such as inspections, testing, etc. It is respectfully requested the PADEP explicitly state that form completion by electronic means including digital signatures be acceptable under the regulations. Moreover, it is also recommended the PADEP revise the regulations to allow for flexibility in form type completion. For example, if a UST operator had a preexisting inspection form that met the PADEP information requirements they could present that to PADEP for review and approval rather than have to revamp a preexisting program at great expense. (19)

**Response:** The Department currently accepts several forms through electronic submission. These include third-party inspection reports, modification reports and testing forms. However, the Department requires the use of "a form provided by the Department." A common complaint of third-party inspectors has been the lack of standardized forms. When standardized forms do not exist, a wide array of forms are created and used, causing confusion among the regulated community as to the appropriate form to submit to the Department. The Department believes that standard forms provided at no cost by the Department eliminates confusion among the regulated community and facilitates review by Department staff. Electronic signatures are generally accepted by the Department if appropriate safeguards and protocols are in place to show that the electronic signature is that of the individual(s) required to sign the form.

4. **Comment:** We support the provisions of the proposed rulemaking that will minimize the frequency of releases from storage tank systems that may adversely impact the environment, including those amendments designed to ensure that equipment functions properly and that tank systems are timely inspected. (13)

**Response:** The Department appreciates the supportive comment.

5. **Comment:** The preamble to the proposed changes to Chapter 245 contains an extensive list of new notification, reporting and paperwork requirements that will be triggered by the proposed changes to Chapter 245 along with a long list of new forms and revisions to existing forms that will need to be prepared and implemented. It is unclear from the cost-benefit analysis that has been provided whether the additional regulatory burdens that Chapter 245 will impose on the regulated community have been properly and fully evaluated and whether many of the changes will actually produce meaningful environmental benefits. Long experience with multiple environmental regulatory programs amply demonstrates that merely adding additional layers of paperwork and recordkeeping requirements does not necessarily translate into greater environmental protection. We strongly recommend that PADEP together with the EQB identify the specific environmental protection objectives that are to be achieved through each of the new or added paperwork, reporting or notification requirements contained in Chapter 245 and objectively assess whether such requirements meaningfully contribute to achieving those environmental protection objectives. (11), (18)

As EQB moves forward with this regulatory proposal, we ask that it work with the regulated community to gain an understanding of the potential costs associated with the new notification, reporting and paperwork requirements that are being imposed. When the final-form regulation is submitted, we request that EQB include an explanation of how the additional regulatory requirements will assist DEP with its mission of protecting the environment. We also ask EQB to quantify the costs associated with complying with the new or revised requirements. (20)

**Response:** While this rulemaking adds additional notification, reporting and recordkeeping requirements, some of the notification is simply verbal or electronic notification. Where information is required to be documented, the Department is providing a significant number of forms to facilitate compliance with the various requirements. Most of the forms will be completed by DEP-certified installers and inspectors who will be instructed by Department staff on how to complete them. DEP-certified installers and inspectors often request standardized forms from the Department so that they are fully aware of what the Department expects to be reported pertaining to a specific requirement. Having standardized forms, completed by certified installers and inspectors, should limit the time and expense required to fill them out.

Regarding verbal or electronic notification requirements, a responsible party will need to notify the Department either verbally or electronically (such as by telephone or email) upon initiation of an interim remedial action, within 24 hours of providing an alternate source of water to an affected water supply owner, and within 24 hours of initiation of

site characterization activities in response to a release of a regulated substance from a storage tank. (See §§ 245.306(e), 245.307(e) and 245.309(c)(24)). The first corrective action report required to be submitted in writing by the responsible party is the site characterization report, required under § 245.310. It is to be submitted to the Department after the responsible party takes an interim remedial action, provides an alternate source of water (if necessary) and completes site characterization activities. Therefore, it is important for the Department to know in a timely manner that these required corrective action activities are taking place. An interim remedial action, when conducted properly and promptly, limits the extent and severity of contamination, thereby limiting the amount of site characterization that needs to be performed and further remedial action that needs to be conducted. The result is protection of the public and the environment, and a reduction in the cost of corrective action to storage tank owners and operators. While the Department cannot quantify the costs associated with these additional verbal or electronic notification requirements, any costs associated with them should be minimal because the owner, operator or consultant is typically communicating with the Department at this point and informing the Department when actions that have been proposed are initiated.

The majority of the reporting requirements will be handled by DEP-certified installers and inspectors, as well as by consultants. The Department is providing the necessary forms to facilitate compliance with the various requirements. DEP-certified installers and inspectors, as well as consultants, welcome these forms and will be instructed by Department staff as to how to complete them. The majority of reporting forms associated with this final-form rulemaking are existing forms that have undergone minor revisions. Completion of these existing, revised forms will result in no additional cost to the regulated community. The few new forms that have been developed are testing and evaluation forms that are necessary to record the results of the new periodic UST testing requirements established in § 245.437 to meet the Federal requirements of ensuring that installed equipment for release detection and prevention is operating properly. In developing the proposed rulemaking, the Department contacted five Department-certified companies from various regions of the Commonwealth to provide cost estimates for the various testing requirements. The Department requested the companies to provide cost estimates to include mobilization fees, paperwork fees, labor costs and any necessary waste disposal costs. Cost information collected for the proposed rulemaking remains relevant today. Therefore, the costs presented in Section F of the Preamble and in response to Question 19 of the Regulatory Analysis Form to this final-form rulemaking for the new UST testing requirements are inclusive of the reporting requirements. Going forward, the Department will continue outreach and communication with the regulated community.

Regarding the new recordkeeping requirements, the majority of the documentation that owners and operators will need to maintain is necessary to comply with the new Federal UST requirements. However, in general, the records are important because review of storage tank system records is necessary for DEP-certified inspectors to determine compliance with regulatory requirements. DEP-certified inspectors are required to periodically inspect ASTs and UST facilities, under §§ 245.411, 245.551-245.554, and

245.616. Record review is an integral part of the inspection. Without the records, inspectors would not be able to determine regulatory compliance. In fact, the absence of required records means that a storage tank system is in non-compliance with regulatory requirements. A storage tank system that is non-compliant is at risk for releases which may impact the public and the environment. While the Department cannot quantify the costs associated with the maintenance of additional records, any costs should be minimal.

6. **Comment:** All on-farm fuel tanks of 3,000 gallons or less used to store motor fuel should be exempt from DEP regulations. (17)

**Response:** The definition of “aboveground storage tank” in § 245.1 (relating to definitions) exempts from regulation an aboveground storage tank of 1,100 gallons or less capacity located on a farm used solely to store or contain substances that are used to facilitate the production of crops, livestock and livestock products on the farm. Also exempt from regulation under the definition of “underground storage tank” in § 245.1 is a farm or residential underground storage tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes. These exemptions are taken directly from the definition of aboveground storage tank and underground storage tank, respectively, in the Storage Tank and Spill Prevention Act (Storage Tank Act), 35 P.S. §§ 6021.101 – 6021.2104.

7. **Comment:** We question the need for the “owner’s representative” signature on each of the draft “new” test reports. Currently, there is no requirement to obtain a signature on line tightness test reports, leak detector test reports, cathodic protection test reports, or tank tightness test reports. Testers sign and attest to the accuracy of the information on their test reports, but in many cases, there will be no one at the site that is familiar with the applicable testing or having the knowledge needed to review the report with any accuracy, and asking them to sign these forms makes no sense. (15), (17)

If anyone should sign one of these forms, it should be a Class A or Class B operator. However, the Class A or Class B would rarely be on site to witness the testing and sign the form. If the signature of a responsible individual is needed, PADEP is going to need to allow for ample time for the reports to be completed by the technician doing the work, submitted to the Class A or Class B operator for review and signature, be returned to the tester doing the work and then documented. (15)

**Response:** The Department acknowledges this comment. The Department has taken the comments under advisement when developing the draft final forms relating to this rulemaking.

8. **Comment:** We have the following specific comments on the forms to be utilized to implement this proposed rulemaking. (15)

1. **Overfill Prevention Evaluation Form:**
  - a. Under section A drop tube shutoff device question #4, instead of asking “Tank capacity when flow is stopped(%)”, the question should read “Complete

shutoff occurs at or below 95% tank capacity? Yes/No". As long as shutoff occurs no higher than 95% tank capacity, the equipment meets the regulatory requirements. There is no value in knowing if it shuts off at 92%, 86% or 75% in the tank. As long as it is no higher than 95%, it meets the criteria.

- b. Same comment as (a. above) for section B question 5 except the question should read "Alarm is triggered at or below 90% tank capacity? Yes/No".
- c. Same comment as (a. above) for section C question 5 except the question should read "Flow is restricted at or below 90% tank capacity? Yes/No."
- d. 2 questions should be added in section C for ball floats:
  - i. Is the vent hole open and not corroded? Yes/No (because these vent holes can become corroded and completely blocked which could cause over-pressurization if the tank.
  - ii. Upon visual inspection, tank top fittings are vapor-tight and leak free? Yes/No (because if tank top is not vapor-tight, ball float will not work).
- e. In section C on page 2, it appears that if a "standard drop tube" is not installed, the ball float fails the inspection. A couple comments on this:
  - i. If by "standard", PADEP means a "straight" drop tube, we would suggest changing the term to "straight" which indicates that no automatic shutoff exists in the drop tube.
  - ii. The question implies that if a drop tube with a shutoff valve is installed, then the ball float fails the inspection. We're not certain that the evaluation should fail if there is an automatic shutoff device installed in the fill. Ball floats and automatic shutoff devices installed in the same tank poses a problem and maybe DEP should take a position that if one is installed, the other must not be installed. This is a tough one.

2. Spill Prevention Equipment/Containment Sump Integrity Testing Form:

- a. Under section IV. Visual Inspection Information – eliminate the row asking "containment capacity". There is no way for testing technicians to accurately determine the capacity of containment sumps due to all the different sizes, shapes and dimensions, especially for UDC's.
- b. Under section VI. Testing Information – eliminate the 4<sup>th</sup> row asking for "portion tested". This data will be documented under "start level".
- c. Provide multiple pages for section IV and section V. We suggest that 2 additional pages be added for each of these sections.

3. UST Facility Operations Inspection Form:

- a. Page 2, section I question 3 should say "Tank installation date".
- b. Page 2, section I question 3a should be added for "Piping installation date"
- c. Page 6 for overfill, spill containment, containment sump and release detection equipment testing should identify what method was used (PEI RP 1200 or manufacturer).

- d. DEP should consider a yes/no check box for each testing section including the cathodic protection survey section that asks whether or not the PADEP forms were used to document testing.
4. Sensor Functionality Testing Form:
    - a. Please copy section IV. and provide at least 4 additional pages for testing sensors. There will be many sites with more than 5 sensors that will require annual testing. We suggest that 25 should cover a majority of sites.

**Response:** The Department acknowledges this comment. The comment does not address the proposed regulatory amendments, but rather the draft forms provided as supplementary documentation to the regulation. The Department has taken the comments under advisement when developing the draft final forms relating to this rulemaking.

9. **Comment:** The Regulatory Analysis Form contained in the EQB's proposed rulemaking, as published for its October 2017 meeting, did not contain any estimates of cost to the private sector. Further, Section F of the proposed rulemaking (as published in 48 Pa.B. 1101) which describes costs, benefits and compliance, does not provide a proper accounting (or even an attempt to estimate the costs) for the significant increase in labor that will be necessary to satisfy the various proposed increased inspection, monitoring, supervising and recordkeeping requirements. DEP notes in the RAF two key reasons it is proposing this rulemaking is "releases from piping and spills and overflows associated with deliveries" and "release detection equipment is only detecting approximately 50 percent of the releases it is designed to detect." In response to these concerns, DEP is proposing substantial additional regulatory criteria on the public sector, including obligating the company receiving delivery to monitor the offtake of fuels into the tank. It is not clear from the Department's documents or the minutes from the Storage Tank Advisory Committee if the Department has determined if many companies currently have dedicated personnel to observe the delivery of fuels as part of their standard operating procedure. DEP's cost discussion in the RAF does not estimate what it would cost the companies who do not currently monitor delivery, or if this monitoring would yield improved performance on the part of the delivery companies. Further, the cost discussions in the RAF and Section F do not estimate, to the degree necessary to satisfy the Regulatory Review Act, what additional DEP staffing and resources will be needed to implement this substantially more stringent regulatory program, nor do the cost discussions estimate or attempt to estimate the cost to the private sector for the significant amount of increased inspections, monitoring and record-keeping being proposed.

As such, DEP should revise Subchapter F and the RAF to better account for the costs to the Department and the private sector to implement the proposed provisions of Subchapter 245, republish the documents, and offer another comment period with a notice to the public and stakeholders asking specifically for cost estimates for the various proposed additional regulatory obligations. The lack of a good faith effort to document estimated costs to the Commonwealth and private sector, as obligated by the

Regulatory Review Act, will constitute a substantial defect to any final rulemaking.  
(18)

**Response:** The proposed UST and AST regulatory requirements largely focus on additional testing and inspection of existing equipment. The costs to the regulated community associated with the increased testing and inspection were presented and detailed in item 19 of the RAF and Section F of the Preamble to the proposed rulemaking. Further, Section F of the proposed Preamble stated, “Most of the proposed amendments are necessary for the Commonwealth’s regulations in Chapter 245 to be consistent with Federal requirements for USTs and retain EPA approval of the State program. Without these proposed amendments, the EPA could not continue to approve the State program and would then be required to implement the UST program in this Commonwealth. Therefore, UST owners would incur the increased costs for their UST facilities to comply with 40 CFR Part 280 even if Chapter 245 was not amended due to the EPA’s revised regulations for USTs.” (48 Pa.B. 1101).

Please also see the response to Comment 5.

With regard to Department costs, Section F of the Preamble for the proposed rulemaking states, “Under this proposed rulemaking, the Department would incur minimal additional costs to publish notices in the *Pennsylvania Bulletin* for the following:

- Acknowledgment of receipt of the remedial action plan.
- Notice of the Department’s final action on the remedial action plan.
- Acknowledgment of receipt of the remedial action completion report.
- Notice of the Department’s final action on the remedial action completion report.
- Notice of variances approved by the Department.”

No additional Department program staff will be needed to implement the proposed or final-form regulatory requirements. No new data system requirements are anticipated.

Further, Section F of the Preamble states, “The increase in proposed inspections and testing by storage tank owners is expected to reduce Department costs. For example, these proposed amendments will require all ASTs in underground vaults that require an in-service inspection to be inspected within 6 and 12 months of installation and at least every 3 years thereafter due to their history of non-compliance. This mirrors the inspection requirement for USTs. Also, the initial inspection requirement and in-service inspection cycle for small ASTs will be shortened from 10 years to 5 years. Based on existing in-service inspections, the compliance rate with regulatory requirements is less than 50%. When the facility operations inspection cycle for USTs was shortened from 5 years to 3 years in a prior rulemaking, the Department observed increased regulatory compliance, fewer releases and a reduction in the severity of releases from USTs, which reduced Department staff time needed to follow-up on non-compliant facilities.” Based on realized benefits, the increased frequency of inspections and testing is unchanged in the final-form rulemaking.

In response to the concern that DEP proposed substantial additional regulatory criteria on the public sector, including obligating the company receiving delivery to monitor the offtake of fuels into the tank, many of the proposed amendments only clarify existing regulatory requirements and do not create new requirements. For example, with the requirement to monitor the offtake of fuel into the tank that the commentator cited, existing regulatory requirements require transfers of fuel to a tank within the emergency containment to be monitored for the duration of the transfer (See § 245.542 (d)(4)). In addition, under § 245.541(a), the tank owner and operator are required to ensure the transfer of fuel to the tank is adequately monitored and to take immediate action to stop the flow of fuel in the event that an equipment failure occurs. In proposed amendments in § 245.541(a), the Department is clarifying what it means to have adequate monitoring and continues the requirement that transfers of fuel to the tank be monitored during the transfer. The proposed amendments are retained in the final-form rulemaking.

### **Subchapters A and D – Definition of Release and Reportable Release, and Release Reporting**

- 10. Comment:** The proposed revision to the definition of “release” is too confusing. We suggest deleting the proposed language and adding the following: “If the total volume of the released regulated substance as described above into liquid-tight containment sump or emergency containment structure is recovered and removed, reporting is not required.”  
(6)

**Response:** The Department respectfully disagrees that any spill<sup>1</sup> that is completely recovered, irrespective of quantity, is not a “release.” The commentator’s revision would allow potentially hundreds or thousands of gallons of a regulated substance to be released to an emergency containment structure without any reporting of the release to the Department.

To clarify a facility owner and operator’s reporting requirements, the Department has added a definition for “immediate threat of contamination” in the final-form rulemaking, under which spills from a storage tank into a containment structure that equal or exceed applicable CERCLA reportable quantity thresholds or are an amount equal to or greater than a “discharge” under § 311 of the Federal Water Pollution Control Act (Clean Water Act) (33 U.S.C. § 1321) pose an immediate threat of contamination to soils, subsurface soils, surface water or groundwater, and are therefore “releases.” The only exception to what constitutes a “release” under this new definition is a petroleum spill less than 25 gallons into a liquid-tight containment sump or emergency containment structure that results from a tank handling activity if the certified installer providing direct onsite supervision has control over it, if it is completely contained and if, prior to the certified installer leaving the storage tank facility, the total volume is recovered and removed.

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<sup>1</sup> Throughout this Comment Response document, unless made clear by the context, the Department uses the word “spill” or “spilling” broadly to mean spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank.

Consistent with the description above, the first step in the spill reporting requirements in the final-form rulemaking is to determine if the spill is a “release,” as defined. If a petroleum spill is a “release,” the next step is to determine if that “release” needs to be reported under § 245.305(i). Under § 245.305(i), the release will need to be reported unless the following three criteria, in the two situations described below, are met:

- i. the owner or operator has control over the release,
- ii. the release is completely contained, and
- iii. the total volume of the release is recovered and removed within 24 hours of the release.

Provided all three of the above criteria are met, the following release situations will not be required to be reported to the Department:

1. A release of petroleum to an aboveground surface, including within an emergency containment structure, that is less than 25 gallons;
2. A release of petroleum to a containment sump if the total volume of the release is contained below the lowest sump penetration.

See § 245.305(i)(1) and (2). If a petroleum “release” occurs and the requirements of § 245.305(i) are not met, the “release” would need to be reported. The § 245.305(i) petroleum exemptions are similar to the exemptions under the existing definition of “reportable release,” which is deleted in the final-form rulemaking as it was in the proposed rulemaking.

In the final-form rulemaking, the Department deleted the CERCLA Reportable Quantity exemption in § 245.305(i) and included it in the definition of “immediate threat of contamination.”

- 11. Comment:** § 245.1 Definitions – The proposed amendments delete the definition of a “reportable release” and redefine a “release” to include all spills, leaks, emissions, discharges, escapes, leaching or disposals of a regulated substance into a containment. The definition further states that releases into a containment structure poses an immediate threat of contamination of the soils, subsurface soils, surface water or groundwater, except when a regulated substance is present in a liquid-tight containment sump or emergency containment structure as a result of a tank handling activity, if the certified installer providing direct oversight supervision has control. We strongly disagree with the amended definition of a release and the deletion of the definition of a reportable release. Containment structures, emergency containments, containment sumps, and double-walled tanks are designed to contain spills, leaks, emissions, discharges, escapes, and leaching to prevent contamination to the environment. For example, by definitions a containment sump is a liquid-tight container and emergency containment serves to convey, capture and contain the total volume of an anticipated release of regulated substances from a tank system. Therefore, a release, spill, etc. into these containments does not pose an immediate threat to the environment. Also, it is

contradictory to state that a release into these structures poses an immediate threat and then state that it isn't an immediate threat if the certified installer is providing direct oversight. No changes should be made to the definitions in the current rule for "release" and "reportable release." (9)

**Response:** The Department agrees that containment structures that comply with § 245.542 (relating to containment requirements for aboveground storage tank systems) requirements help prevent contamination to environmental media. Containment systems, alone, do not eliminate the risk of contamination. Containment systems may malfunction, may require maintenance, or may be unsupervised for prolonged periods. The Department's proposed revisions reflect the Department's position that, in the context of reporting a spill, preventing contamination includes addressing the quantity of the spill as well determining whether the containment structure contained the spill and whether the owner of the facility removed the spill within 24 hours. If the system is damaged – if the integrity of the system is not satisfactory – it is not containing the spill, thus potentially triggering reporting requirements. This is important information, without which the Department cannot perform its oversight duties. While changes from the proposed rulemaking are made in the final-form rulemaking, the essential approach taken in the proposed rulemaking remains the same.

12. **Comment:** § 245.304 Investigation of Suspected Releases & § 245.305 Reporting Releases – § 245.304(c) states that except as provided in § 245.305(i), if a release has occurred, the owner or operator shall report it within 24 hours and initiate corrective action. Section 245.305(i) states that under certain criteria a release does not require reporting if removed with 24 hours, including releases within an emergency containment. Since the proposed amendment definition of a release include discharges into containment sumps and emergency containments and some containment areas are not required to be inspected daily, virtually every discharge no matter how minor into these containments designed to prevent releases into the environment could result into reporting and potential corrective action. Again, no changes should be made to the current definitions in § 245.1 for a release and reportable release, § 245.305(a) should state that reportable releases are required to be reported within 24 hours and proposed amendment § 245.305(i) should be deleted. (9)

**Response:** The final-form amendments only consider a spill that equals or exceeds CERCLA thresholds, or a spill that is an amount equal to or greater than a discharge as defined in § 311 of the Federal Water Pollution Control Act (Clean Water Act) to be a "release." The final-form rulemaking retains the existing definition of "release" in § 245.1. The Department has added a definition of "immediate threat of contamination" to § 245.1 to clarify that a spill of a CERCLA hazardous substance directly to either environmental media or into a containment structure or facility will not be a "release" and will not trigger reporting requirements if the spill is less than the respective reporting requirements in CERCLA. Similarly, § 245.305(i) has been amended to exclude releases of petroleum less than 25 gallons into emergency containment and a release of petroleum to a containment sump where the total volume released is below the lowest sump penetration from reporting requirements if the facility owner or operator

contains it, controls it, and promptly removes it. In the final-form rulemaking, no change from the proposed language is made to § 245.305(a).

- 13. Comment:** § 245.1 (Definitions) & § 245.305 - By removing the term “reportable release” and re-defining “release” the Department is essentially stating the case that tank owners and operators are not capable of determining what releases constitutes an immediate threat to surface water, groundwater, bedrock, soil or sediment.” Small leaks within a secondary containment structure (e.g. inside a building) and are cleaned up within a short period of time do not pose an immediate threat of contamination to soils, subsurface soils, surface water, or groundwater and should not be deemed a release subject to reporting, site characterization or remedial actions. We recommend retaining the current definitions or to ensure the language properly differentiates between the requirements for large and small releases. (10)

**Response:** Tank owners and operators play an integral role in the prevention of contamination by maintaining storage tank facilities and by addressing spills. The amendments in the final-form rulemaking properly balance the capabilities of those facilities that have efficient containment and response capabilities with the Department’s need and ability to effectively implement mandates of the Storage Tank Act, and protect the environment. (35 P.S. §§ 6021.101 – 6021.2104.) The final-form amendments only require a spill that is equal to or exceeds CERCLA thresholds or is an amount equal to or greater than a discharge as defined in § 311 of the Federal Water Pollution Control Act (Clean Water Act), to be a “release.” The Department added a definition of “immediate threat of contamination” to § 245.1 to clarify a spill of a CERCLA hazardous substance directly to either environmental media or into a containment structure or facility will not be a “release” and will not trigger reporting requirements if that spill is less than the respective reporting requirements in CERCLA. Similarly, a spill of petroleum into emergency containment will not need to be reported if the spill is less than 25 gallons and if the facility owner or operator contains it, controls it, and promptly removes it.

- 14. Comment:** Chapter 245 contains multiple changes that implicate reporting obligations with respect to ASTs and USTs. Under the proposed changes to Chapter 245, the definition of a “reportable release” has been eliminated and supplemental language has been added to the definition of a “release.” In addition, 25 Pa. Code § 245.305 has been revised in connection with release reporting obligations. The upshot of these changes is to significantly expand the scope of release reporting requirements.

A key element of the requirements that apply to regulated ASTs and USTs is that they employ secondary containment. Secondary containment serves as an additional layer of protection to prevent regulated substances being held in regulated tanks from reaching the environment (e.g., soils, groundwater or surface water). By design, secondary containment keeps regulated substances out of the environment.

Both federal and state release reporting requirements are generally predicated on the concept that for a release to be reportable, it needs to reach the environment. The

proposed changes to Chapter 245 largely eviscerate this concept. 25 Pa. Code § 245.1 currently defines a “release” as follows:

Spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank into surface waters and groundwaters of this Commonwealth or soils or subsurface soils in an amount equal to or greater than the reportable released quantity determined under section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.A. § 9602), and regulations promulgated thereunder, or an amount equal to or greater than a discharge as defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1321), and regulations promulgated thereunder. The term also includes spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank into a containment structure or facility that poses an immediate threat of contamination of the soils, subsurface soils, surface water or groundwater.

This provision already “pushes the envelope” in that it treats as a release a situation where regulated substances enter a containment structure in a manner such that the regulated substances pose an immediate threat of contamination of soils, subsurface soils, surface water or groundwater. The rationale for this element of the definition of a release is grounded in the perspective that reporting an incident as a release may be appropriate where the secondary containment system is in imminent danger of failure such that regulated substances are posing an immediate threat of entering the environment. The “immediate threat” standard is not met, however, where secondary containment is functioning as it should (in other words, it is keeping the release from a tank system from entering the environment).

In the proposed changes to Chapter 245, the EQB largely ignores the functionality of secondary containment. The proposed changes to the definition of a “release” automatically classify entry of a regulated substance into a containment structure or a facility as an “immediate threat” thereby meeting the definition of a release except in very narrowly circumscribed circumstances. Specifically, the amended definition of a “release” includes the following language:

All spills, leaks, emissions, discharges, escapes, leaching or disposals of a regulated substance into a containment structure or facility pose an immediate threat of contamination of the soils, subsurface soils, surface water or groundwater, except when a regulated substance is present in a liquid-tight containment sump or emergency containment structure as a result of a tank handling activity, if the certified installer providing direct onsite supervision has control over the regulated substance, the regulated substance is completely contained and, prior to the certified installer leaving the storage tank facility, the total volume of the regulated substance is recovered and removed.

This language is overly broad. Rather than creating a presumption that any escape of a regulated substance into secondary containment constitutes a release, it would be far more helpful to identify by way of example those limited circumstances where the

presence of a regulated substance in secondary containment actually poses an “immediate threat” to environmental media.

Proposed changes to 25 Pa. Code § 245.305 compound the problems noted above. While the definition of a “reportable release” and its important exceptions have been eliminated from Chapter 245, some of the concepts from the definition of a reportable release have reappeared in 25 Pa. Code § 245.305(i). However, the proposed language is overly restrictive. For example, it appears that PADEP and the EQB contemplate as a predicate to being insulated from release reporting requirements that “any defective storage tank system component that caused or contributed to the release is properly repaired or replaced” within 24 hours. Such repairs may take far longer to accomplish than 24 hours but may pose no additional risks to the environment because other measures are occurring. Similarly, the volumetric exceptions that were contained in the definition of a reportable release (25 gallons for petroleum and reportable quantities for hazardous substances) were based on quantities of regulated substances reaching “an aboveground surface.” The proposed language in 25 Pa. Code § 245.305(i) requires that the amounts of petroleum and regulated substances reaching secondary containment be counted for purposes of determining whether the foregoing quantity thresholds have been met. This twist in the proposed regulatory language will effectively eliminate the exceptions to release reporting where secondary containment is functioning as it is supposed to.

We believe that the proposed changes to release reporting obligations under Chapter 245 go well beyond current requirements and are inconsistent with the basic framework of release reporting requirements under federal and state law. We respectfully request that the proposed changes be withdrawn. (11), (18)

**Response:** The Department agrees that containment structures that comply with the § 245.542 requirements help prevent contamination to environmental media. The Department’s proposed addition of a description of “immediate threat of contamination” does not ignore the important role that these systems play in protecting the environment. Containment systems alone, however, do not eliminate the risk of contamination. Containment systems may malfunction or require maintenance, or may be unsupervised for prolonged periods. The Department’s proposed and final-form amendments reflect the Department’s position that, in the context of reporting a spill, preventing contamination includes addressing the quantity of the spill, as well ensuring that the containment structure contains a spill and that the facility timely responds. Implicit in any “release” determination is an evaluation of the containment system and whether it is accomplishing its task. If the system is damaged – if the integrity of the system is not satisfactory – it is not containing the spill, thus potentially triggering reporting requirements. This is important information, without which the Department cannot perform its oversight duties.

In addition, in response to this comment and others, the Department has removed from § 245.305(i) in the final-form rulemaking the requirement that a facility repair any

defective component as part of the release reporting decision process, to clarify any potential confusion. Please also see the responses to Comments 12 and 13.

- 15. Comment:** Spills that pose no threat of contamination are not releases. The General Assembly enacted the Storage Tank Act to prevent storage tank releases from contaminating the Commonwealth's lands and waters. 35 P.S. § 6021.102 (relating to legislative findings). Declaring these releases to threaten public health and safety, the General Assembly sought to prevent their occurrence, provide liability for damages resulting from any releases and require prompt cleanup. 35 P.S. § 6021.102(b). Consistent with its goal of protecting the environment, the General Assembly focused on preventing and cleaning up those spills that cause contamination, not spills that pose no risk of degrading the environment.

To effectuate these goals, the Storage Tank Act distinguishes between spills to the environment and spills captured by a containment structure. This distinction recognizes that a spill to the environment has a direct impact, while a spill to a containment structure may never reach the environment and cause pollution.

Spills to the environment are "releases" if they reach a reportable quantity threshold. 35 P.S. § 6021.103 (relating to definitions). But spills into a containment structure are releases only if they pose an immediate threat of contamination of the environment. The Storage Tank Act provides that the term "release" "shall also include spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank into a containment structure or facility that poses an immediate threat of contamination of the soils, subsurface soils, surface water or groundwater." 35 P.S. § 6021.103 (emphasis added). In the ordinary situation at our facilities and those of other companies deploying containment structures that satisfy Chapter 245 requirements, a spill to a containment structure poses no such threat.

Existing regulations properly classify spills to a containment structure as releases only when they pose an immediate threat of contamination. The current definition of the term "release" in Chapter 245 is consistent with the Act as it distinguishes releases from a storage tank into the environment from releases "from a storage tank into a containment structure or facility that poses an immediate threat of contamination of the soils, subsurface soils, surface water or groundwater." 25 Pa. Code § 245.1 (release). A spill to the environment constitutes a "release" only if it is in an amount equal to or greater than either the reportable released quantity under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") or sufficient to constitute a discharge as defined in the Federal Water Pollution Control Act ("Clean Water Act"). In contrast, a spill to a containment structure constitutes a release only if it poses an immediate threat of contamination of the environment. With respect to spills to containment structures, an evaluation of whether and when the spill may reach the environment as well as its potential environmental impact determines whether a release has occurred.

The Environmental Hearing Board ("EHB") held this regulatory language to be clear. In *Merck Sharp & Dohme Corp. ("Merck") v. DEP*, 2016 EHB 411, the EHB considered

whether Merck's SPRP submitted in connection with a tank permit application conforms to the release reporting regulations. The SPRP provided that Merck personnel will determine whether a spill to an intact containment structure poses an immediate threat of contamination to environmental media, and report the spill to the Department only if the spill poses such a risk. The Department denied Merck's permit application based on its position that only the Department, and not Merck, can determine whether spills that are completely contained in a containment structure and not released to the environment pose "an immediate threat of contamination." The Department contended that spills to a containment structure must be reported to the same extent as releases directly to the environment. In rejecting the Department's position and granting Merck's motion for summary judgment, the EHB stated:

The definition of "release" is clear and unambiguous. There is no "release" (and therefore, no reportable release) unless the spill is from a storage tank into environmental media or "into a containment structure or facility that poses an immediate threat of contamination of" environmental media. Under the definitions of both "release" and "reportable release," it is clear that fully contained spills that pose no immediate threat need not be reported.

Id. at 421. Because the existing regulations and the Storage Tank Act define "release" in the virtually identical language, the EHB's holding that the regulatory language is clear also signifies that the statutory language is clear. Any amendment to the regulations must not contravene this clear statutory language. (13)

**Response:** As an initial matter, the Merck case involved the legal interpretation of the terms "release" and "reportable release," as those terms are currently defined in Chapter 245. The EHB held that Merck correctly interpreted the regulatory requirements of Chapter 245 within its spill prevention response plan (SPRP) for Merck's West Point facility. The EHB did not comment on whether any type or amount of spill might constitute an "immediate threat of contamination," nor did it review or endorse Merck's West Point facility's SPRP or containment structure as an effective means of containing spills or dealing with an "immediate threat of contamination." Instead, the EHB commented that the Department should propose its policy preference – that spills to a containment structure should be reported – to the EQB. (2016 EHB at 420).

The Department's amendment of the "release" definition in the proposed rulemaking, and its addition of a definition of "immediate threat of contamination" in the final-form rulemaking, are consistent with that directive and do not contravene the Storage Tank Act's definition of "release." Under Section 103 of the Storage Tank Act, 35 P.S. § 6021.103, and existing 25 Pa. Code § 245.1, a "release" is defined to include spilling "from a storage tank into a containment structure or facility that *poses an immediate threat of contamination* of soils, subsurface soils, surface water or groundwater." (Emphasis added.) Neither the Storage Tank Act nor existing Chapter 245 defines "immediate threat of contamination," which has confused the analysis and reporting of spills within a containment structure. The Department clarifies what constitutes an

“immediate threat of contamination” and resolves these issues in the final-form rulemaking.

In response to Merck’s comments, as well as those from other commentators, the Department deleted the language it proposed to add to the definition of “release” and replaced it with a definition of “immediate threat of contamination” to clarify that spills from a storage tank into a containment structure that equal or exceed applicable CERCLA reportable quantity thresholds or are an amount equal to or greater than a “discharge” under § 311 of the Federal Water Pollution Control Act (Clean Water Act) (33 U.S.C. § 1321) pose an immediate threat of contamination to soils, subsurface soils, surface water or groundwater, and are therefore “releases.” As a result, the Department does not believe that there will be a scenario, like the one proposed by the commentator, in which a spill that is less than CERCLA-reportable quantities and is otherwise not a “release” qualifies as an “immediate threat of contamination” because it is in a containment structure.

In addition, the Department has defined “immediate threat of contamination” to exclude spills of petroleum less than 25 gallons that are a result of a tank handling activity if a certified installer responds to them promptly. The Department believes that this revision streamlines analysis of whether a spill is a “release” and, if so, whether the “release” needs to be reported. In addition, the proposed revision avoids burdening facilities that have efficient containment and response capabilities while preserving the Department’s need and ability to implement the Storage Tank Act effectively.

Please also see the responses to Comments 12-14.

- 16. Comment:** The definition of “release” in the proposed regulations improperly stands the statutory definition on its head. The proposed rulemaking seeks to modify the definition of “release” to “clarify” that the verbiage “that poses an immediate threat of contamination” in the Storage Tank Act and existing regulations refers to all spills of a regulated substance into a containment structure or facility. According to the proposed rulemaking, the draft regulations would revise the regulatory definition of “release” to “clarify” that in all but one limited set of circumstances, “all releases into a containment structure or facility pose an immediate threat of contamination of soils, subsurface soils, surface water or groundwater.” Proposed rulemaking Section E, paragraph 5.

This is no mere “clarification.” It seeks to reverse the EHB’s holding that a spill to a containment structure is not a release, and need not be reported, when the tank owner or operator determines that the spill does not pose an immediate threat of contamination of environmental media. Notably absent from the proposed amendment is any consideration of facts specific to the spill and containment structure at issue, such as whether the containment structure will prevent the spill from reaching the environment and, if not, whether the spill will cause environmental harm.

Plainly some spills do not cause or threaten harm. The statutory and regulatory definitions of release encompass spills directly to the environment only in amounts equal to or exceeding the specified reportable quantities. 35 P.S. § 6021.103 (release) and

25 Pa. Code § 245.1 (release). Yet the proposed revision to Section 245.1 would classify even spills less than reportable quantities as releases if made to a containment structure. This is plainly flawed. If a spill directly to the environment below a reportable quantity causes no harm and is not a release, then clearly the same spill to a containment structure, whether or not captured by that structure, likewise does not immediately threaten or cause contamination. And if a spill is fully captured, it would not pose a threat of contamination, yet alone an "immediate" threat, even if it exceeded the reportable quantity. The Storage Tank Act establishes a fact-specific standard - poses an immediate threat of contamination - but the proposed rule disregards the facts.

The Storage Tank Act's mandate to consider whether a spill to a containment structure poses an immediate threat of contamination of the environment is soundly based on the function of containment structures. These structures are designed to accomplish a goal of the Storage Tank Act, preventing releases to the environment. Chapter 245 recognizes their effectiveness. Indeed, the proposed rulemaking states: "Secondary containment reduces releases to the environment by containing releases from the primary containment area in a second containment area to ensure detection before the contaminants reach the environment." Proposed rulemaking at D.

More particularly, Section 245.542 imposes stringent requirements applicable to secondary and emergency containment structures. They must be of very low permeability, Section 245.542(c) and (d), and of sufficient capacity to contain a spill. Section 245.542(e). A spill to a low permeability structure does not pose an "immediate" threat to the environment. In addition, stringent standards for new containment structures must be met or a professional engineer must verify "that the emergency containment structure, coupled with the tank monitoring program and response plan, is capable of detecting and recovering a release and is designed to prevent contamination of the waters of this Commonwealth." Section 245.542(d)(2)(ii). Based upon these and Chapter 245's inspection and repair requirements (let alone more stringent requirements in Merck's Engineering Design Standard), the proposal to declare that every spill to a containment structure poses an immediate threat of contamination is contrary to fact.

When the General Assembly defined "release" to include all spills to the environment in reportable quantities, but only those spills to containment structures that pose an immediate threat of release, it clearly considered containment structures to reduce environmental risk. As the quote from the proposed rulemaking set forth above illustrates, Chapter 245 acknowledges the protective value of these structures. The proposed amendment classifying all spills to containment structures as releases encompasses a broader range of spills when made to a containment structure than when made directly to the environment, and thereby turns the statutory definition on its head.

The exemptions under proposed Section 245.305(i) are unreasonable narrow as applied to releases to containment structures. Assuming *arguendo* that the Board decides to deem all spills to a containment structure to be "releases," an amendment that would contravene the Storage Tank Act and fact-specific evaluations of whether an immediate threat of contamination exists, the maximum volume of a release that the proposed

rulemaking would exempt from reporting is the same for a release directly to the environment as for a release occurring and remaining completely within an emergency containment structure. This improperly disregards the lower risk to the environment when a spill is contained.

For example, if a spill of 25 gallons of petroleum from our 400,000 gallon storage tank entered the containment structure, it would occupy less than .006% of secondary containment capacity. Except under extraordinary circumstances, this spill would not present an immediate threat of contamination of the environment; the containment structure, carefully designed, constructed and maintained by our company at considerable cost, would eliminate any such threat.

The proposed rulemaking recognizes elsewhere that certain spills to containment structures or facilities, such as those shown to be liquid tight, are unlikely to result in environmental harm. See, e.g., proposed § 245.303(e)(1) (regarding waiver of corrective action requirements). Actual threat of contamination of the environment may depend on, among other factors, the integrity of the containment structure, its design and construction (see § 542), the quantity, toxicity and other characteristics of the substance spilled, and the location and nature of the environmental media or resources that may be impacted.

By relying solely on reportable quantity thresholds with regard to spills to containment structures, the proposed rulemaking does not properly consider the actual immediate threat posed by a spill, as the definition of "release" in the Storage Tank Act requires it to do. (13)

**Response:** The Department incorporates its discussion in the response to Comment 15 regarding the EHB's Opinion in *Merck Sharpe & Dohme Corp v. DEP*, 2016 EHB 411 into this response. As discussed above, in *Merck*, the EHB did not consider what type or quantity of a spill poses an immediate threat of contamination. Rather, it considered the interpretations of "release" and "reportable release" and which party is entitled to determine whether a spill constitutes an "immediate threat of contamination." See *Merck* at 413-14.

The commentator bases concerns with the proposed amendments, in part, on the notion that all containment structures constructed to satisfy the requirements of § 245.542 categorically eliminate any "immediate threat of contamination." In further support of these concerns, the commentator cites to § 245.542(d)(2)(ii), which requires "[v]erification by a professional engineer that the emergency containment structure, coupled with the tank monitoring program and response plan, is capable of detecting and recovering a release." The commentator also asserts that the size of its storage tank and its containment structure will mitigate against the risk of an immediate threat of contamination.

The Department agrees that compliance with § 245.542 will mitigate against potential contamination. The Department's proposed and final-form amendments are consistent

with that perspective. Based on 29 years of facility inspections and enforcement experience, the Department respectfully disagrees, however, that containment structures, alone, are a fail-safe plan to prevent contamination. Section 245.542 is not a self-verifying provision of the Storage Tank regulations—the Department must inspect facilities on a regular basis to determine if a facility, including its containment structure, is in compliance with regulatory requirements. See, for instance, 35 P.S. § 6021.107; §§ 245.551-245.554.

Section 245.542 only requires verification that the containment structure is *capable* of detecting and recovering a release. A permittee's success in operating and maintaining the containment structure, however, is dependent on ongoing compliance and regular inspections. While the size of the commentator's storage tank and containment structure may mitigate the risk of contamination, a storage tank facility's integrity is only one of a number of factors to be considered when addressing a spill. The commentator acknowledges this by stating that the "[a]ctual threat of contamination of the environment may depend on, among other factors, the integrity of the containment structure, its design and construction (see § 542), the quantity, toxicity and other characteristics of the substance spilled, and the location and the nature of the environmental media or resources that may be impacted."

Considering all the factors, the Department believes that determining whether a spill is an "immediate threat of contamination" involves a contemporary, fact-specific determination of the quantity of the spilled regulated substance, and, in the case of a petroleum "release," whether the containment structure has contained the release and whether the facility has responded to it in a timely manner. The amendments in the final-form rulemaking accomplish this goal.

Please also see the responses to Comments 12-15.

- 17. Comment:** The proposed misclassification of releases harms the regulated community by triggering unnecessary reporting, corrective action and other obligations. Classifying all spills to containment structures as "releases" adversely affects our company and other tank owners and operators. Under the proposed rulemaking, any release must be reported to the Department as soon as practicable, but no later than 24 hours after the confirmation of a release. 25 Pa. Code § 245.305. Because the proposed regulations classify any spill of any quantity to a containment structure as a release, absent an exemption even a single drop of a substance spilled from a tank system into a containment structure must be reported. The reporting exemptions in proposed Section 245.305(i) in effect apply the same quantity thresholds to spills directly to the environment and spills to containment structures, provided that the release is "completely contained" and remediated within 24 hours. But a completely contained spill that is promptly remediated does not pose an immediate threat of contamination and, under the Storage Tank Act, is not a release in the first instance. The proposed regulations improperly classify these spills as releases and then exempt them from reporting. But because this exemption applies only to spills below their reportable

quantities, the exemption does not apply to spills to containment structures in greater amounts that nonetheless pose no immediate threat of contamination.

Requiring tank owners and operators to report spills that are captured in a containment structure and promptly remediated, including those exceeding the reportable quantities, imposes unnecessary (and unauthorized) burden. Reporting requires more than the mere submission of a form. At our company, it involves internal processes to ensure that submissions are accurate and complete. Heightened reporting likewise places a burden on the Department to review the submission. The proposed rulemaking asserts that the amendments will reduce the administrative burden on the Department, see proposed rulemaking at F, yet requiring review of reports of spills to intact containment structures produces the opposite result.

Unnecessary spill reporting creates a record susceptible to misinterpretation by other government agencies or the public. The proposed rulemaking declares that every spill to containment poses an immediate threat of contamination of the environment. Other agencies or the public may review spill report records and conclude that the tank owner endangered the public, when in fact the tank owner can demonstrate that any risk to the public or environment was negligible. This misunderstanding may result in citizen suits or enforcement actions for spills that did not actually pose any threat.

In addition to causing needless reporting, misclassifying spills fully captured by containment structures as releases posing an immediate threat of contamination triggers unnecessary corrective action obligations (unless exempt under § 245.305(i)). These involve a time-consuming site characterization and preparation of a site characterization report, even when no cleanup is needed. See proposed Sections 245.309 and 245.310. For example, if a reportable quantity of material, 25 gallons of petroleum, were to spill to a large secondary containment structure during transfer to a storage tank and be immediately recovered, the proposed regulations would require performance of a site characterization and interim remedial action although no benefit to the environment would ensue. *Id.*; see also § 245.306. These obligations would apply regardless of the absence of any actual threat of contamination posed by the spill. A storage tank owner would be relegated to seeking a waiver of corrective action from the Department, a time-consuming endeavor for both the regulator and the owner. See proposed rulemaking § 245.303(e)(1) (authorizing the Department to waive corrective action requirements when the release is to a "liquid-tight" containment structure). All of these burdens and other adverse consequences to tank owners occur because the proposed rulemaking would amend the definition of "release" in a manner which contravenes the Act. (13)

**Response:** The Department respectfully disagrees that reporting releases under the proposed revisions will result in unnecessary reporting, burdening tank owners, operators and the Department. As articulated above in the response to Comment 15, the Department has added a definition for "immediate threat of contamination" in the final-form rulemaking to clarify which spills constitute a "release" within containment.

Further, in recognition of the commentator's comments regarding needless reporting, the Department believes that the definition of "immediate threat of contamination" in the final-form rulemaking and the proposed and final-form rulemaking reporting requirements in § 245.305(i) properly exempt small spills from reporting and corrective action. The Department believes that these amendments properly balance the capabilities of those facilities that have efficient containment and response capabilities with the Department's need to effectively implement the Storage Tank Act and protect the environment.

Further, under the commentator's proposed scenario regarding a 25-gallon spill of petroleum that occurs during transfer to a storage tank, while it may be considered a release, the Department has also further clarified in § 245.303(e)(1) that the Department may waive the need for further corrective action based on the nature of the release, including a release into a containment structure or facility that is shown to be liquid-tight. Regardless of the scenario, the Department respectfully disagrees that requesting a waiver under § 245.303(e)(1) constitutes a "time consuming endeavor for both the regulator and the owner." The Department encourages frequent communications between the Department and the regulated community to foster efficiency and compliance.

Please also see the responses to Comments 12-16.

- 18. Comment:** The Board should follow existing Federal and neighboring states' release reporting regulations that focus on actual risk. The regulations of other environmental agencies and neighboring states recognize that spills to a containment structure pose less risk than spills directly to the environment. Minimizing risk is the reason for constructing an emergency or secondary containment system, and supports a less stringent reporting requirement for these spills.

The spill reporting requirements under several federal programs recognize that no environmental benefit exists to warrant burdening tank owners with reporting each and every spill to secondary containment, but rather regulations should consider the actual threat of environmental harm. For example, under the Clean Water Act, discharges of oil into or upon navigable waters of the United States must be reported only when the quantity of the spill may be harmful to public health or the environment. 33 U.S.C. § 1321(b)(4). The regulations implementing this requirement, 40 CFR § 110.3, establish that the quantities of oil discharges that "may be harmful" are those that cause a violation of applicable water quality standards or a film or sheen on the surface of the water, among other similar observable conditions.

Apart from oil, notice of a discharge of a hazardous substance must be reported under the Clean Water Act if the discharge is in an amount equal to or exceeding such substance's reportable quantity. 40 C.F.R. § 117.21. But unless and until a hazardous substance reaches the waters of the United States, no notification requirement is triggered. 40 C.F.R. § 117.11. If a spill to a containment structure does not reach or threaten to

reach the environment, notification to the Department of the spill will not further the objective of protecting the environment.

The spill reporting requirements of the federal UST regulations are consistent with our position. Implementation of the federal underground storage tank program may be delegated to the states. 40 C.F.R. Part 281 (Approval of State Underground Storage Tank Programs). To obtain delegation, a state must require reporting of "underground releases and any spills and overfills that are not contained and cleaned up." 40 C.F.R. § 281.34(b) (emphasis added). Neither a "release" nor an "underground release" occurs unless environmental media are impacted. 40 C.F.R. § 280.12. Under this standard, Pennsylvania is not obligated to require reporting of a spill contained by secondary containment and cleaned up. Similarly, absent delegation, EPA does not require reporting of spills to secondary containment so long as there is no release to the environment, any defective equipment is repaired or replaced, and the liquid in the interstitial space of secondarily contained systems is removed. 40 C.F.R. § 280.50(b).

The leak and spill response regulatory requirements for tank systems at hazardous waste treatment, storage and disposal facilities regulated under the Resource Conservation and Recovery Act ("RCRA") require the owner or operator to remove materials released to a secondary containment system within 24 hours, or as soon as possible, to "prevent harm to human health and the environment." 40 C.F.R. § 264.196(b)(2). A spill to secondary containment that does not reach the environment does not trigger the RCRA notification requirement. 40 C.F.R. § 264.196(d).

At the state level, New York's release reporting regulations exempt from reporting all spills to secondary containment, regardless of quantity, as long as the following conditions are met: (i) the secondary containment system meets certain design requirements; (ii) the spill or overfill is controlled and completely contained within 24 hours; (iii) the total volume of the spill or overfill is recovered or accounted for; and (iv) the spill will not result in certain conditions including fire, explosion, contravention of air quality standards, harmful vapors, or runoff from fire control or dilution waters contributing to a contravention of water quality standards. 6 CRR·NY 598.14(a)(4).

In Delaware, the aboveground storage tank regulations require reporting of a leak (defined as a failure of an aboveground storage tank to contain a regulated substance) of a regulated substance inside secondary containment in any quantity only if the regulated substance cannot be cleaned up within 7 days.  
7 DE Regs 1352 Part E 1.1.2.

Finally, New Jersey's aboveground storage tank regulations require notification to the New Jersey Department of Environmental Protection "immediately after a discharge commences." N.J.A.C 7:1E-5.3(a). Notably, the definition of "discharge" involves a release into waters or onto land. The definition expressly states that the term does not include "leak," which is defined as "any escape of a hazardous substance from the

ordinary containers employed in the normal course of storage, transfer, processing or use into a secondary containment or diversion system or onto a surface which is cleaned up and removed prior to its escape into the waters or onto the lands of the State." N.J.A.C 7:1E-1.6 (emphasis added). New Jersey also exempts from reporting any discharge that is not otherwise required to be reported under any other state or federal rule so long as the discharge occurs at a facility that has a discharge prevention and discharge removal plan, or another related approved plan, if the discharge "[h]as not entered any waters of the State or migrated off-site" and within 24 hours the discharge is stopped and contained in accordance with such plan and is cleaned up and removed. N.J.A.C 7:1E-5.3(e)(1).

The federal government and each of these neighboring states exhibit a common-sense approach to release reporting. Pennsylvania's current Storage Tank regulations do the same, and no change to the release reporting requirements is needed to protect human health or the environment. (13)

**Response:** The commentator cites to various State and Federal spill reporting requirements and asserts that they more appropriately consider storage tank containment structures and the risk of each spill.

The Department notes that the regulatory authorities to which the commentator cites contain reportable quantity limits and a consideration of the potential risk of each spill contaminating environmental media. In particular, the commentator cites to New York's release reporting regulations, which require analysis of the design of a containment system, whether the facility capably responded to a spill within a timely manner, the quantity of the spill, and whether the spill will potentially result in additional hazards. Similarly, both Delaware and New Jersey require responses to spills within a timely period.

The reporting requirements in § 245.305(i) in the final-form rulemaking are consistent with those cited by the commentator. To be excluded from reporting requirements under the Department's final-form rulemaking, a spill must not exceed reportable quantity limits, and, in the case of a petroleum release less than 25 gallons, the facility owner or operator must contain and remove the entire volume of the release within 24 hours. In addition, if the petroleum spill is the result of a tank handling activity, the spill must be within a liquid-tight containment sump or an emergency containment structure, and the certified installer must have control over and contain the regulated substance before he or she leaves the facility. As with the sources cited by the commentator, the Department's final-form rulemaking requires consideration of the quantity and location of the spill, and the facility's timeliness responding to it.

Please also see the responses to Comments 12-17.

19. **Comment:** DEP in the proposed revised language in 245.1 and 245.305 proposes to declare that "all releases into a containment structure or facility pose an immediate threat of contamination of soils, subsurface soils, surface water or groundwater."

245.1 notes that there is only one exception to this blanket declaration – “release of a regulated substance into a liquid-tight containment sump or emergency containment structure as a result of a tank handling activity, if the certified installer providing direct onsite supervision has control over the regulated substance, the regulated substance is completely contained and, prior to the certified installer leaving the storage tank facility, the total volume of the regulated substance is recovered and removed.” Section 245.305(i) then specifically identifies the four criteria that must be met to not constitute a reportable release: “1) the owner or operator has control over the release; 2) the release is completely contained; 3) the total volume of the release is recovered and removed within 24 hours of the release; and 4) any defective storage tank system component that caused or contributed to the release is properly repaired or replaced.” These two sections are inconsistent with one another. The definitional language in 245.1 does not contain the 24-hour time limit for removal or the requirement to repair or replace defective system components. If a release is completely contained and under control by the operator (and has not escaped from the containment system - in other words, items #1 and 2 above are met), then it stands to reason the release does in fact not pose a threat to soil or water. Further, it may not be possible given logistics involved to have the material in containment removed within 24 hours. DEP does not identify how soon the defective component must be replaced in order for the release to not be reported. (18)

**Response:** The Department has added a definition for “immediate threat of contamination” in the final-form rulemaking to clarify the meaning of that term as used in the definition of a “release.” As defined, a spill into a containment structure or facility is an “immediate threat of contamination” if it exceeds its respective CERCLA reportable quantity or is an amount equal to or greater than a “discharge” under § 311 of the Federal Water Pollution Control Act (Clean Water Act), and is therefore a release. Similarly, a spill of petroleum into emergency containment will not need to be reported if the spill is less than 25 gallons and if the facility owner or operator contains it, controls it, and promptly removes it.

In addition, the Department has removed the proposed language in § 245.305(i) that would have required repairs of defective system components in relation to release reporting.

Please also see the responses to Comments 12-18.

- 20. Comment:** EQB proposes to amend the definition of “release” and to delete the definition of “reportable release.” These amendments have generated interest from the regulated community. They believe the changes will require the reporting of every spill into emergency and secondary containment structures as a “release” and argue that a spill into a secure containment area is not necessarily a threat to the environment. They contend that the revisions would trigger new reporting, corrective action and other obligations that are not necessary for the protection of human health and the environment. In addition, commentators contend that these amendments conflict with the statutory definition of “release” found in Section 103 of the Storage

Tank and Spill Prevention Act (35 P.S. § 6021.103) and the intention of the General Assembly.

We have several questions about these amendments and the issues raised by commentators. First, are these amendments needed to align Chapter 245 with EPA amendments to its UST regulations? Second, why does EQB believe the amendments being proposed are consistent with the statutory definition of “release” and the intention of the General Assembly? Third, what is the need for the changes? Are the existing requirements allowing spills to reach the environment and causing harm? Finally, will the amendments require additional reporting and corrective action for spills into emergency and secondary containment structures? If yes, what are the differences between existing requirements and the new requirements? (20)

**Response:** The amendments are not needed to align Chapter 245 with EPA amendments to its UST regulations. Rather, the amendments are needed to ensure protection of the environment in a streamlined fashion.

The definition in the final-form rulemaking of “immediate threat of contamination” in regard to USTs is only slightly more stringent than Federal regulations, which require that state programs, at a minimum, require prompt reporting of all confirmed underground releases and any spills and overfills that are not contained and cleaned up. (40 CFR 281.34(b) (relating to release reporting, investigation, and confirmation)). State programs must be no less stringent than EPA requirements but may be more stringent. (40 CFR 281.11(b) (relating to general requirements [for approval of state program])).

Under the final-form regulations, the Department will require a report of a release of hazardous substances within containment if the release exceeds applicable reportable quantities established by CERCLA. The Department will also require a report of a petroleum release within containment if the release equals or exceeds 25 gallons or, if less than 25 gallons, the release is not cleaned within 24 hours.

With regard to the amendments being consistent with the statutory definition of “release” in the Storage Tank Act, please see the response to Comment 19, above. With regard to the amendments being consistent with the General Assembly’s intentions, the amendments in the final-form rulemaking meet the expressed intentions of the General Assembly for the Department to prevent releases from storage tanks, to establish with the Board a regulatory scheme to prevent releases and require prompt cleanup and removal of pollution, and through the Board to adopt regulations that cover release reporting and remediation of releases from storage tanks. (35 P.S. §§ 6021.102, 6021.106(a) and 6021.301(a)(6) (relating to legislative findings; powers and duties of Environmental Quality Board; and aboveground storage tank requirements)).

The addition of the definition of “immediate threat of contamination” and the amendment in § 245.305(i) relating to releases and reportable releases are needed to

produce increased compliance and more efficient oversight to ensure protection of the environment. As set forth in Section D of the Preamble to this final-form rulemaking, *Background and Purpose*, there were 210 confirmed releases from USTs in this Commonwealth from October 1, 2016, through September 30, 2017, which were the result of improper operation and maintenance of UST systems. Releases from piping and spills and overfills associated with deliveries, and releases at the dispenser, have emerged as common issues. In addition, as noted by EPA in the preamble to its final rulemaking promulgated on July 15, 2015 at 80 FR 41566 (July 15, 2015 Final Rule), release detection equipment is only successfully detecting approximately 50% of releases it is designed to detect. (80 FR at 41567).

This is occurring under the existing regulations, which define “reportable release” in § 245.1 to require a storage tank owner or operator to report a release of a regulated substance that “poses an immediate threat” to environmental media, unless the owner or operator has control over the release, completely contains it and, within 24 hours of the release, removes the total volume of the release. This definition requires an owner or operator first to determine if the spill “poses an immediate threat,” and then, if it does, to report it to the Department. Section 245.1 defines a “release” to include, “... spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank into a containment structure or facility that poses an immediate threat of contamination...”

The phrase “immediate threat” in the existing regulations requires an undefined, qualitative analysis by a facility owner or operator. As a result, the Department’s ability to oversee and enforce relies in large part on the discretion of owners and operators to report spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank. The Department’s addition of the definition of “immediate threat of contamination” and deletion of the definition of “reportable release” in the final-form rulemaking provide a simple quantitative approach that streamlines the analysis of spills, balances the facility owner and operator’s desire to exclude certain small spills from reporting, and ensures the Department’s ability to adequately oversee the program. These clarified reporting requirements will enable the Department to confirm that facilities are reporting spills and to determine whether those spills impact the environment.

The Department does not agree that this new reporting structure will result in new reporting or corrective action obligations for spills into emergency and secondary containment structures. Facility owners and operators have always been required to report releases that pose an immediate threat to the environment. Rather, this clarification may result in more frequent reports to the Department, though the Department also believes that the definition of “immediate threat of contamination” in the final-form rulemaking will result in increased compliance and more efficient oversight because it is quantitatively based, rather than left entirely to the discretion of the facility owners and operators. Other than clarifying reporting obligations, the Department is not amending the corrective action requirements in Chapter 245 to a significant degree.

**21. Comment:** Section 245.305 specifies procedures to be followed after the confirmation of a release. New Subsection (i) identifies types of releases that do not need to be reported to DEP. Commentators believe the exemptions are narrow and do not properly consider the actual threat to the environment. Why did EQB adopt this approach which relies on reportable quantities compared to an approach that would allow the owner or operator of a storage tank system or storage tank facility to evaluate the actual threat to the environment? EQB should explain the reasonableness of this approach in the Preamble to the final-form regulation. (20)

**Response:** The Department has altered its approach in the final-form rulemaking to require reporting of releases into containment in fewer situations. In the final-form rulemaking, the Department added a definition in § 245.1 for the phrase “immediate threat of contamination” because the term is used in the existing and final-form definition of “release” with regard to spills into containment. The new definition of “immediate threat of contamination” excludes most spills into a containment structure or facility below the applicable Federal reportable quantity limits. Though different in respect to the location of the spill, this language mirrors language in existing statutory and regulatory definitions of “release,” which exclude spills into environmental media below Federal reportable quantity limits. 35 P.S. § 6021.103; 25 Pa. Code § 245.1.

With this new definition of “immediate threat of contamination,” most spills below the applicable Federal reportable quantity limits will not be subject to the reporting requirements of § 245.305.

Regarding spills of petroleum, while any spill of petroleum from a storage tank absent a certified installer’s onsite involvement will be a “release” under the definitions of “immediate threat of contamination” and “release,” under § 245.305(i) of the final-form rulemaking an owner or operator will not need to report a spill of less than 25 gallons to an aboveground surface or a spill that is below the lowest containment sump penetration, if the owner or operator contains and controls the spill, and removes the total volume of the spill within 24 hours. In addition, the definition of “immediate threat of contamination” does not include spills of petroleum that are less than 25 gallons into either a liquid-tight containment sump or emergency containment structure that occur as a result of “tank handling activity,” as that term is defined in § 245.1. Consequently, reporting would not be required.

The addition of a definition of “immediate threat of contamination” and the amendments in the final-form rulemaking to the reporting exemptions under § 245.305(i) create a broad exemption for small spills that do not need to be reported while balancing the Department’s need to effectively oversee the threat to the environment and to protect against pollution. The Department believes that defining “immediate threat of contamination” is a reasonable approach because a quantitative review of a spill, rather than a qualitative analysis of a spill and its possible effects, significantly simplifies release reporting analysis and clarifies the roles of owners, operators and the Department in the process. Note that while containment structures

help to prevent contamination, they do not alone completely mitigate the risk of contamination to the environment. Containment structures help to prevent contamination to environmental media. Containment structures, however, may malfunction, may require maintenance, or may be unsupervised for prolonged periods. The Department's added definition of "immediate threat of contamination" and the amendments in the final-form rulemaking to the reporting exemptions under § 245.305(i) reflect the Department's position that, in the context of reporting a spill, preventing contamination includes addressing the quantity of the spill as well determining whether the containment structure contained the spill and whether the owner of the facility removed the spill within 24 hours. If the system is damaged – if the integrity of the system is not satisfactory – it is not containing the spill, thus potentially triggering reporting requirements. This is important information, without which the Department cannot perform its oversight duties

Finally, this simplification will benefit the Department, the regulated community and, most importantly, the environment and public health. Among its various duties, the Department is also responsible for determining when a release poses an immediate threat to public health and safety. 25 Pa. Code 245.305(g). The Department cannot promptly respond to this duty if facilities spend valuable time determining if a spill poses a threat.

#### **Subchapter A – General Provisions**

- 22. Comment:** DEP should define "liquid-tight," a descriptor in 245.303 of what type of a structure or system may be eligible for DEP to waive or combine certain regulatory requirements. (18)

**Response:** The term "liquid-tight" is used in three definitions in the final-form rulemaking ("containment sump," "immediate threat of contamination" and "spill prevention equipment"), in the corrective action provisions of § 245.303 and throughout the technical standards for underground storage tanks in Subchapter E of Chapter 245. The term is also used in 40 CFR Part 280 without being defined. In addition, the term is commonly used throughout the storage tank industry. Therefore, the Department does not believe a definition is warranted.

- 23. Comment:** Under definitions, "used oil/waste oil" needs to be defined. It is important to clarify that used oil is not the waste being generated from the cleaning of motor fuel tanks such as gasoline, aviation gas, diesel, jet fuel, etc. In addition, it is not the recovered product and wastewaters collected as a result of releases from these tanks. Far too often, to avoid the added reporting and handling requirements associated with the removal of motor fuel tanks, contractors identify the wastes as used oil/waste oil. In reality, the waste is a hazardous waste that should require manifests, generator ID's, licensed transporters, and licensed disposal facilities. (4)

**Response:** The Department has not amended the final-form rulemaking to include the requested definition, because the Department's residual and hazardous waste regulations define "waste oil."

The term “waste oil” is defined in § 287.1 (relating to definitions) of the Department’s “Residual Waste Management – General Provisions” regulations as follows:

*Waste oil*—One of the following:

- (i) Oil refined from crude oil or synthetically produced, used and, as a result of the use, contaminated by physical or chemical impurities.
- (ii) A liquid, petroleum-based or synthetic oil, refined from petroleum stocks or synthetically produced which is used in an internal combustion engine as an engine lubricant, or as a product used for lubricating motor vehicle transmissions, gears or axles which, through use, storage or handling, has become unsuitable for its original purpose due to the presence of chemical or physical impurities or loss of original properties.

The term “used oil” is defined in 40 CFR Part 260.10 (relating to definitions) of the Federal “Hazardous Waste Management: General” regulations as follows:

*Used oil* means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

The Department has incorporated the Federal Hazardous Waste Management regulations in Chapter 260 by reference. In doing so, the Department substituted “waste oil” for “used oil” (25 Pa. Code § 260a.3, relating to terminology and citations related to federal regulations).

The Department agrees that waste generated from the cleaning of motor fuel tanks and recovered product and wastewaters collected as a result of releases from motor fuel tanks is not “waste oil.” The wastes associated with the permanent closure of storage tank systems will likely include residual and hazardous wastes. Wastes may include the tank itself, along with any associated piping, unusable product, sludges and sediments, condensation water, wastewater associated with cleaning the tank, and contaminated soil or earthen materials removed or excavated. The tank handling, waste management and disposal activities are discussed in detail in the “Closure Requirements for Underground Storage Tank Systems (DEP ID Number 263-4500-601)” and “Closure Requirements for Aboveground Storage Tank Systems (DEP ID Number 263-4200-001)” Technical Guidance Documents. These guidelines are for DEP-certified installers and consultants to follow who are involved in closure activities.

- 24. Comment:** Wastewater tank systems have been excluded from the universe of USTs that are regulated under Chapter 245. The proposed changes to Chapter 245 include limiting language that provides that to be excluded, wastewater tank systems must be part of a water treatment facility that is either regulated under the national pollutant discharge elimination system (“NPDES”) permitting program or the industrial

wastewater pretreatment program pursuant to the federal Clean Water Act. These limitations will leave certain wastewater tank systems subject to regulation under Chapter 245 for the first time. For example, wastewater systems may discharge to publicly-owned treatment works (“POTWs”) that do not have pretreatment programs in place. Wastewater systems discharging to POTWs may also not be covered by pretreatment programs. In circumstances that do not involve discharges to POTWs, wastewater systems may be operated in ways that do not trigger the NPDES permitting program (such as discharges utilizing spray irrigation systems).

The consequences from the proposed change identified above are large. There does not appear to be any demonstration that wastewater tank systems have posed significant problems in a manner that would justify pulling such tank systems within the regulatory ambit of the storage tank program. We note that such tanks may be subject to other regulatory requirements even if not subject to the NPDES permitting program or the industrial wastewater pretreatment program. Moreover, the proposed changes are not consistent with the requirements under the federal UST program. While wastewater tank systems that are part of a wastewater treatment facility discharging pursuant to an NPDES permit or a pretreatment program are fully excluded from the federal UST program, other types of wastewater tank systems enjoy a partial exclusion that insulates such tanks from the vast majority of the requirements under the federal UST program. The proposed changes to Chapter 245, by contrast, leave wastewater tank systems not subject to the NPDES program or pretreatment requirements much more highly regulated than would occur under the federal UST program. We suggest that the proposed changes to Chapter 245 relating to wastewater tank systems be harmonized with federal requirements or eliminated. (11), (18)

Another concern relates to the amended exclusion for wastewater treatment tanks found under renumbered Paragraph (xiii). The new language being added will limit exclusions to wastewater tank systems that are part of a water treatment facility under certain sections of the Clean Water Act. We ask EQB why the changes to this paragraph are needed and how they are consistent with federal regulations. (20)

**Response:** The proposed amendment to the definition of “underground storage tank” to modify the exclusion for a wastewater treatment tank system has been retained in the final-form rulemaking. The amended definition clarifies that the exclusion only applies to systems regulated under section 307(b) or 402 of the Clean Water Act (33 U.S.C. § 1317(b) or § 1342) (relating to pretreatment standards and national pollutant discharge elimination system (NPDES) permits). This existing exclusion has been amended to be consistent with the Federal regulations at 40 CFR 280.10(b)(2). Modification of this existing exclusion is necessary for Pennsylvania to receive revised State Program Approval from EPA.

EPA has always regulated these UST systems, and owners and operators have been required to comply with “interim prohibition” requirements pertaining to corrosion protection and compatibility with the regulated substance stored since May 7, 1985. The “interim prohibition” requirements were established in 1984 when Subtitle I was added to

the Solid Waste Disposal Act, 42 U.S.C.A. §§ 6921—6939g, through the Hazardous and Solid Waste Amendments which authorized the Federal program to regulate USTs. On December 22, 1988, the same “interim prohibition” requirements, along with release response and corrective action requirements, were promulgated in 40 CFR Part 280, Subparts A and F. At that time, these UST systems were deferred from Federal regulation with the exception of Subparts A and F. In its July 15, 2015 Final Rule, EPA maintained its position that these regulated USTs only need to comply with Subparts A and F. To summarize the Federal requirements, these UST systems installed on or after May 7, 1985, need to be protected against corrosion and be compatible with the substance stored. Further, these UST systems regulated as of December 22, 1988, need to comply with the release response and corrective action requirements in 40 CFR Part 280.

The Department currently excludes these UST systems from regulation but will now regulate them. The proposed amendment to § 245.403(a), which states that these USTs must meet the same requirements that all other regulated UST systems must meet, has been retained in the final-form rulemaking. Similarly, the proposed amendments to § 245.403(c) have been retained, with an amendment added in the final-form rulemaking for these UST systems installed on or after May 7, 1985, to provide that UST owners and operators will not need to comply with §§ 245.411, 245.421(b)(3), 245.421(b)(4)(ii)-(iii), 245.422(d), 245.432(g), and 245.436 – 245.446. UST owners will not be required to conduct facility inspections, install spill and overflow prevention equipment, check for water in petroleum storage tanks, implement operator training, conduct periodic operation and maintenance walkthrough inspections, or perform release detection.

Although these USTs will be exempt from certain requirements, the Department believes that it is important for owners of these USTs to register the USTs, use Department-certified installers and inspectors, and maintain financial responsibility. These USTs are now regulated and all regulated USTs need to be registered with the Department, under existing § 245.41. If the USTs are not registered with the Department, the Department will not know where these USTs are, the number of these newly regulated USTs, and whether the USTs are in compliance with applicable regulations.

In addition, all regulated USTs in the Commonwealth need to be installed, modified and removed by Department-certified installers. Since UST owners and operators will need to meet the corrective action process requirements of Chapter 245, Subchapter D, it follows that the financial responsibility requirements of Chapter 245, under existing Subchapter H apply. Financial responsibility is met by participating in the USTIF, which provides coverage for corrective action and third-party damages should a release occur. In addition, specifically with regard to Subchapter E, provisions concerning variances, applicable codes and standards, performance standards for new UST systems, upgrade requirements for existing UST systems, reuse of removed USTs, spill and overflow control, operation and maintenance including corrosion protection, compatibility, repairs allowed, reporting and recordkeeping, and closure, have been retained in the final-form rulemaking and will apply to these UST systems. New § 245.403(c)(4) has been added to the final-form rulemaking to clarify that UST systems installed before May 7, 1985, are

not required to comply with §§ 245.411—245.422, 245.424, 245.432, 245.433, and 245.436—245.446.

### **Subchapter B – Certification Program for Installers and Inspectors of Storage Tanks and Storage Tank Facilities**

- 25. Comment:** Section 245.105(f) proposes that passing certification examination scores be valid for 2 years from the date of the examination. This seems like a very burdensome frequency for recertifying inspectors and may cause work delays and unnecessary costs. Can this be extended to 3 years? (6)

**Response:** The addition of § 245.105(f) only serves to cap the amount of time that a passing examination score is valid. Section 245.114(b) states that an issued certification will be valid for 3 years. Thus, there is no change to the 3-year recertification requirement for inspectors.

- 26. Comment:** With regard to § 245.106 (relating to conflict of interest), can an employee of the tank owner, the owner or operator be a certified inspector if he or she is a PA Professional Engineer and trained to be an inspector? (6)

**Response:** Section 245.106(a)(1) explicitly prohibits an employee of the tank owner, the tank owner or the tank operator from being a certified inspector, regardless of their experience or qualifications.

- 27. Comment:** With regard to § 245.108(a)(4)(iii) (relating to suspension of certification), suggestion is to keep the 60-day submittal deadline for all inspection reports (including modification inspection reports) as report preparation takes up time. This would include submittal by the inspector to the owner or operator. (6)

**Response:** The proposed requirement in § 245.108(a)(4)(iii) that modification inspection reports be submitted to the Department within 30 days of conducting the inspection activity has been retained in the final-form rulemaking. The existing requirement is to submit the report within 60 days of conducting the inspection. This amendment shortens the length of time between submittal of the modification report (required within 30 days of completion of the modification) and the modification inspection report, allowing the Department to review the inspection report of the modification activity in a timely manner. The Department believes that 30 days is adequate time to prepare and submit the modification inspection report. However, language has been added to § 245.108(a)(4)(iii) in the final-form rulemaking to address submission of modification reports for inspection activities involving multiple certified individuals and certification categories. If a project involves multiple certified individuals and certification categories, modification reports need to be submitted within 30 days of the completion of all project tank handling and inspection activities. Subsection 245.108(a)(4)(iii) of the final-form rulemaking reads:

“Submit a report of an inspection activity to the Department within 60 days of conducting an inspection activity, except for reports of modification inspection activities, which must be reported to the Department within 30 days of conducting a modification inspection activity. For inspection activities involving multiple certified individuals and certification categories, reports of modification inspection activities shall be submitted within 30 days of the completion of all project tank handling and inspection activities.”

- 28. Comment:** The modification inspection report submittal being changed from 60 days to 30 days is of concern. The problem is that the various trades complete their tasks at different times. For instance, an ACVL could be done their work long before a TL. Likewise, an AFMX will complete their tasks long before a TL. The time to complete all tasks could well exceed 45 days. So, unless an inspection modification report is required for each trade, the proposed 30 days will not be enough time to submit the report. (2), (17)

**Response:** If a project involves multiple certified individuals and certification categories, modification reports need to be submitted within 30 days of the completion of all project tank handling and inspection activities. Section 245.108(a)(4)(iii) has been amended in the final-form rulemaking to include this clarifying language. Please also see the response to Comment 27.

- 29. Comment:** The new UMI certification category is not necessary with the proposed decrease in activity requirements for UMX certification. Having only minor modification activity requirement is not nearly adequate. For example, a concrete finisher performing only concrete repairs on tank or island pads would qualify for activity as UMI certification without having any underground piping or equipment experience. (14), (17)

**Response:** The new UST certification category (Underground storage tank system minor modification (UMI)) allows individuals to perform tank handling activities such as repairs that do not involve excavation without having to obtain the (full) certification (Underground storage tank system installation and modification (UMX)) to install and modify storage tank systems, and to perform tests of UST systems required by this proposed rulemaking. Creation of this new certification category will afford UST owners the opportunity to employ individuals who specialize in modifications only. Hiring UMI-certified individuals as opposed to UMX-certified individuals could potentially save UST owners some of the costs associated with minor modification and system testing work. The UMI certification category will also provide opportunities for existing certified companies to employ individuals who specialize in minor modification work. In addition, persons interested in only performing “minor modification” work can become certified and establish their own company.

- 30. Comment:** Having UMI qualify for IUM certification should not be permitted. It is extremely important that inspectors have installation knowledge and experience. (14)

**Response:** Under existing § 245.113(a), for an individual with UMI certification to qualify for IUM certification, they must show that they have:

- completed 10 installations or major modifications (at least 5 installations) which will provide them with UMX certification;
- 4 years of experience, or an appropriate college degree and 2 years of experience;
- taken a Department-approved tank tightness testing familiarization course or UTT certification; and
- received corrosion protection training.

**31. Comment:** The list of college degrees for certified inspector qualification in § 245.113(c) seems restrictive. Corrosion engineering should be added to the list of acceptable college degrees. Also, individuals who have the proper work experience with degrees not enumerated should be able to apply. (6)

**Response:** The Department has added corrosion engineering to the college degrees listed in § 245.113(c) in the final-form rulemaking. An individual who has work experience only may apply if they meet the requirements of § 245.113(a). An appropriate college degree is only to be used as a substitute for work experience.

**32. Comment:** With regard to § 245.132(a)(2) (relating to standards of performance), it is difficult to get all appropriate information for submittal to PADEP after a tank handling activity. All the information needed for submittal needs to be analyzed and gathered from various installers and contractors. Requesting that the submittal deadline be 60 days from both inspection and tank handling activities for the owner and operator to gather the information needed. (6)

**Response:** Subsection 245.132(a)(2) has been amended in the final-form rulemaking to require that modification inspection reports be submitted to the Department within 30 days of conducting the inspection activity. The existing requirement is to submit the report within 60 days of conducting the inspection. This amendment shortens the length of time between submittal of the modification report (required within 30 days of completion of the modification) and the modification inspection report, allowing the Department to review the inspection report of the modification activity in a timely manner. The Department believes that 30 days is adequate time to prepare and submit the modification inspection report. However, language has been added to § 245.132(a)(2) to address submission of modification reports for inspection activities involving multiple certified individuals and certification categories. If a project involves multiple certified individuals and certification categories, modification reports need to be submitted within 30 days of the completion of all project tank handling and inspection activities. Subsection 245.132(a)(2) of the final-form rulemaking provides clarifying language with regard to all reporting requirements pertaining to tank handling and inspection activities conducted by certified installers and certified inspectors.

**33. Comment:** § 245.132: Reporting of spill bucket, containment sump and overflow test failures to the department is going to cause a huge influx of paperwork to the department

for follow up and a burden to the certified installers/inspectors and companies to get this paperwork submitted in a timely manner to PADEP. Suggest that failure reporting for new testing be eliminated from the proposed regulations. If not, then provide a 14 day window for reporting these types of failures, not 48 hours. The turnaround time of 48 hours to get the forms filled out and submitted to DEP is too quick and not necessary. These test failures are not equivalent to tank and piping tightness test failures or confirmed releases to the environment. (15)

**Response:** Proposed § 245.132(a)(5)-(6) has been retained in the final-form rulemaking. Reports of failed tests of spill prevention equipment, containment sumps, and overflow prevention equipment are necessary to allow the Department to follow up with facility owners to make sure that faulty equipment and tank components are repaired or replaced. Some facilities have deliveries every day, and many facilities have deliveries at least once a week. Delaying reporting beyond 48 hours will not provide the Department with enough time to follow up with noncompliant facilities. Faulty spill prevention and overflow prevention equipment may result in a release during the next delivery. Containment sumps that are determined not to be liquid-tight and that are used for interstitial monitoring of piping may release regulated substance if there is a piping failure.

- 34. Comment:** Proposed changes to 25 Pa. Code § 245.132 mandate that certified companies, certified installers and certified inspectors report to PADEP in circumstances where a regulated substance is observed in a containment structure or facility. This type of requirement extends well beyond existing reporting requirements and is divorced from any analysis of whether the presence of a regulated substance in a containment structure is posing any significant threat to the environment. (11), (18)

The requirements in proposed Sections 245.132(a)(4)(iii) and 245.132(a)(6) that certified companies, certified installers, and certified inspectors report all releases and the observation of a regulated substance in a containment structure are overly broad. Requiring a report of the presence of a regulated substance in a containment structure or facility, regardless of quantity and potential for harm to human health or the environment, disregards the preventive function of the containment structure. Spills that the certified installer or inspector concludes do not pose an immediate threat of contamination of environmental media are not "releases" as defined by the Storage Tank Act and no reporting should be required.

In addition, the proposed rulemaking would require certified installers and inspectors to report to the Department releases below the reportable quantity threshold, even though pursuant to § 245.305(i) the owner or operator would have no reporting obligation. If the injury or threat posed by a spill is insufficient to require reporting by the storage tank owner, the spill likewise should not trigger reporting obligations by any other person. (19)

Amendments to Subsections (a)(4) and (6) would require certified companies, certified installers and certified inspectors to report to DEP the observance of a regulated

substance in a containment structure or facility. A commentator states that such a release is not necessarily a threat to the environment. We ask EQB to explain the need for and reasonableness of the new language being added to these subsections. (20)

**Response:** The Department does not believe that the reporting requirements in final-form § 245.132 are overly broad. Existing storage tank regulations require Department-certified individuals to report a release of a regulated substance or suspected or confirmed contamination while performing services as a certified installer or certified inspector. In addition, facility owners and operators are required under § 245.304(a)(1) to perform a suspected release investigation where, for instance, there is a regulated substance of unknown origin at a facility, even if the facility later determines that spill is ultimately not a reportable release.

In regard to the role of containment structures, please see the Department's response to Comment 11. While containment structures help to prevent contamination, they do not alone completely mitigate the risk of contamination to the environment.

As noted above, reporting requirements for Department-certified individuals to report a release of a regulated substance or suspected or confirmed contamination are listed in § 245.132 and are separate from reporting requirements for storage tank owners and operators contained in Subchapter D. The Department retained in the final-form rulemaking the proposed requirement that Department-certified individuals report regulated substances observed in a containment structure or facility. Regulated substances present in a containment structure may or may not be a "release" and may or may not have to be reported to the Department by the storage tank owner or operator. However, for a storage tank owner or operator the presence of any amount of regulated substance in a containment structure or facility would at the very minimum be a suspected release and would require a suspected release investigation under § 245.304. Department-certified individuals provide assurance that owners and operators are complying with regulatory requirements. These Department-certified individuals install, modify, remove and inspect storage tanks and must meet standards of performance in the conduct of their work. As part of their standards of performance, the certified individuals are to report information to the Department that a storage tank owner or operator would not need to report. This allows the Department to follow up with a storage tank facility owner or operator to assure the required corrective actions are being taken to protect the public and the environment.

**35. Comment:** Hyphenate the word "nontank" in proposed § 245.132(c)(2). (6)

**Response:** Regulatory protocol under the "Pennsylvania Code & Bulletin Style Manual," p. 25, available at <https://www.pabulletin.com/index.asp>, calls for not hyphenating the word "nontank."

### **Subchapter C – Permitting of Underground and Aboveground Storage Tank Systems and Facilities**

**36. Comment:** With regard to § 245.236 (relating to public notice), currently, owners of proposed new large aboveground storage tank facilities or proposed aboveground storage tank systems with greater than 21,000 gallons capacity or highly hazardous substance tanks must provide written notice to the local municipality and the county in which the proposed aboveground system or facility is to be located prior to submitting a permit application. The proposed regulation requires that the notice shall also inform the local municipality and county of the location, capacity and projected installation date of the proposed storage tank system and the substance to be stored in the tank.

We request that water suppliers downstream of the proposed and existing storage tank systems also be provided with the same information afforded to the local municipality and the county. Access to this information will better help water utilities prepare and respond to a spill that contaminates drinking water.

Additionally, we suggest that the public notice provision apply to all tanks within 20 upstream miles of a water system that could be contaminated by a release. A 2014 chemical spill in West Virginia that left about 300,000 people without water came from a 10,000 gallon tank. We recommend that the proposed revisions adjust the threshold for notification accordingly. (8)

**Response:** The Department appreciates the comment. However, the public notice requirements of § 245.236 are based on and limited by Section 1101(a) of the Storage Tank Act, 35 P.S. § 6021.1101(a). This section of the act, pertaining to the siting of new AST facilities, only requires notification to the local municipality and county of ASTs greater than 21,000 gallons capacity. In addition, following the 2014 spill in West Virginia, a report issued by the United States Chemical Safety and Hazard Safety Board (CSB) found that 10,000 gallons of product was released from a AST with a capacity of 46,000 gallons. One of the contributing factors of the release discovered by the CSB was West Virginia did not have a comprehensive AST law at the time of the release. In Pennsylvania, an owner of a 46,000-gallon regulated AST would be required to serve public notice to the local municipality and county in which it was located upon installation. In addition, the Department's storage tank regulations cover ASTs and require periodic inspection and emergency and secondary containment, in addition to release notification requirements (See Chapter 245, Subchapter F).

#### **Subchapter D – Corrective Action Process for Owners and Operators of Storage Tanks and Storage Tank Facilities and Other Responsible Parties**

**37. Comment:** Subchapter D Corrective Action Process – The term suspected release was added to various items in this subchapter. The term is not defined and is subject to interpretation. (9)

**Response:** The Department has not provided a definition of suspected release. Similar to the Federal UST regulations at 40 CFR § 280.50, the Department has provided a list of conditions in § 245.304(a) that indicate a release may have occurred and must be investigated. A storage tank owner or operator is required to promptly investigate any

event, condition or result which may indicate a suspected release in accordance with § 245.304(a).

- 38. Comment:** EQB is adding the phrase "suspected release investigation" to § 245.301, relating to purpose. For consistency we suggest the term "suspected release" be added to § 245.302 (relating to scope) of the regulation. (20)

**Response:** The Department agrees and has added the suggested language to § 245.302 in the final-form rulemaking.

- 39. Comment:** Under the proposed version of 25 Pa. Code § 245.303(e), PADEP is granted authority to waive or combine requirements relating to the corrective action process for storage tank systems based on the nature, extent, type, volume or complexity of the release, "including a release to a containment structure or a facility that is shown to be liquid-tight." We are puzzled by the premise that the corrective action process would apply in circumstances where regulated substances have reached a liquid-tight secondary containment system and therefore presumably have not entered the environment. The corrective action process focuses on how to respond to regulated substances that make their way from a regulated storage tank system into the environment. Further clarification of the proposed language referenced above would be helpful in delineating how the foregoing provision is to be interpreted. (11)

**Response:** The presence of regulated substance in a containment structure or facility that is shown to be liquid-tight, whether considered a "release" or not, must still be addressed. The regulated substance cannot remain in the containment structure or facility. However, the extent of the corrective action may be limited to the complete removal and proper disposal of the regulated substance, and repair or replacement of the defective storage tank component. In this instance, § 245.303(e) provides for a waiver of further corrective action requirements, such as a site characterization and a remedial action plan. The Department has retained the proposed amendments to § 245.303(e) in the final-form rulemaking.

- 40. Comment:** With regard to § 245.304 (relating to investigation of suspected releases), we would like clarification on (a)(1) regarding 'unusual level of vapors' from a regulated substance outside of storage tank system components designed to routinely contain or convey product at or near a storage tank facility.

The commentator operates 18 wastewater plants. While controlling the plants' odors is of paramount importance, it is one of the most challenging aspects of wastewater treatment. Although many naturally occurring odors are contained within the proximity of the plant, some odors drift to surrounding areas. Common odors lingering in and around treatment plants smell like rotten eggs, ammonia or garlic while others are described as earthy or organic. These odors originate from the decomposition of organic compounds and can vary in intensity depending upon factors such as the weather (e.g. wind, temperature, humidity) and even plant maintenance.

We recommend that the proposed regulations take into account the unique 'vapor' qualities associated with wastewater plants. Naturally occurring 'vapors' or 'odors' do not indicate a 'suspected release' as vapors are part of the normal operation of the plant. However, because not all odors or 'vapors' are created equally and factors outside of human control can influence the intensity of those odors, the commentator requests further clarification and consideration for the unique odor qualities associated with wastewater treatment plants. (8)

**Response:** Subsection 245.304(a)(1) requires an owner or operator to investigate a suspected release if the owner or operator detects an unusual level of vapors from a regulated substance at or near the storage tank facility. For this requirement to apply, the vapor would have to be of a regulated substance stored in a regulated storage tank at the facility. Odors that originate from the decomposition of organic compounds at wastewater treatment plants are not vapors from a regulated substance. Therefore, these vapors are not an indication of a suspected release and do not have to be investigated. The Department has not made the requested amendments in the final-form rulemaking.

41. **Comment:** If the regulation is changing from addressing "indications of a release" to "suspected releases", then, consistent with the rest of the paragraph, the last sentence of § 245.304(a) should read, "An indication of a suspected release..." (10)

**Response:** The Department agrees and has amended § 245.304(a) in the final-form rulemaking to read: "The owner or operator of a storage tank system or storage tank facility shall initiate and complete an investigation of a suspected release of a regulated substance as soon as practicable, but no later than 7 days after the indication of a suspected release. An indication of a suspected release includes one or more of the following conditions..."

42. **Comment:** Proposed Section 245.304(a)(6) would classify the discovery of any damage to a storage tank system as an "indication of release." We have two concerns with this amendment. First, it is unclear whether every "indication of release" is a "suspected release" and therefore triggers the obligation to investigate. This ambiguity is created by the proposal to change "investigation of an indication of a release" to "investigation of a suspected release" where it first appears in Section 245.304(a), while continuing to list conditions that constitute an "indication of release." We recommend clarifying this ambiguity.

Second, classifying any "damage to a storage tank system" as an indication of release is overly broad. Certain types of damage such as peeling paint, dents or surficial rust are not signs of a release. They should not trigger investigation and recordkeeping requirements that would impose burdens on storage tank owners and other members of the regulated community. If the Board concludes that the existing language in Section 245.304(6), "the discovery of holes in a storage tank," is inadequate to cover conditions presenting a risk of release, then "damage" should be qualified by additional language, such as "damage creating a pathway for a regulated substance from a storage tank system to be released." (13)

Subsection 245.304(a)(6) is being amended to include the discovery of "damage" to a storage tank system. A commentator believes this addition is vague and as an example asks if chipped paint would be considered damage. We ask EQB to explain how it will implement this provision in the Preamble to the final-form regulation and clarify § 245.304(a)(6) accordingly in the final-form regulation. (20)

**Response:** The Department has clarified § 245.304(a) in the final-form rulemaking to avoid ambiguity. The proposed addition in § 245.304(a) of the word "suspected" in the phrase "investigation of a suspected release" has been carried over into the phrase "indication of a suspected release" in this subsection in the final-form rulemaking. The discovery of damage to a storage tank system is an indication of a suspected release and requires the owner or operator to investigate the suspected release to confirm whether a release of a regulated substance has occurred. The investigation must include a sufficient number of procedures as outlined in § 245.304(b).

The addition in § 245.304(a)(6) of "damage to a" storage tank system as an indication of a release is not overly broad and will not result in unnecessary investigations or recordkeeping requirements. The Department notes that § 245.304(b) requires an investigation of an indication of a release, including damage to a storage tank system, by one of a number of means, such as checks of equipment, monitoring devices and visual inspections (§ 245.304(b)(1)-(7)). An investigation does not require every listed analysis. Instead, it requires enough to confirm whether a release occurred. This is important to protect the environment. For instance, if a storage tank owner or operator discovers that damage such as dents or paint peeling has occurred, the owner may perform a visual inspection of the storage tank system and need not pursue further corrective action if the visual inspection confirms that no release has occurred. This approach was included in proposed § 245.304(d), which is deleted in the final-form rulemaking. Subsection 245.304(c) has been amended in the final-form rulemaking to incorporate proposed § 245.304(d). Subsection 245.304(c) is also amended in the final-form rulemaking to incorporate language from existing § 245.304(d) to clarify the actions an owner or operator needs to take upon completion of a suspected release investigation, to include when the investigation cannot determine whether a release of a regulated substance occurred.

- 43. Comment:** Section 245.305(b) proposes that operators report to DEP "the cause of the release." In many cases, an investigation is necessary to determine the cause of the release; as such, § 245.305(b) should be written such that reported release notifications should include the "reasonably suspected cause of the release." (18)

**Response:** Language in existing § 245.305(b) states that "The notice ... shall be by telephone and describe, to the extent of information available..." (emphasis added). As such, the Department does not believe the suggested language is needed. If the owner or operator does not know the cause of the release at the time of the verbal notification, it may be reported as unknown.

**44. Comment:** The proposed version of Chapter 245 includes various new reporting requirements that mandate that the owner or operator of a regulated storage tank notify PADEP by telephone or electronic mail “as soon as practicable, but no later than 24 hours” after the following events:

- initiation of “interim remedial actions;”
- provision of an alternate source of water to the owner of the affected or diminished water supply; and
- initiation of site characterization activities.

Chapter 245 already includes provisions establishing timeline for activities relating to the corrective action process. The additional notification requirements simply add further layers of procedural requirements without serving any beneficial purposes. PADEP can certainly establish expectations regarding communications concerning an incident once the initial release report has been made. The type of immediate reporting regarding the kind of activities described above is unlikely to change in any material manner the way in which response actions are being conducted. We respectfully request that these additional notification requirements be eliminated. (11), (18)

**Response:** Subsection 245.306(e) was proposed to require a responsible party to notify the Department by telephone or electronic mail as soon as practicable, but no later than 24 hours, after the initiation of interim remedial actions. This requirement remains in the final-form rulemaking. For releases associated with USTs, the Federal regulations at 40 CFR § 280.62 (relating to initial abatement measures and site check) do not require the initiation of initial abatement measures to be reported, but they do require a report to be submitted within 20 days after release confirmation summarizing the initial abatement steps taken. The proposed requirements in § 245.306(e) differ from the Federal regulations by requiring notification when an interim remedial action is initiated. Such notice is less onerous than requiring a report of initial abatement steps and will allow the Department to monitor early actions taken to clean up a release of contaminants. These initial corrective actions are extremely important in limiting the complexity of the release, the amount of corrective action that must be undertaken, and the ultimate cost of the corrective action.

Subsection 245.307(e) was proposed to require that a responsible party notify the Department within 24 hours of providing an alternate source of water to the owner of the affected or diminished water supply. This provision is not onerous but necessary to allow the Department to monitor corrective actions involving affected or diminished water supplies and to assure that responsible parties are complying with the requirements to provide temporary and permanent water supplies. Section 1303 of the Storage Tank Act (35 P.S. § 6021.1303) specifically authorizes the Department to adopt regulations for the protection of any source of water for present or future supply to the public or other legitimate use. This requirement remains in the final-form rulemaking.

Subsection 245.309(c)(24) was proposed to require the responsible party to notify the Department by telephone or electronic mail as soon as practicable, but no later than 24 hours, after the initiation of site characterization activities. Such activities should be

initiated concurrent with the implementation of interim remedial actions. Therefore, one notification may be made to comply with §§ 245.306(e) and 245.309(c)(24). This provision is necessary to assure the Department that responsible parties are proceeding with the required site characterization tasks. Too often, responsible parties delay the implementation of site characterization activities and find themselves requesting an extension to submit the site characterization report. The proposed changes should encourage responsible parties to initiate site characterization earlier and should significantly reduce the site characterization report extension requests submitted to the Department. The Federal requirements at 40 CFR Part 280 do not include such a notification provision. However, §§ 280.63(b) (relating to initial site characterization) and 280.64(d) (relating to free product removal) require that owners and operators submit an initial site characterization report and a free product removal report, respectively, within 45 days of release confirmation. The Department is not proposing incorporation of the Federal regulatory provisions. This proposed notification requirement in § 245.309(c)(24) remains in the final-form rulemaking.

- 45. Comment:** With regard to § 245.307 (relating to affected or diminished water supplies), we would like further clarification on the alternate source of water to be provided to the owner of the affected or diminished water supply. When water supplies of public water utilities are contaminated, the burden falls on the public water supplier to find replacement water supplies as quickly as possible. Temporary water supplies may include emergency connections to other public water supply utilities or bottled water. Temporary measures must be accomplished by the public water supplier immediately and should not be delayed with notifications to the responsible party. The public water supplier is responsible for the provision of a permanent replacement water supply. The water supplier must be able to recover costs associated with these temporary and permanent water supply replacements from the responsible party. (8)

**Response:** Existing § 245.307(c) and (d) establish the timeframes and circumstances under which a responsible party shall provide a temporary or permanent water supply, respectively. These subsections are not amended in this rulemaking. A temporary water supply typically involves providing bottled water. A permanent water supply may include the connection to an existing public water supply or a treatment system. The responsibility for providing an alternate source of water lies solely on the responsible party. The addition of subsection (e) in the final-form regulation requires the responsible party to notify the Department within 24 hours of providing an alternate source of water to the owner of the affected or diminished water supply. Section 245.307 does not require a public water supplier to make any notifications to the Department or to the responsible party.

- 46. Comment:** Amendments are proposed to 25 Pa. Code § 245.311 that mandate that a remedial action plan must be submitted “prior to its implementation.” This new requirement may create problems for both PADEP and remediators. Interim response actions may blend smoothly into remedial actions making it difficult to distinguish precise lines of demarcation where one begins and the other ends. Moreover, PADEP and the person conducting remediation may decide that it makes sense to move ahead

with remedial actions even while a remedial action plan is being prepared. For example, it may make little sense to delay remedial actions to reduce the further spread of regulated substances while a formal remedial action plan is prepared. We suggest that this provision be removed. (11), (18)

**Response:** Submission of the remedial action plan prior to its implementation is not a new requirement, but rather a clarification of the existing requirement. Remedial action plans have always been subject to review by the Department prior to implementation under existing § 245.311(b) and (c). Further, existing § 245.312(a) states: “Upon reasonable notice by the Department to the responsible party, or upon approval of the remedial action plan by the Department, the responsible party shall implement the remedial action plan, or portion of the remedial action plan, according to the schedule contained therein.” It is important to note that the Department may allow a responsible party to implement the remedial action plan or portion of the remedial action plan prior to formal approval of the plan under this provision. The amendments requested in the comment have not been made in the final-form rulemaking.

#### **Subchapter E – Technical Standards for Underground Storage Tanks**

**47. Comment:** We respectively suggest that DEP consider a retroactive mandate that would require all single wall USTs be either replaced or upgraded with double wall systems. (3)

**Response:** A requirement that would mandate all single-wall USTs to be replaced or upgraded to double-walled systems by a certain date is more stringent than the Federal requirements. Therefore, to consider such a provision, the Department would need to justify the compelling Pennsylvania interest that demands stronger regulations. At the current time, the Department does not possess the necessary data to consider incorporating such a provision in Chapter 245.

**48. Comment:** Section 245.402 should be amended to clarify that it applies to underground storage tanks systems; the adjective “underground” was not included in the proposed language. (18)

**Response:** Proposed § 245.402 states, “This subchapter applies to underground storage tank systems regulated under the act and this chapter.” The term “underground” is in the existing and proposed section; therefore, no revision is needed.

**49. Comment:** We are concerned about how the EQB plans to revise its regulation of UST systems that are part of emergency generators at nuclear power facilities regulated by the Nuclear Regulatory Commission (NRC). In the 1988 federal UST program, EPA provided a deferral for “[a]ny UST system that is part of an emergency generator system at nuclear power generation facilities licensed by the Nuclear Regulatory Commission under 10 CFR part 50, appendix A.” As a result, the only provisions that these tank systems were subject to were § 280.11, the only section of Subpart A with substantive requirements, and Subpart F, the release response and corrective action provisions. In the final rule, all EPA did was replace the term “deferral” with the term “partial exclusion” and exempt these tank systems from the newly promulgated requirements. The EPA did

not impose any new obligations on these tank systems in the 2015 UST final rule. We strongly urge the Pennsylvania EQB to follow EPA's lead and retain the Agency's partial exclusion for these tank systems. (5)

We oppose the deletion of the following two exemptions from the definition of underground storage tank contained in 25 PA Code § 245.1...

(xiii) Tanks containing radioactive materials or coolants that are regulated under The Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011—2297).

(xviii) An underground storage tank system that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR Part 50, Appendix A (relating to general design criteria for nuclear power plants).

...and their replacement with partial exclusions in new Subchapter E §§ 245.403(c)(2) and 245.403(c)(3) as follows:

(c) Partial exclusions. The following underground storage tanks systems are not required to comply with §§ 245.411, 245.421(b)(3) and (4)(ii) and (iii), 245.422(d), 245.432(g) and 245.436 – 245.446:

(2) An underground storage tank system containing radioactive material that is regulated under the Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011—2296b-7).

(3) An underground storage tank system that is part of an emergency generator system at a nuclear power generation facility licensed by the United States Nuclear Regulatory Commission and subject to United States Nuclear Regulatory Commission requirements regarding design and quality criteria, including 10 CFR Part 50 (relating to domestic licensing of production and utilization facilities).

The proposed changes would unnecessarily create an inconsistency in the degree of regulation between 40 CFR 280 and 25 PA 245 for nuclear-related storage tanks, with the inconsistency imposing more stringent than federal requirements on affected USTs at nuclear-related facilities in Pennsylvania.

In order to retain consistency between federal and state regulations for these two categories of nuclear-related tanks, we propose that PA DEP replace the proposed changes to 25 PA 245 with the following revisions:

1. Revise the definition of *Underground Storage Tank* under 245.1 Definitions, so that these two categories of nuclear-related tanks be subject only to the portions of 25 PA 245 that are equivalent to 40 CFR 280 Subpart A (Program Scope and Installation Requirements for Partially Excluded UST Systems) and Subpart F (Release Response and Corrective Actions for UST Systems containing Petroleum or Hazardous Substances); and,

2. Explicitly exclude these two categories of tanks from those portions of 25 PA 245 that are equivalent to 40 CFR 280 Subparts B, C, D, E, G, J, and H.

Additionally, we request that PADEP clarify that the Part 280 Subpart A installation requirements apply to the installation of new tanks, which we believe is the intent of the Part 280 regulation. This would not impose any new requirements for existing tanks within these two categories of nuclear-related tanks. (7)

The regulation of Underground Storage Tank (UST) systems containing radioactive materials or coolants that are regulated under The Atomic Energy Act of 1954 and UST systems that are part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR Part 50, Appendix A, should be consistent with the requirements and exclusions in 40 CFR § 280. Therefore, the proposed rule should be revised to be consistent with, and no more stringent than, EPA's 2015 final rule.

In the 1988 Federal UST program, EPA provided deferral for these UST systems. These USTs were deferred from Subparts B, C, D, E, and G of the UST regulations and exempted from Subpart H financial responsibility requirements. The only provisions that these UST were subject to were Subpart A, § 280.11 and Subpart F, release response and corrective action provisions. Note that section § 280.11 was an interim prohibition on installing UST systems unless the UST system would prevent releases due to corrosion or structural failure, was cathodically protected or designed to prevent releases, and compatible with the stored substance. The prohibitions at §280.11 were for new installations of UST systems, while the upgrading requirements for existing UST systems were located at § 280.21 (Subpart B). These UST systems were deferred from the requirements of Subpart B.

In the 2015 revisions, EPA examined the Department of Energy and the NRC regulations under 10 CFR 50 and determined that the requirements are comparable to EPA requirements. Based on this analysis, EPA decided to replace the deferral for these tank systems with a partial exclusion from most requirements, but explained that "the regulatory requirements in Subparts A and F remain the same". EPA changed the wording of the title of Subpart A § 280.11 and changed the provision to clarify that this requirement is an installation requirement. All EPA did in the final rule was replace the term "deferral" with the term "partial exclusion" and exempted these UST systems from the newly promulgated requirements. EPA did not impose any new obligations on these UST systems in the 2015 final rule. EPA originally adopted the 1988 deferrals for these UST systems because it was concerned about the possibility of dual regulation with NRC requirements. In 2015 the Agency reconfirmed that the NRC requirements were comparable to the UST regulations and decided to continue to provide the exemptions for these USTs. We strongly urge the Pennsylvania EQB to follow EPA's lead and retain the Agency's partial exclusion for these existing UST systems that are already regulated by the NRC. Specifically, the existing UST should only be subject to PA 245, Subchapter D, pertaining to corrective actions. (9)

Because Existing Emergency Diesel Generator (EDG) UST systems subject to Nuclear Regulatory Commission (NRC) regulations are NOT exempt from the appropriate and pertinent federal UST regulations, PADEP should continue the policy of exempting these tanks from State regulations that would be redundant with NRC requirements. We have reviewed the 2015 federal changes to the Underground Storage Tank Program under 40 CFR Part 280 and the PADEP Proposed Rulemaking change to 25 PA Code 245. The 2015 revised Federal requirements, for existing nuclear EDG UST regulated by the NRC under 10 CFR50, are only required to comply with Subpart F of the rule. Essentially, all EPA did in the final rule was replace the term “deferral” with the term “partial exclusion” and exempt these tank systems from the newly promulgated requirements. The Agency did not impose any new obligations on these tank systems in the 2015 UST final rule. This should correlate to the EDG UST systems at nuclear facilities being subjected to only Subchapter of the PA Code 245 regulations. The PADEP appears to have misinterpreted the newly revised Federal Rule to include the existing EDG USTs in additional subparts. Talen proposes that the Proposed Rulemaking clearly distinguish the existing EDG USTs at nuclear generating facilities be subject to only PA 245 Subchapter D. If the proposed rules were applied as currently written in the Proposed Rulemaking, the nuclear stations will be dually-regulated by two separate agencies (NRC and the PADEP) under separate regulatory programs. This proposed dual regulation would put an unnecessary and financial burden on the nuclear generation sites.

If NRC regulated EDG USTs are not exempted from State regulation, the requirements for existing facilities should not go beyond the NRC requirements. We specifically have concerns with proposed changes in § 245.422, if they were subject to the Proposed Rulemaking as currently drafted. We note that the regulations under § 245.422 would require Cathodic Protection (CP) upgrades of their EDG USTs to meet the National Association of Corrosion Engineers (NACE) CP performance criteria or other industry standard. While our CP systems for EDG USTs are currently installed and maintained, meeting the protection requirements in 10 CFR50, it would require a significant investment to upgrade the systems to be in compliance with the proposed regulations, regardless of its current site-specific design, testing practices, maintenance records, or past performance. We recommend that the State clarify that existing EDG USTs at nuclear generating facilities remain excluded from existing EDG USTs requirements, and if not, then the requirements should not require more than the existing NRC or EPA requirements. (10)

In 2015, the federal Environmental Protection Agency finalized a rulemaking (80 Fed. Reg. 41566) updating federal requirements for underground storage tanks. In its rulemaking proceeding, EPA determined that existing Department of Energy and Nuclear Regulatory Commission requirements (10 CFR 50) for nuclear power generation facilities were comparable in scope, intent and effectiveness to the EPA’s desired outcomes, and, out of concern for duplicative regulation, provided a partial exclusion for UST systems at nuclear facilities (specifically for Subparts B, C, D, E and G). The 2015 federal rule also retained applicability of Subpart F (regarding release response and corrective action), expanded exclusion for such UST systems for newly adopted Subparts J and K, and retained a provision of Subpart H regarding financial responsibility

requirements. We encourage DEP in its final rulemaking in this matter to retain the partial exclusion for these systems, as they are already effectively regulated by federal DOE and NRC requirements, and to make clear that it is interpreting 40 CFR 80 to only apply to the installation of new tanks. To wit, DEP should make clear that only PA Code 245 Subchapter D applies to nuclear facilities' tanks and emergency diesel generator USTs. (18)

EQB is proposing to amend this definition by deleting two exclusions and modifying other exclusions. Commentators are concerned that the deletion of existing Paragraphs (xiii) and (xviii) and the replacement of those exclusions with partial exclusions in § 245.302(c)(2) and (3) would create inconsistencies between Chapter 245 and federal regulations for nuclear-related storage tanks. We ask EQB to explain why the changes being proposed are needed and how they are consistent with and not more stringent than the federal regulation on this subject matter. (20)

**Response:** The definition of “underground storage tank” in § 245.1 of the final-form rulemaking retains the proposed deletion in Subparagraphs (xiii) and (xviii) of the two exceptions mentioned in the comments, to be consistent with the Federal definition of “underground storage tank” in 40 CFR § 280.12. Specifically, the definition of “underground storage tank” in the final-form rulemaking deletes the exclusions for “Tanks containing radioactive materials or coolants that are regulated under The Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011—2297)” and “An underground storage tank system that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR Part 50, Appendix A (relating to general design criteria for nuclear power plants).” Deletion of these existing exclusions is consistent with the Federal definition of “underground storage tank” in 40 CFR § 280.12 (relating to definitions) and necessary for Pennsylvania to re-apply for State Program Approval from EPA.

Please also see the response to Comment 24.

EPA has long regulated these UST systems, and owners and operators have been required to comply with “interim prohibition” requirements pertaining to corrosion protection and compatibility with the regulated substance stored since May 7, 1985. The “interim prohibition” requirements were established in 1984 when Subtitle I was added to the Solid Waste Disposal Act through the Hazardous and Solid Waste Amendments which authorized the Federal program to regulate USTs. On December 22, 1988, the same “interim prohibition” requirements, along with release response and corrective action requirements, were promulgated in 40 CFR Part 280, Subparts A and F. At that time, these UST systems were deferred from Federal regulation with the exception of Subparts A and F. In its July 15, 2015 Final Rule, EPA maintained its position that these regulated USTs only need to comply with Subparts A and F. In summary, nuclear-related UST systems installed on or after May 7, 1985, need to be protected against corrosion and be compatible with the substance stored. Further, all nuclear-related UST systems regulated as of December 22, 1988, need to comply with the release response and corrective action requirements in 40 CFR Part 280.

The Department currently excludes these UST systems from regulation but will now regulate these USTs. In doing so, § 245.403(a) states that these USTs need to meet the same requirements that all other regulated UST systems must meet. However, with regard to Subchapter E (relating to technical standards for underground storage tanks), and as stated in § 245.403(c), UST owners will not need to comply with §§ 245.411, 245.421(b)(3), 245.421(b)(4)(ii)-(iii), 245.422(d), 245.432(g), and 245.436 – 245.446. UST owners will not be required to conduct facility inspections, install spill and overfill prevention equipment, check for water in petroleum storage tanks, implement operator training, conduct periodic operation and maintenance walkthrough inspections, and perform release detection. It has been clarified in § 245.403(c)(2)-(3) of the final-form rulemaking that the requirements do not apply to UST systems installed on or after May 7, 1985. However, the Department believes that it is important for owners of these USTs to register the USTs, utilize DEP-certified installers and inspectors, and maintain financial responsibility. These USTs are now regulated and all regulated USTs need to be registered with the Department. If the USTs are not registered with the Department, then the Department will not know where these USTs are, the number of these newly regulated USTs, and if the USTs are in compliance with applicable regulations.

All regulated USTs in the Commonwealth need to be installed, modified and removed by Department-certified installers. Since UST owners and operators will need to meet the corrective action process requirements of Chapter 245, Subchapter D, it only follows that the financial responsibility requirements of Chapter 245, Subchapter H apply. Financial responsibility is met by participating in the USTIF, which provides coverage for corrective action and third-party damages should a release occur. In addition, specifically with regard to Subchapter E, provisions concerning variances, applicable codes and standards, performance standards for new UST systems, upgrade requirements for existing UST systems, reuse of removed USTs, spill and overfill control, operation and maintenance including corrosion protection, compatibility, repairs allowed, reporting and recordkeeping, and closure, will apply to these UST systems. New § 245.403(c)(4) has been added to the final-form rulemaking to clarify that UST systems installed before May 7, 1985, are not required to comply with §§ 245.411—245.422, 245.424, 245.432, 245.433, and 245.436—245.446.

- 50. Comment:** § 245.403(d)(2) Registration of previously deferred USTs – Thirty days to register USTs that were previously not required to be registered may not be an adequate amount of time. The UST may have been installed many years ago and installation records will need to be retrieved and reviewed. We propose that 60 days be provided to submit the registrations to DEP. (9)

Under § 245.403(d), EQB is adding a requirement that UST systems that were previously excluded from registration with DEP be registered within 30 days of the effective date of this rulemaking. A commentator has stated that it may be difficult to obtain the necessary information to register a tank in that time period and has suggested 60 days as an alternative. We ask EQB to address the reasonableness of the proposed 30-day time period compared to the 60-day time period suggested by the commentator. (20)

**Response:** The Department has amended the proposed 30-day timeframe in § 245.403(d) in the final-form rulemaking to provide owners of previously excluded USTs 60 days to register the USTs.

- 51. Comment:** We request that DEP consider adopting the UL1856 Standard into their regulations. A step that many other States have already taken. The UL1856 Standard gives Pennsylvania Fuel Marketers UST upgrade options which will mitigate their environmental risk by upgrading to an in-situ double wall tank system without the costly necessity of tank removal. (3)

**Response:** This final-form rulemaking removes all remaining citations to specific codes and standards since codes and standards are subject to revision. Instead, with respect to UST systems, existing § 245.405 (relating to codes and standards) identifies the nationally recognized associations and states that the most current or latest edition of the codes and standards must be used in conjunction with the manufacturer's specifications to comply with the regulatory requirements of Subchapter E (relating to technical standards for underground storage tanks).

- 52. Comment:** Section 245.411(c)(2) allows the PADEP to request a third party inspection for any reason. Third party inspections are an expense to the tank owner and should be limited to circumstances where there is true justification such as a compliance due date or to verify resolution of a previously non-compliant inspection. It is proposed the language of 245.411(c)(2) be amended as follows: "An inspection in addition to those required in (b) and (c)(1) may be required by the Department when the prior inspection determined release detection, corrosion protection or operational violations occurred." (19)

**Response:** The Department respectfully disagrees with the commentator that § 245.411(c)(2) "allows the PADEP to request a third party inspection for any reason." Subsection 245.411(c)(2) specifically states that the Department may only request a subsequent inspection other than routine "when the prior inspection determined release detection, corrosion protection or operational violations occurred, or when the Department determines the inspection is necessary to verify compliance..." The amendment requested in the comment has not been made in the final-form rulemaking.

- 53. Comment:** Suggest to eliminate a 30-minute ball float as an acceptable method of overfill protection for tanks. Options should be 90% ball float for restriction (not an option for new), high level alarm set at 90% or automatic shutoff set at 95%. (15)

**Response:** The Department agrees. In the proposed rulemaking, the Department deleted overfill prevention methods (§ 245.421(b)(3)(i)(B)(III)) that "Restrict flow 30 minutes prior to overfilling, alert the operator with a high-level alarm 1 minute before overfilling, or automatically shut off flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overfilling." The 30-minute ball float is specifically designed to meet the 30-minute warning requirement for product flow restriction in a UST and is being deleted as an available option. Under the proposed

rulemaking, overflow prevention equipment must either automatically shut off flow into the UST when the UST is no more than 95% full or alert the transfer operator when the UST is no more than 90% full by restricting the flow into the UST or triggering a high-level alarm. The Department retained the proposed amendments in the final-form rulemaking.

- 54. Comment:** § 245.433 Compatibility, Subsections b & c – The proposed amendments require owners and operators to demonstrate UST system compatibility when storing alternative fuel blends, biodiesel or biodiesel blended fuel. The term “alternative fuel blend” is not defined in the proposed amended rule and therefore, would be subject to interpretation. In addition, all diesel fuel may contain some quantity of biodiesel. Therefore, potentially all diesel fuel would be a biodiesel blended fuel. The proposed rule should be limited to diesel fuel containing greater than 2 percent biodiesel. Otherwise, owners/operations will incur a significant paperwork burden with no added benefit in protecting the environment. (9)

Section § 245.433 requires owners or operators to use USTs that are made or lined with material that is compatible with the substance being stored. New Subsection (b) will require an owner or operator of a UST storing alternative fuel blends or biodiesel or biodiesel blended fuel to provide certain information to DEP. A commentator notes that the term “alternative fuel blends” is not defined and also asks if DEP will consider all diesel fuel to be biodiesel fuel. To improve the clarity of the regulation, we ask EQB to define the term “alternative fuel blends.” We also ask EQB to clarify whether all diesel fuel would be considered biodiesel fuel. (20)

**Response:** The Department has deleted in the final-form rulemaking the terms “alternative fuel blends,” “biodiesel,” and “biodiesel blended fuels” from the amendments that were proposed to § 245.433. Certain proposed reporting requirements remain.

Subsection 245.433(a) (relating to compatibility) in both the proposed and final-form rulemaking mirrors the requirements of Federal regulations at 40 CFR § 280.32(a) and states, “Owners and operators shall use an underground storage tank system made of or lined with materials that are compatible with the substance stored in the underground storage tank system.” Subsection 280.32(b)(1) of the Federal regulations requires owners and operators to notify the implementing agency (in this case, DEP) and demonstrate compatibility for any regulated substance. As such, compatibility documentation is to be maintained for all regulated UST systems. The Department notes that § 245.435 (relating to reporting and recordkeeping) requires regulated UST owners and operators to cooperate fully with Department requests for documentation and retain UST installation documentation for the life of the UST system.

In recognition of the concern that the requirement to submit compatibility information for “alternative fuel blends or biodiesel or biodiesel blended fuel” is subject to interpretation and lacks clarity, and due to the fact that the Department may request an owner or

operator to provide compatibility documentation for any regulated substance under § 245.435, the Department amended § 245.433(b) in the final-form rulemaking to read: "Upon Department request, an owner and operator of an underground storage tank shall submit on a form provided by the Department information verifying compatibility of the underground storage tank system with the substance stored prior to storing the substance in the underground storage tank."

Subsection 245.433(c) of the final-form rulemaking provides four ways for UST owners and owners to document compatibility. These are modified slightly from the proposed rulemaking to account for removing the terms "alternative fuel blends" and "biodiesel blended fuels." Subsection 245.433(c)(2) in the final-form rulemaking reads: "The manufacturer's approval must be in writing, indicate an affirmative statement of compatibility with the substance stored, and be from the equipment or component manufacturer."

By providing several means for a UST owner and operator to provide compatibility documentation for a regulated UST system, the Department is balancing the need to protect the environment with a UST owner and operator's ability to show compatibility of the UST system with the substance stored. Since compatibility documentation is to be maintained for all regulated UST systems, the proposed wording "Upon Department request," has been deleted in the final-form § 245.433(c), and the provision has been amended to read: "An owner and operator of an underground storage tank system shall demonstrate compatibility of the underground storage tank system with the substance stored by using one or more of the following:"

- 55. Comment:** The PADEP states the goal of revising § 245.433(c) is to be consistent with 40 CFR 280.32(b)(1). It should be noted that the intent of 40 CFR 280.32(b) is to require the UST owner/operator to demonstrate compatibility documentation only for those tanks containing greater than 10% ethanol and 20% biodiesel. The PADEP's proposed language in § 245.433(c) is overly broad and goes beyond EPA's intent. EPA's intent is clearly demonstrated in document EPA 510-K-15-002 dated November 2015 "UST System Compatibility with Biofuels".

Specifically, the PADEP proposes an owner to produce compatibility documentation as follows:

"(c) Upon Department request, an owner and operator of an underground storage tank system shall demonstrate compatibility of the underground storage tank system by using one or more of the following:"

Many of the UST systems date back over 30 years and have changed ownership on more than one occasion. Additionally, these UST systems have contained low levels of ethanol for more than 13 years with few adverse consequences. Retroactively requiring documentation on these very old systems may be impossible in some instances. The PADEP will have little recourse but to require UST system decommissioning or other invasive and costly investigation to demonstrate compatibility.

It is recommended the PADEP revise the proposed language of § 245.433 to limit the documentation requirement to petroleum fuel blends containing greater than 10% ethanol and 20% biodiesel and other non-petroleum regulated materials, as required by federal regulations. (19)

A commentator believes the new requirements found in § 245.433(c) are more stringent than the Federal requirements found at 40 CFR § 280.32(b) because the Federal requirements only apply to USTs containing greater than 10% ethanol and 20% biodiesel fuel. They note it will be difficult to produce the required documentation for older UST systems, and this could lead to the decommissioning of tanks. We note that Subsection (c) only requires the submittal of the information to demonstrate compatibility upon the request of DEP. How will DEP implement this provision? Under what circumstance would DEP require the information? Would it apply to all USTs? If Subsection (c) is more stringent than the federal requirement, what is the need for it? (20)

**Response:** The Department respectfully disagrees that only USTs storing greater than 10% ethanol and 20% biodiesel are required to demonstrate compatibility. In both the proposed and final-form rulemakings, § 245.433(a) mirrors the requirements of Federal regulations at 40 CFR § 280.32(a) and states, “Owners and operators shall use an underground storage tank system made of or lined with materials that are compatible with the substance stored in the underground storage tank system.” Subsection 280.32(b)(1) of the Federal regulations requires owners and operators to notify the implementing agency (in this case, DEP) and demonstrate compatibility for any regulated substance. As such, the final-form § 245.433(c) is not overly broad or more stringent than Federal requirements. Compatibility documentation should be maintained for all regulated UST systems, regardless of a UST system’s age or installation date. The Department notes that § 245.435 (relating to reporting and recordkeeping) requires regulated UST owners and operators to cooperate fully with Department requests for documentation and retain UST installation documentation for the life of the UST system.

The Department acknowledges the commentator’s concern over situations in which compatibility documentation may be difficult to provide. However, § 245.433(c) (both proposed and final-form) provides four ways for UST owners and operators to document compatibility. By providing several means for a UST owner and operator to provide compatibility documentation for a regulated UST system, the Department is balancing the need to protect the environment with a UST owner and operator’s ability to show compatibility of the UST system with the substance stored.

In recognition of another commentator’s concern that the requirement to submit compatibility information for “alternative fuel blends or biodiesel or biodiesel blended fuel” is subject to interpretation and lacks clarity (please see Comment 54), and due to the fact that the Department may request an owner or operator to provide compatibility documentation for any regulated substance under § 245.435, the Department amended § 245.433(b) in the final-form rulemaking to read: “Upon Department request, an owner and operator of an underground storage tank shall submit on a form provided by the

Department information verifying compatibility of the underground storage tank system with the substance stored prior to storing the substance in the underground storage tank.”

- 56. Comment:** Many UST owners and operators have modernized many aspects of UST compliance to electronic applications and dispatch systems. As a result, physical paper documentation may not exist. This modernization simplifies archiving, accountability and distribution of information. Additionally, these systems are a benefit to the environment as less paper is consumed. Section 245.435 should be revised to explicitly state that wherever recordkeeping is required in the regulations, electronic records and documentation are permitted. (19)

**Response:** The Department acknowledges the statement regarding the increased use of electronic means for storing and transmitting data. Section 245.435 states what records are required and is for the most part silent on how those records must be stored or submitted to the Department. The Department has added language to the Preamble of the final-form rulemaking to clarify that electronic records and documentation are permitted as long as the submission meets the requirements of the regulations.

- 57. Comment:** Due to the significant changes in the regulations, mandatory retraining of current Class A and Class B operators is necessary. However, the regulations do not need to include a recertification requirement. (1)

Given the significant changes in the regulations, how is the Department going to ensure that current Class A/B operators are trained on those changes. It is likely, at least in the short term, that many owners/operators will not be aware of the new requirements. The Department needs to consider how it will address this issue. (17)

**Response:** The Department believes that all affected parties need to be informed about these regulatory amendments. This includes all AST and UST owners and operators, and all Department-certified companies and individuals. Therefore, instead of requiring mandatory retraining of current Class A and Class B operators, which would not come without cost, the Department will implement an aggressive outreach program to inform all affected parties of the regulatory amendments through targeted mailings, email alerts and webinars. The Department believes that these are the most effective methods to reach all affected parties with regard to the regulation changes and can be implemented immediately upon the effective date of the final-form rulemaking. The Department agrees that a recertification requirement is not necessary.

- 58. Comment:** The proposed regulations should be amended to allow UST owners and service providers to request alternate sump testing methods other than those presently prescribed. The alternate method would be subject to PADEP or EPA approval. As the sump testing requirements continue to evolve, limitations to codes of practice such as RP 1200 are being realized as these standards cannot contemplate all sump designs, UST system layouts or alternative technologies.

Both the PADEP and the regulated community could realize great benefit if some flexibility is built into this regulatory requirement. If included this provision should include a defined application and review process as follows:

- 1) Include a defined protocol for alternate method proposal
- 2) Mandate a timeline that the PADEP has to approve or deny the alternate method
- 3) If denied, require the PADEP to provide a technical argument for its denial
- 4) Provide for an appeal program if the proposer of the alternate method would like to challenge the PADEP's decision. (19)

**Response:** The Department respectfully disagrees with the suggestion to include additional language in proposed § 245.437 (relating to periodic testing) in the final-form rulemaking. The language in proposed § 245.437 requires owners and operators to test containment sumps in accordance with requirements developed by the sump manufacturer or a code of practice developed by a Nationally recognized association or independent testing laboratory. The Department allows alternative methods if the other method of testing is no less protective of human health and the environment than the two previously mentioned requirements. The Department believes sump manufacturers and industry standards or independent testing laboratories are reliable sources to provide safe and effective sump testing methods.

**59. Comment:** We understand that many of the new inspection and testing requirements are being promulgated because of the 2015 revisions to 40 C.F.R. §§ 280.35 and 280.36. However, it appears that the requirement at 25 Pa. Code § 245.437(a)(3) to test the electronic and mechanical components of release detection equipment at least annually goes beyond the corresponding federal requirements. Furthermore, because the new requirements at 25 Pa. Code § 245.438(a)(1)(ii) require an inspection of release detection equipment to ensure proper operation at least every 30 days, as well as a review of test records for release detection equipment at least every 30 days, we believe that the proposed annual testing requirement for the same equipment is redundant and unnecessary. Because of the substantial additional financial, recordkeeping, and reporting burdens that are being imposed on the regulated community as a result of the proposed changes to Chapter 245, we believe that including additional, unnecessary requirements is ill-advised. (11), (18)

**Response:** The Department respectfully disagrees. The requirement in § 245.437(a)(3) to test the electronic and mechanical components of release detection equipment for proper operation at least annually was added to be consistent with the Federal requirement at 40 CFR § 280.40(a)(3) (relating to general requirements for all UST systems).

Further, the requirement to conduct a walkthrough inspection at a minimum of every 30 days to check release detection equipment under § 245.438 was included in the proposed rulemaking to be consistent with the Federal requirement at 40 CFR § 280.36 (relating to periodic operation and maintenance walkthrough inspections).

During the 30-day walkthrough inspection, UST owners and operators will be required to check to make sure the release detection equipment is operating with no alarms or other unusual operating conditions present and to ensure records of release detection testing are reviewed and current. These actions differ from annual testing requirements, under which a Department-certified individual will be required to follow manufacturers' instructions to adequately determine if the installed equipment is functioning as originally installed. For example, the Department has encountered situations in the past where no alarms existed on the release detection equipment; however, during annual testing, it was discovered the release detection equipment had not been installed correctly. In requiring 30-day walkthrough inspections and annual testing of the release detection equipment, additional protections for reducing releases to the environment will be required and will not be redundant.

No changes made to proposed §§ 245.437 and 245.438 in the final-form rulemaking.

**60. Comment:** The inclusion of language in § 245.444(9) to allow for "other methods" of leak detection allows flexibility for future technology to be implemented. It is recommended the section be revised to define structure as follows:

- 1) Include a defined protocol for alternate method proposal.
- 2) Mandate a timeline that the PADEP has to approve or deny the alternate method.
- 3) If denied, require the PADEP to provide a technical argument for its denial.
- 4) Provide for an appeal program if the proposer of the alternate method would like to challenge the PADEP's decision. (19)

**Response:** The Department respectfully disagrees with the need to add additional language in § 245.444(8). The comment suggests the existing provision for "Other methods" is vague and does not provide a UST owner or operator with adequate information to determine whether an alternative method of release detection is appropriate to achieve compliance. This regulation mirrors EPA regulations and is an alternative to the other specific methods in § 245.444(1)-(7); it allows greater flexibility for owners and operators to comply with release detection requirements. Paragraph 245.444(8) as proposed states:

Other types of release detection methods, or a combination of methods, may be used if the owner or operator can demonstrate to the Department that one of the following exists:

- (i) It can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05.
- (ii) It can detect a release as effectively as any of the methods allowed in paragraphs (2)-(7). In comparing methods, the Department will consider the size of release that the method can detect and the frequency and reliability with which

it can be detected. If the method is approved, the owner and operator shall comply with conditions imposed by the Department on its use to ensure the protection of human health and the environment.

The Department could have limited UST owners and operators to only those methods listed in § 245.444(1)-(7). However, the Department continues to provide flexibility.

- 61. Comment:** § 245.445 Methods of Release Detection for Piping, Subsection (iii) – The proposed amendment requires unattended UST systems utilizing pressurized piping installed on or before November 10, 2007, to be equipped with a method that restricts or automatically shuts off the flow of regulated substances and meets the requirements in this section. We agree that such UST systems should be equipped in this manner. However, existing UST systems should be afforded a 1 or 2-year period to meet this requirement. (9)

How will DEP implement this provision? Would a one or two-year grace period pose an immediate harm or threat to the environment? (20)

**Response:** The Department does not believe that a one-year or two-year timeframe to comply with § 245.445(1)(iii) is warranted. Thus, the Department is not amending the proposed rulemaking language.

On December 20, 2007, the Department issued a Technical Bulletin titled “Important Notice Regarding Interstitial Monitoring for Piping Release Detection.” The Technical Bulletin was based on existing § 245.445(1) and targeted DEP-certified companies and individuals who perform underground facility operations inspections. The Technical Bulletin is on the Department’s Division of Storage Tanks website under DEP Technical Guidance Documents, at <http://www.dep.pa.gov/Business/Land/Tanks/Pages/DEP-Technical-Guidance-Documents.aspx>

The second paragraph of the Technical Bulletin states: “In addition, if the regulated facility is a remote site and considered ‘unmanned,’ a method of piping release detection that restricts or shuts off the flow of product should be in place. Simply having an audible alarm at this type of facility is not acceptable as a compliant method of piping release detection.” The Department discussed this Technical Bulletin with DEP-certified individuals and has kept it readily available on the storage tank program’s website since February 2016. Therefore, all “unmanned” facilities have had at least one facility operations inspection since issuance and discussion of the Technical Bulletin. As a result, all facilities of this type should already be in compliance.

#### **Subchapter F – Technical Standards for Aboveground Storage Tanks and Facilities**

- 62. Comment:** § 245.511 General operations and maintenance, § 245.513 preventive maintenance and housekeeping requirements, as well as multiple sections propose changing the phrase “an aboveground storage tank facility owner/operator” to “a storage

tank facility owner and operator.” Because there are multiple plants in Pennsylvania that have a different owner than operator, we believe that leaving the owner/operator terminology intact or even changing it to either the “owner or operator” avoids this confusion. (9)

**Response:** The phrase “storage tank facility owner/operator” has been amended throughout the final-form rulemaking to read “storage tank facility owner and operator” to clarify that the applicable requirement applies to both the owner and operator.

- 63. Comment:** § 245.512 – the requirement to submit spill plan revisions within 120 days should allow the option for just submitting the changed sections of the plan. For large facilities with many tanks, revisions occur frequently and resubmitting an entire plan would be a waste of paper. Also, the option for electronic submittals should be allowed. (12)

Section 245.512 is being amended to require Spill Prevention Response Plan revisions to be submitted to DEP within 120 days of any necessary updates to the plan. Would the owner or operator of an AST facility have to submit the entire plan or just revisions to DEP? This should be clarified in the final-form regulation. (20)

**Response:** The Department has amended § 245.512 in the final-form rulemaking to clarify the intent of the proposed rulemaking, namely that the owner or operator of an AST facility would only need to submit changes to the current plan. In addition, language has been added to allow revisions of the plan to be submitted in writing or electronically. The language in the final-form rulemaking reads: “Plan revisions or any addendum to the initial plan shall be submitted to the Department in writing or electronically...” This change has also been made in § 245.603(a) of the final-form regulation. However, under §§ 245.512 and 245.603(a), a current copy of the entire plan must be readily available at the facility at all times.

- 64. Comment:** § 245.512 & § 245.603 Facility operations and spill response plan – An initial Spill Prevention Response Plan shall be submitted to the Department for a storage tank facility with an aggregate aboveground storage capacity greater than 21,000 gallons. The proposed subsection change includes that “Plan revisions shall be submitted to the Department within 120 days of any occurrences as described in section 901(b) of the act.” We believe the proposed 120 days should be extended to 180 days (6 months) to correspond with the SPCC requirements that require that SPCC Plan amendments be prepared within 6 months of the change and implemented immediately, or within 6 months after preparation of the amendment. (9)

A commentator has requested that the 120-day mandate be extended to 180 days. This requirement also appears in § 245.603, relating to general storage tank facility requirements. If extending the time frame from 120 days to 180 days for submitted

revisions would not pose a harm or threat to the environment, we ask DEP to provide the regulated community this additional time for compliance. (20)

**Response:** The Department has amended §§ 245.512 and 245.603(a) in the final-form rulemaking to allow 180 days to prepare and submit revisions to the Spill Prevention Response Plan. However, the Department believes it is important to revise and implement the revisions as soon as possible.

**65. Comment:** Section 245.513(b)(2)(v) proposes monthly inspection of cathodic protection systems. We believe this is an unduly burdensome requirement, with costs likely to exceed benefits. We propose DEP move to a quarterly or semi-annual inspection requirement. (18)

**Response:** The proposed language in § 245.513(b)(2)(v) would have required the owner and operator of aAST to verify that cathodic protection systems are functioning as designed as part of the required monthly maintenance inspection. This monthly inspection would have included inspection of junction boxes, test stations, and other equipment to ensure all connections are secure and unaffected by corrosion and any installed rectifier is providing appropriate output.

In consideration of the comment received, proposed § 245.513(b)(2)(v) has been deleted and cathodic protection system testing requirements have been added in § 245.532(c) (relating to cathodic protection systems) in the final-form rulemaking. Also, for consistency, proposed § 245.613(b)(5) (relating to monitoring standards) has been deleted and cathodic protection system testing requirements have been added in new § 245.613(c) in the final-form rulemaking. These amendments will require testing of galvanic cathodic protection systems at least every 3 years and annual testing for impressed current systems. Impressed current systems will also be required to have current output recorded every 60 days. Both types of cathodic protection systems will be required to be tested within 6 months following installation and repair. The recordkeeping sections for both Subchapters F (See § 245.516) and G (See § 245.615) have been amended to include language regarding retention of cathodic protection system testing.

These cathodic protection inspection and testing requirements are no more stringent than the inspection and testing requirements established in nationally recognized codes and standards established by such organizations as the American Petroleum Institute and NACE International – The Corrosion Society. These specific requirements added in the final-form rulemaking provide owners and operators with the necessary information they need to properly monitor the cathodic protection systems.

**66. Comment:** Proposed Section 245.513(c) would require an owner and operator to "immediately initiate" the actions necessary to correct deficiencies noted during the 72-hour visual and monthly maintenance inspections. The words "immediately initiate" are not defined. This proposed Section should be clarified or revised so as to place clear and reasonable obligations on the storage tank facility owner and operator.

In the context of the immediate reporting obligation contained in 25 Pa. Code § 91.33(a), the Department at times has interpreted "immediate" to mean within 15 minutes of discovery. In many instances, it would be impractical for an owner or operator to undertake corrective actions of storage tank deficiencies within this or any similar time period. For example, many storage tank repairs require contracting with third parties for professional design or other services and cannot be performed "immediately."

In addition, it is unclear what activities "initiate" the corrective action. For example, would a report sent to management notifying management of the need for a repair "initiate" the necessary actions, or would the Department require more to be done "immediately" to "initiate" the repair? As drafted, the proposed amendment does not inform tank owners and operators of what actions comply with this requirement or how much time is afforded. We suggest that the proposed requirement be phrased in more practical terms, such as requiring diligent, commercially reasonable actions to correct any deficiencies noted during inspections. (13)

**Response:** The Department respectfully disagrees with the need to define "immediately initiate." This term is widely used and commonly understood as beginning a process without delay. During the required 72-hour and monthly inspections in §§ 245.513(b)(1) and 245.513(b)(2), respectively, if deficiencies are observed, the Department expects owners and operators to take actions to prevent, abate, mitigate, or respond to those deficiencies. In the example provided in the comment, the action taken by the tank owner to contact a third-party individual to correct the deficiency is an immediate action that may be taken.

- 67. Comment:** Subsection 245.514(b) (relating to security) is a new requirement. Can the written log book be in electronic form that can be printed upon request during an inspection? Also, hyphenate the second occurrence of the word "aboveground" in the first sentence of this proposed subsection. (6)

Section 245.514(b) requires the maintenance of a "written log book." Merck currently maintains a similar record and has no objection to the substance of this amendment. Merck suggests that the final language expressly allow log books to be maintained in electronic format. As electronic recording devices such as iPads come into greater use during inspections, and records are maintained on servers or other electronic storage equipment, a hard copy of a log book may become obsolete. Merck suggests that the language be clarified to allow an electronic option. For example, the language "a written log book in hard copy or electronic format" would improve the proposal. (19)

EQB is codifying a best management practice that requires owners and operators of certain AST facilities to maintain a written log book. Commentators have asked if the log book can be in an electronic format and then printed as needed. Similar concerns have been expressed with § 245.603. We ask EQB to explain how this provision will be implemented and to implement the least burdensome alternative for the regulated community while ensuring the proper protection of the environment. (20)

**Response:** The log may be maintained in written or electronic form. Subsection 245.514(b) has been amended in the final-form rulemaking to read:

“The owner and operator of an aboveground storage tank facility with an aggregate aboveground storage capacity greater than 21,000 gallons shall maintain a written or electronic log. At a minimum, each log entry must identify the name of the individual performing tank handling and inspection activities, the individual’s signature or equivalent verification of presence onsite, the company name, the date of work, start and end times, and a brief description of work performed, including tank identification.”

The second occurrence of the word “aboveground” in the first sentence of § 245.514(b) was mistakenly hyphenated in the proposed rulemaking. All occurrences of “above-ground” in the proposed rulemaking have been amended to “aboveground” in the final-form rulemaking.

- 68. Comment:** § 245.514 Security - Proposed subsection (b) and § 245.603 proposed subsection (c), (Proposed subsection (b) in § 245.514 & proposed subsection (c) in § 245.603), suggests that an additional level of security would be provided. These subsections would require owners and operators of AST facilities with an aggregate aboveground storage capacity greater than 21,000 gallons to maintain a written log book. Each log book entry would need to identify the name of the individual performing tank handling and inspection activities, the individual's signature, the company name, the date of work, start and end times, and a brief description of work performed, including tank identification. The use of a log book containing the proposed information is a best management practice for storage tank owners and operators. Most facilities already have a procedure for the type of documentation they use for the above activities. Using these defined “log books” would provide little additional benefit and would be burdensome and time-consuming resulting in additional labor costs. In addition, the Department could issue violations if one on the entries was not entered appropriately into the log book although all tank handling and inspections were appropriately conducted and documented. If this becomes part of 25 PA Code, then it is *no longer* a Best Management Practice, but a regulation. (9)

The requirement to keep a detailed logbook is burdensome for large facilities with many tanks, especially for the detail required by a logbook. A consideration to shift this responsibility to the inspector or installer should be considered. (12)

EQB is codifying a best management practice that requires owners and operators of certain AST facilities to maintain a written log book. Commentators have asked if the log book they currently maintain as part of their existing best management practice would satisfy the requirement. Similar concerns have been expressed with § 245.603. We ask EQB to explain how this provision will be implemented and to implement the least burdensome alternative for the regulated community while ensuring the proper protection of the environment. (20)

**Response:** The Department does not believe that the maintenance of a written log will be burdensome or time-consuming, or will result in additional labor costs. The Department agrees that maintenance of a log is a best management practice; however, the Department does not agree that most facilities already have a procedure in place to document the required information being requested. It has been the Department's experience that facilities do not have such logs as documented in several enforcement cases. To facilitate compliance with this requirement to maintain a written log, the Department has amended §§ 245.514(b) and 245.603(c) in the final-form rulemaking to allow the log to be maintained in written or electronic form. The Department does not agree that maintenance of the log is the responsibility of the installer or inspector.

69. **Comment:** After reviewing our security needs, we have employed the security measures that we feel are appropriate for our facility, including the implementation of a robust system to control facility access. Requiring that a written log book be maintained on top of an already strong access control system is overly burdensome, impractical, unnecessary, and would not serve to improve site security.

As such, we propose that the proposed conditions in 25 PAC 245.514(b), 245.516(c)(8), 245.603(c), and 245.615(b)(8) be removed and that the Department continue its existing practice of allowing the storage tank facility to select and implement the security measures that are most appropriate for the facility and are sufficient to protect the environment and public. (16)

EQB is codifying a best management practice that requires owners and operators of certain AST facilities to maintain a written log book. Commentators have asked if the log book they currently maintain as part of their existing best management practice would satisfy the requirement of this section. They also ask if the log book can be in an electronic format and then printed as needed. Similar concerns have been expressed with § 245.603. We ask EQB to explain how this provision will be implemented and to implement the least burdensome alternative for the regulated community while ensuring the proper protection of the environment. (20)

**Response:** The Department does not believe that the maintenance of a written log is overly burdensome, impractical or unnecessary, or that it would not serve to improve site security. The use of a log containing the proposed information is a best management practice for storage tank owners and operators. However, it has been the Department's experience that facilities do not have such logs as documented in several enforcement cases. The commentator states that they already implement a robust system to control facility access. Upon further review, they may find that the system already meets the written log requirements. To facilitate compliance with this requirement to maintain a written log, the Department has amended §§ 245.514(b), 245.516(c)(8), 245.603(c) and 245.615(b)(8) in the final-form rulemaking to allow the log to be maintained in written or electronic form.

70. **Comment:** Proposed Section 245.516(c)(15) would require documentation of investigations of suspected releases to be maintained for the operational life of the tank

system and retained for a minimum of 1 year after the tank system has been permanently closed. Proposed Sections 245.435(d)(22) and 245.615(b)(7) would impose similar requirements. But if the investigation of a suspected release reveals that no release occurred, the records are of limited value. They are not relevant to any corrective action mandated by the regulation or to any damages to third persons.

Requiring maintenance of these records for more than a few months is unnecessary and burdensome. It would also serve to discourage investigations that a company may voluntarily undertake as a precaution when the likelihood of a release is very low. The number of records may give a misimpression of multiple problems at a facility when the operator was merely being diligent. To best encourage investigations, a recordkeeping requirement limited to confirmed releases would be most protective of the environment without imposing undue burden on regulated entities.

If proposed Section 245.516(c)(15) were withdrawn, records necessary for Department oversight would still be preserved. When investigation of a suspected release shows that a non-exempt release occurred, the release must be reported to the Department, see § 245.305(a), and the records must be maintained. See § 245.516(c)(5). We recommend that the proposed amendment adding Section 245.516(c)(15) and the similar sections identified above be withdrawn, or the retention period be limited to no more than 6 months. (13)

Under Subsection (c)(15) owners and operators of ASTs will be required to keep documentation of investigations of suspected releases. A commentator has asked what the rationale for this new requirement is if the investigation finds that no release occurred. Similar language can be found under § 245.615(b)(7). In the Preamble to the final-form regulation, we ask EQB explain why it needs this information. (20)

**Response:** The Department currently requires regulated storage tank owners and operators to investigate an indication of a suspected release. Indications of a suspected release include: presence of a regulated substance or an unusual level of vapors from a regulated substance; unusual operating conditions; and test, sampling or monitoring results, including the sounding of an alarm, from a release detection method which indicate a release. These records are important in understanding the storage tank's operational history when performing required inspections and site assessments and responding to inquiries or complaints from the public. By retaining these records, a regulated storage tank owner may be able to overcome by clear and convincing evidence that he did not contribute to the damage, contamination or pollution of the environment discovered (35 P.S. § 6021.1311). The Department believes requiring maintenance of records associated with investigating suspected releases is imperative in providing protection for the environment and public health.

**71. Comment:** § 245.522(g) – this new section requires previously regulated tanks being activated to meet new storage tank system requirements which is consistent with existing regulations. However, clarity needs to be added for tanks in shared existing emergency containment areas. Those containment areas do not and should not be

required to be upgraded as a result of activating (or adding) a tank into that emergency existing containment area. (12)

**Response:** The Department respectfully disagrees that emergency containment areas should not be required to be upgraded when aAST returns to regulated status. In the final-form rulemaking, the Department has deleted § 245.522(g) and amended § 245.542(d)(1)-(2) (relating to containment requirements for aboveground storage tank systems) to clarify the emergency containment requirements based on installation date of the AST.

Currently, § 245.542(d) states:

Aboveground tanks must have emergency containment structures, such as dike fields, curbing and containment collection systems, which contain releases from overfills, leaks and spills, when a new tank system is installed or at the next out-of-service inspection for existing tank systems as established in § 245.553(d) (relating to out-of-service inspections) or by November 10, 2010, whichever occurs first.

Further, §§ 245.542(d)(1) and (2) currently state:

(1) Permeability of newly installed or replacement emergency containment structures must be less than  $1 \times 10^{-6}$  cm/sec at anticipated hydrostatic head and be of sufficient thickness to prevent the released substance from penetrating the containment structure for a minimum of 72 hours, and until the release can be detected and recovered.

(2) Emergency containment structures for existing aboveground storage tanks must meet one of the following standards by November 10, 2010, or at the next out-of-service inspection, prior to the tank being placed back into service, whichever occurs first:

\* \* \*

The intent of § 245.542(d)(1) is to apply to new tank systems, a position the Department has maintained since the provisions were initially promulgated on October 11, 1997. A new tank system includes a tank being reactivated in a shared, existing emergency containment area. In this instance, the emergency containment area must be upgraded to meet the requirements of § 245.542(d)(1).

To provide clarity, the Department has amended § 245.542(d)(1) and (2) in the final-form rulemaking to clarify that large ASTs installed after October 11, 1997, must be installed within emergency containment having permeability less than  $1 \times 10^{-6}$  cm/sec. They now read as follows:

(1) Permeability of newly installed or replacement emergency containment structures or emergency containment structures for aboveground storage tanks installed after October 11, 1997, must be less than  $1 \times 10^{-6}$  cm/sec at anticipated hydrostatic head and be of sufficient thickness to prevent the released substance from penetrating the containment structure for a minimum of 72 hours, and until the release can be detected and recovered.

(2) Emergency containment structures for aboveground storage tanks installed on or before October 11, 1997, must meet one of the following standards:

Subsections 245.542(d)(1) and (2) were initially promulgated on October 11, 1997. Therefore, the provisions that are applicable to new and existing storage tanks are applicable as of that date.

**72. Comment:** § 245.531 General corrosion and deterioration requirements – § 245.531 subsection (c) currently states that “Existing tank bottoms that do not meet the standards in subsection (b) shall be upgraded when the tank bottom is replaced.” The proposed subsection (c) states that tank bottoms that are not adequately protected from corrosion and deterioration shall be upgraded to meet § 245.532 and § 245.534 (relating to cathodic protection systems; and interior linings and coatings). We propose to keep the same requirement in place that is already there or at the very least allow the upgrade to take place at the next “Out of Service” inspection. The proposed requirement presents a significant burden and potential shutdown of plant operations by requiring immediate upgrades unless this work is performed either when the tank bottom is replaced or scheduled during an “Out of Service” inspection. (9)

We ask EQB to explain if the amendments to § 245.531 being proposed are new requirements, and if so, to explain the need for the revisions. If the requirements are new, we ask EQB to quantify the costs associated with the amendments. (20)

**Response:** The Department does not agree that final-form § 245.531(a)-(c) adds new requirements. Instead, subsections (a)-(c) clarify existing requirements. When interpreted together, existing subsections (a)-(c) require aAST system to be maintained with corrosion and deterioration prevention measures. Tank bottoms must be continuously protected from corrosion and deterioration. Tank bottoms installed on or before October 11, 1997, which is the effective date of the existing § 245.531, must be upgraded when a lack of corrosion and deterioration prevention is discovered. By now, all such “existing” tank bottoms should have had an out-of-service inspection performed, which would have evaluated the tank bottom protection. If cathodic protection or a liner was required, then either of these items should have been added at this point. Tank bottoms installed after October 11, 1997 must have been protected at installation. Failure to continuously maintain these preventative measures may result in premature tank failure and subsequent release of regulated product.

Subsection 245.531(a), as proposed, clarifies that AST systems are to be continuously protected from corrosion and deterioration. Subsection 245.531(b), as proposed, clarifies that tank bottoms in direct contact with the soil are to be evaluated by a corrosion expert to determine if cathodic protection is necessary. Subsection 245.531(c), as proposed, clarifies that, "Tank bottoms that are not adequately protected from corrosion and deterioration [which is to be determined by the corrosion expert under § 245.531(b)] shall be upgraded to meet §§ 245.532 and 245.534 (relating to cathodic protection systems; and interior linings and coatings)." These regulatory amendments do not modify existing requirements. Rather the regulatory amendments included in this final-form rulemaking clarify existing requirements, found in § 245.531. Therefore, no additional costs will be incurred in complying with these amendments. The final-form rulemaking retains these proposed amendments.

The Department does not believe it to be prudent or appropriate to allow a large AST to continue to operate knowing that the tank bottom is not protected from corrosion and deterioration. The final-form regulation in § 245.531 allows large ASTs that have tank bottoms that need corrosion protection to be upgraded through tank bottom replacement, cathodic protection being installed, or with a tank liner. Allowing upgrades to be performed only when the tank bottom is scheduled to be replaced or allowing upgrades to wait until the next out-of-service inspection (which could be up to 20 years) is not acceptable, is not in the best interest of the tank owner, and may result in a release of regulated substance to the environment.

- 73. Comment:** The proposed amendment to Section 245.531 may pose a significant, expensive obligation on our company. In accordance with existing regulations and a SSIP permit from the Department, we recently installed and registered a 400,000 gallon aboveground storage tank to store fuel oil. While the outside of the tank is painted for corrosion prevention, the tank bottom is not. Corrosion protection of the bottom is not legally required, and is unnecessary because the tank sits on a concrete pad, not on soil.

More specifically, under current regulations, the corrosion evaluation provisions of Section 245.531(b) do not apply to this tank because the tank bottom is not in direct contact with the soil or other electrolyte. Existing Section 245.531(c) requiring upgrade is likewise inapplicable because that section applies only when the standards in Section 245.531(b) are not met, and even then only when the tank bottom is replaced. Neither of these conditions exists. In addition, because the tank stores petroleum, potential interior corrosion is not at issue.

The proposed amendment to Section 245.531 may be interpreted to require our company to upgrade its existing tanks to add corrosion protection for the tank bottom. Under the proposed amendment, we may also need to meet the requirements of §§ 245.532 and 245.534 (relating to cathodic protection systems; and interior linings and coatings) for existing tank bottoms not equipped with corrosion protection, such as the bottom of the 400,000 fuel oil tank. But when a tank bottom sits on a concrete pad, no valid reason for corrosion protection exists.

If the regulations are amended to require corrosion protection for tank bottoms on concrete pads, then the contents of existing tanks must be emptied and significant alterations made. Even the new 400,000 gallon tank, recently approved by the Department and shown during inspection to be fully compliant with existing regulations, would need to be taken out of service and modified at very major cost and expense. No environmental risk exists to warrant this onerous result.

We suggest that the proposed regulation be modified to allow for tank bottoms without corrosion protection when the bottoms are not in direct contact with soil or other electrolyte, such as when they are located on concrete pads. This result would be consistent with Section 245.531(b) which requires evaluation by a corrosion expert only if the tank bottom is in direct contact with soil or other electrolyte. Alternatively, we request that any new requirement applying to tank bottoms not in direct contact with soils or other electrolyte apply only to storage tanks constructed after the effective date of the regulation or when tank bottoms are replaced. (13)

**Response:** Subsection 245.531(a), as proposed, clarifies that AST systems are to be continuously protected from corrosion and deterioration. Subsection 245.531(b), as proposed, clarifies that tank bottoms in direct contact with the soil are to be evaluated by a corrosion expert to determine if cathodic protection is necessary. Subsection 245.531(c), as proposed, states “Tank bottoms that are not adequately protected from corrosion and deterioration shall be upgraded to meet §§ 245.532 and 245.534 (relating to cathodic protection systems; and interior linings and coatings).” In the commentator’s example, if a corrosion expert were to determine that no cathodic protection is necessary on the tank bottom, the storage tank system would satisfy § 245.531(a). No additional amendments have been made to § 245.531 in the final-form rulemaking.

**74. Comment:** For § 245.534(c) (relating to interior linings and coatings), is it possible to have the inspection interval coincide with the API 653 internal inspection interval? (6)

**Response:** The Department currently requires out-of-service inspections to be conducted based on the API 653 calculated service life method or half of the corrosion rate life, with a maximum of 20 years between inspections, under § 245.553. Internal linings and coatings, if installed, are currently required to be evaluated during the out-of-service inspection under § 245.553. A storage tank owner may have the lining inspection interval coincide with the out-of-service inspection if agreeable to the Department and if the lining manufacturer or design engineer recommends the inspection interval. No amendments to the proposed rulemaking have been made in the final-form rulemaking in response to this comment.

**75. Comment:** § 245.534(c) – the new requirement to get agency agreement seems unnecessary and adds additional PADEP involvement. The PADEP does not always have personnel knowledgeable to make these decisions which could lead to unnecessary

delays awaiting agency review and approval. This language should be changed to a registered professional engineer. (12)

**Response:** The Department does not foresee delays in the review of such submissions. This subsection, as proposed, requires interior linings or coatings to be inspected by a DEP-certified AST inspector at least every 10 years or as warranted or recommended by the manufacturer or design engineer and agreed upon by the Department. Where an inspection interval is warranted or recommended by the manufacturer or design engineer, in the vast majority of cases, the Department will agree with the manufacturer or design engineer provided the appropriate information is submitted for the storage tank lining or coating in question. The Department has retained the proposed language in § 245.534(c) in the final-form rulemaking.

**76. Comment:** Section 245.541 should place the burden for the prevention of spills and overflows during delivery of fuels on the delivering company, not the operator of the receiving tank. (18)

**Response:** The Department has not made the requested amendment. Section 245.541 establishes the requirements to ensure that releases from overfills do not occur. Subsection 245.541(b) requires that the storage tanks be equipped with a gauge or monitoring device which accurately indicates the level or volume in the tank and is visible to the individual responsible for the transfer of product. In addition, a high-level alarm with an automatic high-level cut-off device or a high-level alarm with a manned operator shutdown procedure in operation must also be installed. It is the responsibility of the owner or operator to ensure that these requirements are met. Provided these requirements are met, the equipment is operating as intended, and the transfer is adequately monitored, overfills should not occur.

**77. Comment:** § 245.542 Containment requirements for aboveground storage tank systems – In the Preamble subsection (f) is proposed to be amended to require that any water, not only stormwater, be removed from the emergency containment area as soon as possible and to clarify that the water is to be removed from the containment before it comes in contact with the AST or piping or before it reduces the capacity of the containment by 10% or more. However, in the actual proposed regulations it is written as water is to be removed from the containment before it comes in contact with the AST or piping and before it reduces the capacity of the containment by 10% or more. This requirement has a much different meaning. We propose that the verbiage in the Preamble should be used (or before it reduces the capacity of the containment by 10% or more). (9)

**Response:** The language in proposed § 245.542(f) is correct and has been retained in the final-form rulemaking. The language in the Preamble to the proposed rulemaking pertaining to this amendment was incorrectly stated and has been clarified in the final-form rulemaking. It is important to remove water from the containment before it comes in contact with the AST or piping and before it reduces the capacity of containment by

10% or more, to assure that water does not come into contact with the tanks or piping which would be a corrosion issue.

- 78. Comment:** § 245.542 - Subsection (f) is proposed to be amended to require that any water, not only stormwater, be removed from the emergency containment area as soon as possible. The regulation should be amended to refer to liquid water. Snow, which does not take up the same equivalent volume as liquid water, is not easily removed. (10)

**Response:** The suggestion of clarifying water as liquid water would be redundant. The Department is not requiring snow to be removed from the emergency containment area. However, snow melt is water and is required to be removed as soon as possible under § 245.542(f). The proposed amendments have been retained in the final-form rulemaking.

- 79. Comment:** § 245.552(d)(4) – this section has been revised to require PADEP approval to delay an in-service inspection for tanks that are temporarily removed from service. This requirement to obtain agency approval is unnecessarily burdensome for the tank owner and the PADEP. These tanks must be emptied and are checked monthly. If a tank owner wants to delay the inspection, they should be able to do that without seeking agency agreement. (12)

**Response:** The Department respectfully disagrees. The Department requires AST system integrity to be maintained throughout the temporary removal from service time and requires the tank to be protected against flotation, under § 245.562. Based on the tank's compliance history, information necessary to determine the tank's integrity may be unknown. In-service inspections, as required in § 245.552, provide the Department with this information. The proposed amendments to § 245.552(d)(4) have been retained in the final-form rulemaking.

- 80. Comment:** With regard to § 245.561(2) (relating to permanent closure or change-in-service), the owner or operator oversees the operation of the closure activities by hiring a certified installer. The owner and operator is charged with submitting the notification and registration modification to the PADEP. There is no need for the signature of the certified installer. This will cause delays in the notification process. (6)

**Response:** The Department respectfully disagrees that the signature of the certified installer is not necessary. The certified tank handler is responsible for the removal from service of the AST system and is certifying that all tank handling activities were conducted in compliance with the Storage Tank Act and all applicable regulations. The proposed amendments to § 245.561(2) have been retained in the final-form rulemaking.

### **Subchapter G – Simplified Program for Small Aboveground Storage Tanks**

- 81. Comment:** Subsection 245.603(c) (relating to general storage tank facilities requirements) is a new requirement. Would computer based task management and electronic inspection management systems meet this requirement? (6)

**Response:** To facilitate compliance with this requirement to maintain a log, the Department has amended § 245.603(c) in the final-form rulemaking to allow the log to be maintained in written or electronic form.

**82. Comment:** Currently, Section 245.612(d)(1) permits use of a spill containment bucket when filling a double walled aboveground storage tank. The proposed amendment to this section would require permanently installed spill prevention equipment.

We own and operate numerous double walled tanks, many of which store diesel fuel for emergency generators. Except for some newer tanks, these double walled tanks do not have permanently installed spill prevention equipment. When the tanks are being filled, a bucket is placed under the fill point and an operator continuously monitors the filling activity. In our experience, this method is effective in preventing releases to the environment.

Altering numerous existing tanks to install permanent spill prevention equipment would be expensive, time-consuming and unnecessary to prevent releases. We suggest that use of a spill containment bucket remain a permissible option for existing tanks. A requirement that an operator continuously monitor the filling activity would be consistent with our practice. We have no objection to requiring permanently installed spill prevention equipment on new aboveground double walled storage tanks.

In the event the Board rejects our suggestion and requires us to install spill prevention equipment on existing tanks, we request a period of three years to fully implement this requirement. It would be unrealistic to expect storage tank owners to modify numerous tanks in a short period of time. Altering the numerous tanks at our facilities is a significant undertaking that will require considerable planning, construction and expense. (13)

Subsection 245.612(d)(1) is being amended to require permanently installed spill protection equipment at the tank fill point. The commentator notes that they use temporary spill buckets and believe the amendment is a new requirement that would be costly and provide little environmental benefit. We ask EQB to explain how DEP administers the existing regulation and if the proposed amendment will require the regulated community to change their procedures related to spill buckets. If the requirements are new, we ask EQB to quantify the costs and to consider a window of time for the regulated community to come into compliance with the new standard. (20)

**Response:** The proposed amendments to § 245.612(d)(1) are retained in the final-form rulemaking. They clarify the existing requirement and do not create a new requirement. Existing § 245.612(d)(1) states that double walled tanks may meet both emergency and secondary containment requirements when the tank system is operated with spill and overflow protection controls including a spill containment bucket at the tank fill point or containment at the remote fill point. A storage tank owner may currently meet this

requirement by having permanently installed spill prevention equipment such as a spill bucket or containment underneath the tank fill point. Third-party inspectors and Department staff routinely inspect regulated storage tanks to determine compliance with storage tank regulations. Without permanent installation of spill prevention equipment, it is impossible to verify regulatory compliance. Adding the words “Permanently installed” to § 245.612(d)(1) simply clarifies that permanently installed spill prevention equipment is necessary to meet both the emergency and secondary containment requirements for double walled tanks.

- 83. Comment:** With regard to § 245.615(b)(8) (relating to recordkeeping requirements), add a statement that would allow computer-based systems and electronic management systems to be acceptable to meet this requirement. (6)

**Response:** Proposed § 245.615(b)(8) has been amended in the final-form rulemaking to read as follows:

(8) Written or electronic log entry information as required under § 245.603(c) (relating to general storage tank facility requirements).

- 84. Comment:** § 245.616 Inspection Requirements – Subsection (c) proposes to have small aboveground storage tanks storing regulated substances with a capacity of greater than 5,000 gallons and small aboveground storage tanks storing highly hazardous substances with a capacity greater than 1,100 gallons to conduct in-service inspections every 5 years (previously 10 years) or more often when corrosion, deterioration or other specific conditions necessitate. Increasing the frequency of small AST inspections is unnecessary when industry tank standards already provide a sound scientific and engineering basis for tank inspection schedules. (9)

Inspection frequencies for small AST under § 245.616 should remain as they are under the current regulation. Increasing the frequency of small AST inspections is arbitrary and unnecessary when industry tank standards (e.g., STI or API) already provide a sound scientific and engineering basis for tank inspection schedules under the existing regulation. (10)

§ 245.616(c) – the proposed change to inspect every 5 years instead of every 10 years is unnecessarily burdensome and unjustified. These small tanks offer minimal potential environmental harm and requiring more frequent inspections because people are failing to meet the current regulatory obligation to complete every 10 years is a flawed justification. (12)

The rule as published proposes changes to 25 PAC 245.616(c), (c)(1), and (c)(2) that would shorten the frequency of required in-service inspections for small aboveground storage tanks from every ten (10) years to every five (5) years. The Department believes that this change is necessary to improve facility compliance. However, the mechanisms to drive compliance improvement already exist within the current

regulatory framework. We believe that this change, which essentially doubles the costs for in-service inspections, does little but penalizes facilities that appropriately manage their ASTs for the actions of facilities that do not and imposes an unnecessary financial burden on the tank owner with little environmental benefit. Therefore, we propose that the proposed conditions in 25 PAC 245.616(c), (c)(1), and (c)(2) be removed and that the Department continue its existing practice of allowing Department certified inspectors to manage in-service inspection frequencies on a case-by-case and site-specific basis. (16)

**Response:** The existing inspection frequency for USTs is once every 3 years, under § 245.411. The Department saw a marked improvement in UST facility compliance rates when the UST inspection frequency changed from 5 or 10 years to the existing 3-year inspection cycle. Department inspection records show that less than 50% of ASTs inspected meet existing requirements. The Department believes that a mandated shortened inspection frequency is needed to help improve compliance with these systems. Therefore, the proposed amendments to § 245.616(c) have been retained in the final-form rulemaking.



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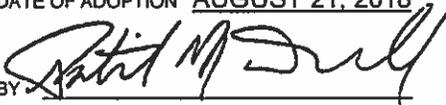
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BY 

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CHAIRMAN

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NOTICE OF FINAL RULEMAKING

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ENVIRONMENTAL QUALITY BOARD

Administration of the Storage Tank and Spill Prevention Program

25 Pa. Code Chapter 245



**NOTICE OF FINAL RULEMAKING  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ENVIRONMENTAL QUALITY BOARD  
(25 Pa. Code Chapter 245)**

**Administration of the Storage Tank and Spill Prevention Program**

The Environmental Quality Board (Board) by this order amends Chapter 245 (relating to Administration of the Storage Tank and Spill Prevention Program). This final-form rulemaking strengthens the requirements for operation and maintenance of underground storage tank (UST) equipment. Currently, UST owners and operators are required to have spill prevention, overfill prevention and release detection equipment in place but are not required to periodically verify the functionality of some of that equipment. This final-form rulemaking also adds a new certification category for persons that only perform minor modifications of UST systems. This final-form rulemaking also shortens the in-service inspection cycle for aboveground storage tanks (AST) in underground vaults and small ASTs. This final-form rulemaking clarifies or corrects other provisions in Chapter 245 based on the Department's experience in implementing this chapter since the last comprehensive Department rulemaking, which occurred over 10 years ago.

This order was adopted by the Board at its meeting on August 21, 2018.

*A. Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

*B. Contact Persons*

For further information contact Kris A. Shiffer, Chief, Division of Storage Tanks, P.O. Box 8762, Rachel Carson State Office Building, Harrisburg, PA 17105-8762, (717) 772-5809; or Robert Schena, Esq., Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 783-8072. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) website at [www.dep.pa.gov](http://www.dep.pa.gov) (Select "Public Participation," then "Environmental Quality Board (EQB)").

*C. Statutory Authority*

This final-form rulemaking was developed under the authority of section 106 of the Storage Tank and Spill Prevention Act (act) (35 P.S. § 6021.106), which authorizes the Board to adopt rules and regulations governing ASTs and USTs to accomplish the purposes and carry out the provisions of the act; section 301 of the act (35 P.S. § 6021.301), which authorizes the Department to establish program requirements for ASTs; section 501 of the act (35 P.S. § 6021.501), which authorizes the Department to establish program requirements for USTs; and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes the

Board to formulate, adopt and promulgate rules and regulations that are necessary for the proper work of the Department.

#### *D. Background and Purpose*

The United States Environmental Protection Agency (EPA) has codified comprehensive Federal regulations for USTs at 40 CFR Part 280 (relating to technical standards and corrective action requirements for owners and operators of USTs). EPA initially promulgated these regulations in 1988. EPA published final revisions to 40 CFR Part 280 at 80 FR 41566 (July 15, 2015) (July 15, 2015 Final Rule), effective October 13, 2015. The revisions in the July 15, 2015 Final Rule, among other things, added secondary containment requirements for new and replaced tanks and piping, added operator training requirements, added periodic operation and maintenance requirements for UST systems, removed certain deferrals, added new release prevention and detection technologies, updated codes of practice and made editorial and technical corrections. The Department incorporated secondary containment and operator training requirements that meet the Federal requirements into Chapter 245 through prior rulemakings that became effective on November 10, 2007, and December 26, 2009, respectively.

In EPA's July 15, 2015 Final Rule, the EPA also updated the State Program Approval (SPA) requirements in 40 CFR Part 281 (relating to approval of state underground storage tank programs). Under these revisions, the EPA requires that states amend their UST regulations and apply for initial or revised SPA within 3 years of the October 13, 2015 effective date of the July 15, 2015 Final Rule. Currently, the Commonwealth has SPA. The Commonwealth receives approximately \$2.3 million annually in Federal grant funding from the EPA under section 9014 of the Solid Waste Disposal Act (42 U.S.C.A. § 6991m) to aid in administering the UST program. This final-form rulemaking is necessary to ensure continued receipt of Federal grant funds. The Department is required to update Chapter 245 to be no less stringent than the Federal requirements so the Department may re-apply for SPA. States and Tribal lands that do not have SPA were required to comply with the EPA final regulations on October 13, 2015. The EPA has not codified companion AST regulations.

This final-form rulemaking is also necessary to further prevent releases of regulated substances from USTs into the environment. There were 210 confirmed releases from USTs in this Commonwealth from October 1, 2016, through September 30, 2017, which were the result of improper operation and maintenance of UST systems. Releases from piping and spills and overfills associated with deliveries, and releases at the dispenser have emerged as common issues. In addition, as noted by EPA in the preamble to its 2015 Final Rule (80 FR at 41567), release detection equipment is only successfully detecting approximately 50% of releases it is designed to detect.

A summary of the changes to the Chapter 245 proposed rulemaking resulting from public comment is provided in Section E of this preamble. In addition to updating Chapter 245 to be consistent with EPA requirements at 40 CFR 280, this final-form rulemaking improves operation and maintenance of USTs to prevent the release of regulated substances into the environment by requiring, among other things, a visual inspection of spill prevention equipment and release detection 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 overfill prevention equipment every 3 years, testing of containment sumps used for interstitial monitoring every 3 years, and annual release detection equipment testing.

In addition to the new operation and maintenance requirements, this final-form rulemaking includes two other key provisions to prevent releases of regulated substances into the environment:

- Release detection requirements for emergency generator USTs are added. These USTs were previously deferred from having to meet release detection requirements;
- Ball float valves are prohibited as an option for overfill prevention in new UST systems and when these devices need to be replaced.

This final-form rulemaking will affect approximately 7,000 storage tank owners at nearly 12,600 storage tank facilities. Industry sectors potentially affected by this final-form rulemaking include retail motor fuel sales, commercial, institutional, manufacturing, transportation, communications and utilities, and agriculture. As owners of regulated USTs, Federal, State and local government will also be affected.

Based upon discussions with several Department certified tank handling companies and the Department's Storage Tank Advisory Committee (STAC) members, and Department attendance at Tank Installer of Pennsylvania meetings, the Department is confident that existing tank installers and inspectors certified by the Department will have the capacity to provide the increased testing and inspections that this final-form rulemaking requires.

Owners of existing storage tank systems will have ample time in which to comply with this final-form regulation, once published. Owners of new storage tank systems will need to comply with the requirements upon the effective date of this final-form rulemaking.

The Department worked with the STAC during development of this rulemaking. STAC, which was established by section 105 of the Act (35 P.S. § 6021.105), consists of persons representing a cross-section of organizations having a direct interest in the regulation of storage tanks in this Commonwealth. As required under section 105 of the act, STAC was given the opportunity to review and comment on both the draft proposed and draft final-form annex. At December 8, 2015 and June 7, 2016 STAC meetings, individual STAC members were provided with the opportunity to review Department concepts and present concepts that they would like to see incorporated into Chapter 245. STAC was also afforded the opportunity to review and discuss draft proposed regulatory language at its December 6, 2016, and March 7, 2017, meetings. On March 7, 2017, STAC voted unanimously to support the amendments presented in the Department's draft proposed rulemaking and recommended that the Board consider the amendments for publication as a proposed rulemaking. The Board adopted the proposed rulemaking on October 17, 2017, and published it at 48 Pa.B. 1101 (February 24, 2018). On May 17, 2018, STAC reviewed draft final-form regulatory language. At that meeting, STAC voted unanimously to support the amendments and recommended that the Board consider the amendments for publication as a final-form rulemaking.

A listing of STAC members and minutes of STAC meetings are available on the Department's website at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees") and may also be obtained from Kris Shiffer, whose contact information appears in Section B of this preamble. The Citizens Advisory Council received monthly updates on the status of this rulemaking.

#### *E. Summary of Changes to the Proposed Rulemaking*

In this section of the Preamble, the Board describes changes made in this final-form rulemaking. Changes made in the proposed rulemaking may be viewed at 48 Pa.B. 1101 (February 24, 2018).

##### *Section 245.1. Definitions.*

*The Department amended or added a number of definitions under § 245.1*

##### *"Containment structure or facility"*

The Department has amended the definition of "containment structure or facility" in this final-form rulemaking to add clarity. Of note, the Department has added the phrase "designed to contain" and deleted the existing language "which comes in contact with" and "any rock or other fill material placed around an underground storage tank." Based on the Department's experience, rock or fill material around a UST cannot adequately contain a regulated substance if a release from the UST system occurs; therefore, upon further consideration, the Department believes that rock or fill material is not suitable as containment. The term "containment structure or facility" appears in the definition of "release," the definition of "immediate threat of contamination" added in this final-form rulemaking, and proposed amendments to §§ 245.132(a)(4)(iii), 245.303(e)(1) and 245.613(b)(1) (relating to standards of performance; general requirements; and monitoring standards), retained in this final-form rulemaking.

##### *"Release" and "Immediate threat of contamination"*

In the proposed rulemaking, the Department proposed to revise the definition of "release," delete the definition of "reportable release," and add three specific types of "releases" in new § 245.305(i) (relating to reporting releases) that would not require reporting to the Department or further corrective action provided certain criteria were met. As a result, two main questions arose during the comment period. First, commentators asked if the proposed amendments conflicted with the statutory definition of "release." Second, commentators asked if the proposed amendments would require the reporting of all spills into emergency containment structures, which the commentators stated are designed to contain spills and therefore are not a threat to the environment. In the final-form rulemaking, in consideration of the comments received, the Department has instead defined "immediate threat of contamination," deleted the proposed addition to the definition of "release," deleted the definition "reportable release," and amended the reporting requirements in § 245.305 for petroleum releases.

The impetus for this change, both in the proposed and final-form amendments, is the undefined phrase “immediate threat of contamination” in the existing (and final-form) definition of “release” in § 245.1. A “release” includes “spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank into a containment structure or facility that poses an *immediate threat of contamination* of the soils, subsurface soils, surface water or groundwater.” *Id.* (emphasis added). The Department has defined “immediate threat of contamination” in this final-form rulemaking to be a spill from a storage tank into a containment structure or facility in an amount that is equal to or greater than the applicable reportable released quantity under Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C.A. § 9602) and regulations under CERCLA; an amount equal to or greater than a discharge as defined in Section 311 of the Federal Water Pollution Control Act (Clean Water Act) (33 U.S.C. § 1321) and regulations under the Clean Water Act, and a spill of petroleum in any amount. CERCLA and the Clean Water Act establish reportable quantity limits for hazardous substances and prohibit discharges that exceeds those reportable quantities. The Department has also defined an “immediate threat of contamination” not to include “spilling, leaking, emitting, discharging, escaping, leaching or disposing of petroleum into a liquid-tight containment sump or emergency containment structure in an amount less than 25 gallons as a result of a tank handling activity if the certified installer providing direct onsite supervision has control over the regulated substance, the regulated substance is completely contained and, prior to the certified installer leaving the storage tank facility, the total volume of the regulated substance is recovered and removed.”

This definition balances the Department’s need to adequately oversee “release” responses while recognizing that facility owners and operators should not need to report certain small spills from storage tanks that do not pose a risk of contamination.

#### *Section 245.108. Suspension of certification.*

The Department amended § 245.108(a)(4)(iii) in this final-form rulemaking to address submission of modification reports for inspection activities involving multiple certified individuals and certification categories. If a project involves multiple certified individuals and certification categories, modification reports need to be submitted within 30 days of the completion of all project tank handling and inspection activities. Subsection 245.108(a)(4)(iii) of this final-form rulemaking reads: “Submit a report of an inspection activity to the Department within 60 days of conducting an inspection activity, except for reports of modification inspection activities, which must be reported to the Department within 30 days of conducting a modification inspection activity. For inspection activities involving multiple certified individuals and certification categories, reports of modification inspection activities must be submitted within 30 days of the completion of all project tank handling and inspection activities.”

#### *Section 245.113. Certified inspector experience and qualifications.*

In response to a concern that the list of college degrees for certified inspector qualification in § 245.113(c) seemed too restrictive, “corrosion engineering” has been added to the college

degrees listed in § 245.113(c) in this final-form rulemaking. The college degrees listed may be substituted for experience in applying to be a certified inspector.

*Section 245.132. Standards of performance.*

The Department has amended § 245.132(a)(2) to require that modification inspection reports be submitted to the Department within 30 days of conducting the inspection activity. The current requirement is to submit the report within 60 days of conducting the inspection. This amendment shortens the length of time between submittal of the modification report (required within 30 days of completion of the modification) and the modification inspection report allowing the Department to review the inspection report of the modification activity in a more timely manner. The Department believes that 30 days is adequate time to prepare and submit the modification inspection report. However, § 245.132(a)(2) has been amended in this final-form rulemaking to address submission of modification reports for inspection activities involving multiple certified individuals and certification categories. If a project involves multiple certified individuals and certification categories, modification reports need to be submitted within 30 days of the completion of all project tank handling and inspection activities. Subsection 245.132(a)(2) of this final-form rulemaking provides clarifying language with regards to all reporting requirements pertaining to tank handling and inspection activities conducted by certified installers and certified inspectors.

*Section 245.302. Scope.*

For consistency, the term "suspected releases" has been added to § 245.302 of this final-form regulation.

*Section 245.304. Investigation of suspected releases.*

For purposes of consistency and clarification, the word "suspected" has been added to § 245.304(a) in this final-form rulemaking.

Subsection 245.304(c) has been amended in this final-form rulemaking to incorporate proposed § 245.304(d) and language from existing § 245.304(d) to clarify the actions an owner or operator needs to take upon completion of a suspected release investigation, and, in particular, if the investigation cannot determine whether a release of a regulated substance has occurred. Under § 245.304(c)(3), the presence of regulated substance in a containment structure or facility that is shown to be liquid-tight, even if not considered a release, must still be addressed. The regulated substance cannot remain indefinitely in the containment structure or facility. However, the extent of the corrective action may be limited to the complete removal and proper disposal of the regulated substance, and repair or replacement of the defective storage tank component. As a result of these amendments, the title of § 245.304 has been revised in this final-form rulemaking to read: "Investigation and reporting of suspected releases."

*Section 245.305. Reporting releases.*

As described above, in this final-form rulemaking, the Department has defined the term “immediate threat of contamination” contained in the definition of “release.” In conjunction, § 245.305(i) has been amended to address the specific “releases” of petroleum that do not require reporting to the Department and do not require further corrective action, provided certain criteria are met. Those criteria, which also have been amended, are:

- the owner or operator has control over the release,
- the release is completely contained, and
- the total volume of the release is recovered and removed within 24 hours of the release.

While one of the proposed release reporting criteria, namely “any defective storage tank system component that caused or contributed to the release is properly repaired or replaced” has been deleted, an owner or operator may not resume use of the storage tank system until the defective component that caused or contributed to the release is properly repaired or replaced.

Provided all three of the above criteria are met, the following release situations will not need to be reported to the Department:

A release of petroleum to an aboveground surface, including within an emergency containment structure, that is less than 25 gallons.

A release of petroleum to a containment sump where the total volume of the release is contained below the lowest sump penetration.

If another release situation occurs, or if one of the two release situations above occurs, but all three of the above criteria are not met, the release must be reported.

A comparison of the release situations that do not require reporting to the Department in the proposed rulemaking and in this final-form rulemaking is as follows:

Proposed § 245.305(i)(1) stated, “A release of petroleum to an aboveground surface, including within an emergency containment structure, that is less than 25 gallons.” This language has been retained in this final-form rulemaking and includes releases within and outside of emergency containment. As applied to releases of petroleum that are less than 25 gallons and not within an emergency containment structure, the release must not impact soils, subsurface soils, surface water or groundwater. In practice, this means that the release must be to a concrete pad, asphalt surface, or similar surface that is not cracked or highly weathered that will contain the regulated substance so that it may be completely recovered. Otherwise, the release must be reported.

Proposed § 245.305(i)(2) stated, “A release of a hazardous substance to an aboveground surface, including within an emergency containment structure, that is less than its reportable quantity under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.A. §§ 9601—9675) and 40 CFR Part 302 (relating to designation, reportable quantities, and notification).” This language has been deleted from this final-form rulemaking

because a spill of a hazardous substance that is less than its reportable quantity under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.A. §§ 9601—9675) and 40 CFR Part 302 (relating to designation, reportable quantities, and notification) is not a release.

Proposed § 245.305(i)(3) stated, “A release to a liquid-tight containment sump used for interstitial monitoring of piping in accordance with § 245.444(6) (relating to methods of release detection for tanks).” While this language has been deleted from this final-form rulemaking, § 245.305(i)(2) in this final-form rulemaking has been revised to read: “A release of petroleum to a containment sump where the total volume of the release is contained below the lowest sump penetration.” Provided the previously stated criteria are met, this release reporting exception applies to all containment sumps, not only those used for interstitial monitoring of piping. However, reporting is required for petroleum releases that reach the lowest sump penetration or above.

#### *Section 245.403. Applicability.*

Subsection 245.403(c) (relating to applicability) of the proposed rulemaking stated the partial regulatory exclusions for wastewater treatment tank systems and nuclear-related UST systems that are now subject to regulation under Chapter 245. The Department has clarified in this final-form rulemaking that USTs identified in § 245.403(c)(1)-(3) need not comply with §§ 245.411, 245.421(b)(3) and (4)(ii) and (iii), 245.422(d), 245.432(g) and 245.436—245.446.

A new § 245.403(c)(4) has been added to this final-form rulemaking to clarify that UST systems installed before May 7, 1985, are not required to comply with §§ 245.411—245.422, 245.424, 245.432, 245.433, and 245.436—245.446.

The Department has amended § 245.403(d) in this final-form regulation to provide owners of previously excluded USTs 60 days from the effective date of the rulemaking to register the USTs. This was in response to concerns that 30 days to register previously deferred USTs may not be an adequate amount of time given the fact that an UST may have been installed many years ago and installation records will need to be retrieved and reviewed.

#### *Section 245.432. Operation and maintenance including corrosion protection.*

Several words were amended in § 245.432(a) in this final-form rulemaking to clarify and more accurately reflect the requirements of the subsection. For example, § 245.432(a)(2) has been amended to state that UST systems equipped with cathodic protection systems shall be tested (as opposed to inspected) for proper operation by a qualified cathodic protection tester.

#### *Section 245.433. Compatibility.*

In recognition of a commentator’s concern that the requirement to submit compatibility information for “alternative fuel blends or biodiesel or biodiesel blended fuel” was subject to interpretation and lacked clarity, and due to the fact that the Department may request an owner or operator to provide compatibility documentation for any regulated substance, § 245.433(b) has

been amended in this final-form regulation to read: “Upon Department request, an owner and operator of an underground storage tank shall submit on a form provided by the Department information verifying compatibility of the underground storage tank system with the substance stored prior to storing the substance in the underground storage tank.”

Also, since compatibility documentation is to be maintained for all regulated UST systems, § 245.433(c) has been amended in this final-form rulemaking to read: “An owner and operator of an underground storage tank system shall demonstrate compatibility of the underground storage tank system with the substance stored by using one or more of the following:” The proposed rulemaking stated that an owner and operator shall demonstrate compatibility only upon Department request.

Finally, § 245.433(c)(2) in this final-form rulemaking reads: “The manufacturer's approval must be in writing, indicate an affirmative statement of compatibility with the substance stored, and be from the equipment or component manufacturer.”

*Section 245.435. Reporting and recordkeeping.*

The Department has amended § 245.435(d)(13) (relating to reporting and recordkeeping) in this final-form rulemaking to clarify and more accurately reflect the requirements of the subsection.

*Section 245.512. Facility operations and spill response plan.*

The Department has amended § 245.512 in this final-form rulemaking to clarify that only changes or revisions to an initial Spill Prevention Response Plan – not the entire plan - need be submitted to the Department and that such must be submitted with 180 days. In addition, language has been added in this final-form rulemaking to allow revisions of the plan to be submitted in writing or electronically.

*Section 245.513. Preventative maintenance and housekeeping requirements.*

The proposed language in § 245.513(b)(2)(v) would have required the owner and operator of an aboveground storage tank to verify that cathodic protection systems are functioning as designed as part of the required monthly maintenance inspection. In consideration of the comment that this requirement would be unduly burdensome, proposed § 245.513(b)(2)(v) has been deleted and cathodic protection system inspection and testing requirements have been added in § 245.532 (relating to cathodic protection systems) in this final-form rulemaking.

*Section 245.514. Security.*

In response to requests to allow the written log book to be maintained in electronic form, § 245.514(b) (relating to security) has been amended from the proposed language in this final-form rulemaking to allow the log to be maintained in written or electronic form.

*Section 245.516. Recordkeeping requirements.*

Proposed § 245.514(b) has been amended in this final-form rulemaking to allow the log to be maintained in written or electronic form. Therefore, the corresponding recordkeeping requirement in § 245.516(c)(8) (relating to recordkeeping requirements) has been amended.

Subsection 245.516(c)(11) has been amended in this final-form rulemaking to clarify that results of the last two cathodic protection monitoring required under § 245.532 must be maintained.

A new § 245.516(c)(16) has been added to this final-form rulemaking to require documentation of the last three impressed current cathodic protection system checks for each 60-day period as required under § 245.532.

*Section 245.522. New aboveground storage tank installations and constructions.*

Proposed § 245.522(g) has been deleted in this final-form rulemaking. This subsection would have required previously regulated storage tanks being reactivated to meet new storage tank system requirements, and was proposed primarily with emergency containment structures in mind. A commentator stated that existing emergency containment areas should not be required to be upgraded as a result of activating (or adding) a tank into that existing emergency containment area. As a result of the comment, § 245.542(d)(1)-(2) (relating to containment requirements for aboveground storage tank systems) has been amended in this final-form rulemaking to clarify the emergency containment requirements based on installation date of the AST.

*Section 245.532. Cathodic protection systems.*

The proposed language in § 245.513(b)(2)(v) would have required the owner and operator of an AST to verify that cathodic protection systems are functioning as designed as part of the required monthly maintenance inspection. This monthly inspection would have included inspection of junction boxes, test stations, and other equipment to ensure all connections are secure and unaffected by corrosion and any installed rectifier is providing appropriate output. In consideration of the comment that this requirement would be unduly burdensome, proposed § 245.513(b)(2)(v) has been deleted and cathodic protection system inspection and testing requirements have been added in § 245.532(c) in this final-form rulemaking. These amendments will require testing of galvanic cathodic protection systems at least every 3 years and annual testing for impressed current systems. Impressed current systems will also be required to have current output recorded every 60 days. Both types of cathodic protection systems will be required to be tested within 6 months following installation and repair. These added cathodic protection system inspection and testing requirements are replacing the proposed monthly maintenance inspection of cathodic protection systems. These cathodic protection inspection and testing requirements are no more stringent than the inspection and testing requirements established in nationally-recognized codes and standards established by such organizations as the American Petroleum Institute and NACE International – The Corrosion Society. Current § 245.532(c) requires cathodic protection systems to be “monitored periodically as determined by the corrosion system design.” The specific requirements added to this final-form rulemaking

provide owners and operators with the necessary information to properly monitor the cathodic protection systems.

*Section 245.542. Containment requirements for aboveground storage tank systems.*

Subsection 245.542(d)(1)-(2) has been amended in this final-form rulemaking to clarify the emergency containment requirements based on installation date of the AST. The intent of § 245.542(d)(1) is to apply to new tank systems, a position the Department has maintained since the provisions were initially promulgated on October 11, 1997. A new tank system includes a tank being reactivated in a shared, existing emergency containment area. In this instance, the emergency containment area must be upgraded to meet the requirements of § 245.542(d)(1). The provisions have been amended to clarify that large ASTs installed after October 11, 1997, must be installed within emergency containment having permeability less than  $1 \times 10^{-6}$  cm/sec.

*Section 245.603. General storage tank facility requirements.*

Subsection 245.603(a) (relating to general storage tank facility requirements) has been amended in this final-form rulemaking to clarify that it is only changes to the current Spill Prevention Response Plan that are required to be submitted. In consideration of comments received, the Department replaced the proposed requirement to submit plan revisions or addenda within 120 days to a requirement to submit them within 180 days. In addition, language has been added to allow revisions of the plan to be submitted in writing or electronically.

In response to requests to allow the written log book to be maintained in electronic form, § 245.603(c) has been amended in this final-form rulemaking to allow the log to be maintained in written or electronic form. In addition, this final-form rulemaking allows equivalent verification of presence onsite, in place of a signature, for identification in each log book entry of the individual performing tank handling and inspection activities.

*Section 245.613. Monitoring standards.*

The proposed language in § 245.613(b)(5) would have required the owner and operator of a small AST to verify that cathodic protection systems are functioning as designed as part of the required monthly maintenance inspection. This monthly inspection would have included inspection of junction boxes, test stations, and other equipment to ensure all connections are secure and unaffected by corrosion and any installed rectifier is providing appropriate output.

Consistent with the amendments made to proposed § 245.513(b)(2)(v) and § 245.532, proposed § 245.613(b)(5) has been deleted and cathodic protection system inspection and testing requirements have been added in § 245.613 in this final-form rulemaking. These amendments will require testing of galvanic cathodic protection systems at least every 3 years and annual testing for impressed current systems. Impressed current systems will also be required to have current output recorded every 60 days. Both types of cathodic protection systems will be required to be tested within 6 months following installation and repair. These added cathodic protection system inspection and testing requirements are replacing the proposed monthly maintenance inspection of cathodic protection systems. These cathodic protection inspection and testing requirements are no more stringent than the inspection and testing requirements

established in nationally-recognized codes and standards established by such organizations as the American Petroleum Institute and NACE International – The Corrosion Society. The specific requirements added to the final-form rulemaking are necessary to provide owners and operators with the information needed to properly monitor the cathodic protection systems.

*Section 245.615. Recordkeeping requirements.*

Subsection § 245.603(c) has been amended in this final-form rulemaking to allow the log to be maintained in written or electronic form. Therefore, the corresponding recordkeeping requirement in § 245.615(b)(8) (relating to recordkeeping requirements) has been amended similarly.

A new § 245.615(b)(9) has been added to this final-form rulemaking to require documentation of the last three impressed current cathodic protection system checks for each 60-day period as required under § 245.613.

A new § 245.615(b)(10) has been added to this final-form rulemaking to require documentation of the last two cathodic protection surveys, done at 3-year intervals on galvanic and annually on impressed current cathodic protection systems as required under § 245.613.

*F. Summary of Comments and Responses on the Proposed Rulemaking*

The proposed rulemaking was approved by the Board on October 17, 2017, and published at 48 Pa.B. 1101 (February 24, 2018). Public comments on the proposed rulemaking were accepted through March 26, 2018. The Board received comments from 19 commentators during the public comment period and comments from the Independent Regulatory Review Commission (IRRC). The comments were considered and are addressed in the comment and response document that accompanies this final-form rulemaking. All public comments are available on the Department's website at <http://www.ahs.dep.pa.gov/eComment/>. Comments from IRRC are available on IRRC's website at <http://www.irrc.state.pa.us/regulations/RegSrchRslts.cfm?ID=3210>. A summary of the major comments and responses that represent significant topics addressed from a variety of constituents is set forth below.

General – Support for Primacy and Environmental Protection

Commentators expressed support for Pennsylvania's efforts to retain primacy over the Federal requirements relating to the UST program contained in 40 CFR Part 280. Commentators noted that a significant number of the proposed changes to Chapter 245 appear to be designed to update Chapter 245 in light of the recent changes to 40 CFR Part 280.

One commentator supports the provisions of the proposed rulemaking that will minimize the frequency of releases from storage tank systems that may adversely impact the environment, including those amendments designed to ensure that equipment functions properly and that tank systems are timely inspected.

## Subchapters A and D – Definitions of Release and Reportable Release; and Release Reporting

### *Section 245.1. Definitions.*

#### *Section 245.305. Reporting releases.*

One commentator stated that “spills that pose no threat of contamination are not releases.” The commentator cited the 2016 Environmental Hearing Board (EHB) decision in *Merck Sharp & Dohme Corp. (“Merck”) v. Department of Environmental Protection*, 2016 EHB 411. In that decision (2016 EHB at 421), the EHB stated: “The definition of ‘release’ is clear and unambiguous. There is no ‘release’ (and therefore, no reportable release) unless the spill is from a storage tank into environmental media or ‘into a containment structure or facility that poses an immediate threat of contamination of’ environmental media. Under the definitions of both ‘release’ and ‘reportable release,’ it is clear that fully contained spills that pose no immediate threat need not be reported.”

The Department responded that, as an initial matter, the Merck case involved the legal interpretation of the terms “release” and “reportable release,” as those terms are currently defined in Chapter 245. The EHB held that Merck correctly interpreted the regulatory requirements of Chapter 245 within its spill prevention response plan (SPRP) for Merck’s West Point facility. The EHB did not comment on whether any type or amount of spill might constitute an “immediate threat of contamination,” nor did it review or endorse Merck’s West Point facility’s SPRP or containment structure as an effective means of containing spills or dealing with an “immediate threat of contamination.” Instead, the EHB commented that the Department should propose its policy preference – that spills to a containment structure should be reported – to the Board. (2016 EHB at 420).

The Department’s amendment of the “release” definition in the proposed rulemaking, and its addition of a definition of “immediate threat of contamination” in the final-form rulemaking, are consistent with the EHB’s directive and do not contravene the act’s definition of “release.” Under § 103 of the act, 35 P.S. § 6021.103 (relating to definitions), and under existing § 245.1, a “release” is defined to include spilling “from a storage tank into a containment structure or facility that *poses an immediate threat of contamination* of soils, subsurface soils, surface water or groundwater.” (Emphasis added.) Neither the act nor existing Chapter 245 defines “immediate threat of contamination,” which has confused the analysis and reporting of spills within a containment structure. The Department clarifies what constitutes an “immediate threat of contamination” and resolves these issues in the final-form rulemaking.

In response to Merck’s comments, as well as those from other commentators, the Department has deleted the language it proposed to add to the definition of “release” and replaced it with a definition of “immediate threat of contamination” to clarify that spills from a storage tank into a containment structure that equal or exceed applicable CERCLA reportable quantity thresholds or are an amount equal to or greater than a “discharge” under § 311 of the Federal Water Pollution Control Act (Clean Water Act) (33 U.S.C. § 1321) pose an immediate threat of contamination to soils, subsurface soils, surface water or groundwater, and are therefore “releases.” As a result, the Department does not believe that there will be a scenario, like the one proposed by the commentator, in which a spill that is less than CERCLA-reportable

quantities and is otherwise not a “release” qualifies as an “immediate threat of contamination” because it is in a containment structure.

In addition, the Department has defined “immediate threat of contamination” to exclude spills of petroleum less than 25 gallons that are a result of a tank handling activity if a certified installer responds to them promptly. The Department believes that this revision streamlines analysis of whether a spill is a “release” and, if so, whether the “release” needs to be reported. In addition, the proposed revision avoids burdening facilities that have efficient containment and response capabilities while preserving the Department’s need and ability to implement the act effectively.

IRRC commented that the Board proposes to amend the definition of “release” and to delete the definition of “reportable release.” These amendments have generated interest from the regulated community. They believe the changes will require the reporting of every spill into emergency and secondary containment structures as a “release” and argue that a spill into a secure containment area is not necessarily a threat to the environment. They contend that the revisions would trigger new reporting, corrective action and other obligations that are not necessary for the protection of human health and the environment. In addition, commentators contend that these amendments conflict with the statutory definition of “release” found in Section 103 of the act (35 P.S. § 6021.103) and the intention of the General Assembly.

IRRC raised several questions about these amendments and the issues raised by commentators. First, are these amendments needed to align Chapter 245 with EPA amendments to its UST regulations? Second, why does the Board believe the amendments being proposed are consistent with the statutory definition of “release” and the intention of the General Assembly? Third, what is the need for the changes? Are the existing requirements allowing spills to reach the environment and causing harm? Finally, will the amendments require additional reporting and corrective action for spills into emergency and secondary containment structures? If yes, what are the differences between existing requirements and the new requirements?

The Department noted in its response to these comments that the amendments are not needed to align Chapter 245 with EPA amendments to its UST regulations. Rather, the amendments are needed to ensure protection of the environment in a streamlined fashion. The definition in the final-form rulemaking of “immediate threat of contamination” in regard to USTs is only slightly more stringent than Federal regulations, which require that state programs, at a minimum, require prompt reporting of all confirmed underground releases and any spills and overfills that are not contained and cleaned up. (40 CFR 281.34(b) (relating to release reporting, investigation, and confirmation)). State programs must be no less stringent than EPA requirements but may be more stringent. (40 CFR 281.11(b) (relating to general requirements [for approval of state program])).

Under the final-form regulations, the Department will require a report of a release of hazardous substances within containment if the release exceeds applicable reportable quantities established by CERCLA. The Department will also require a report of a petroleum

release within containment if the release equals or exceeds 25 gallons or, if less than 25 gallons, the release is not cleaned within 24 hours.

With regard to the amendments being consistent with the statutory definition of “release” in the act, please see the response to the preceding comment. With regard to the amendments being consistent with the General Assembly’s intentions, the amendments in the final-form rulemaking meet the expressed intentions of the General Assembly for the Department to prevent releases from storage tanks, to establish with the Board a regulatory scheme to prevent releases and require prompt cleanup and removal of pollution, and through the Board to adopt regulations that cover release reporting and remediation of releases from storage tanks. (35 P.S. §§ 6021.102, 6021.106(a) and 6021.301(a)(6) (relating to legislative findings; powers and duties of Environmental Quality Board; and aboveground storage tank requirements)).

The addition of the definition of “immediate threat of contamination” and the amendment in § 245.305(i) relating to releases and reportable releases are needed to produce increased compliance and more efficient oversight to ensure protection of the environment. As set forth above under Section D, *Background and Purpose*, there were 210 confirmed releases from USTs in this Commonwealth from October 1, 2016, through September 30, 2017, which were the result of improper operation and maintenance of UST systems. Releases from piping and spills and overfills associated with deliveries, and releases at the dispenser, have emerged as common issues. In addition, as noted by EPA in the preamble to its July 15, 2015 Final Rule (80 FR at 41567), release detection equipment is only successfully detecting approximately 50% of releases it is designed to detect.

This is occurring under the existing regulations, which define “reportable release” in § 245.1 to require a storage tank owner or operator to report a release of a regulated substance that “poses an immediate threat” to environmental media, unless the owner or operator has control over the release, completely contains it and, within 24 hours of the release, removes the total volume of the release. This definition requires an owner or operator first to determine if the spill “poses an immediate threat,” and then, if it does, to report it to the Department. Section 245.1 defines a “release” to include, “... spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank into a containment structure or facility that poses an immediate threat of contamination...”

The phrase “immediate threat” in the existing regulations requires an undefined, qualitative analysis by a facility owner or operator. As a result, the Department’s ability to oversee and enforce relies in large part on the discretion of owners and operators to report spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank. The Department’s addition of the definition of “immediate threat of contamination” and deletion of the definition of “reportable release” in the final-form rulemaking provide a simple quantitative approach that streamlines the analysis of spills, balances the facility owner and operator’s desire to exclude certain small spills from reporting, and ensures the Department’s ability to adequately oversee the program. These clarified reporting requirements will enable the Department to confirm that facilities are reporting spills and to determine whether those spills impact the environment.

The Department does not agree that this new reporting structure will result in new reporting or corrective actions obligations for spills into emergency and secondary containment structures. Facility owners and operators have always been required to report releases that pose an immediate threat to the environment. Rather, this clarification may result in more frequent reports to the Department, though the Department also believes that the definition of “immediate threat of contamination” in the final-form rulemaking will result in increased compliance and more efficient oversight because it is quantitatively based, rather than left entirely to the discretion of the facility owners and operators. Other than clarifying reporting obligations, the Department is not amending the corrective action requirements in Chapter 245 to a significant degree.

IRRC commented that § 245.305 specifies procedures to be followed after the confirmation of a release. New Subsection (i) identifies types of releases that do not need to be reported to the Department. Commentators believe the exemptions are narrow and do not properly consider the actual threat to the environment. IRRC asked why the Board adopted this approach which relies on reportable quantities compared to an approach that would allow the owner or operator of a storage tank system or storage tank facility to evaluate the actual threat to the environment. IRRC requested that the Board explain the reasonableness of this approach in the Preamble to the final-form regulation.

In response to comments received, the Department has altered its approach in the final-form rulemaking to require reporting of releases into containment in fewer situations. In the final-form rulemaking, the Department added a definition in § 245.1 for the phrase “immediate threat of contamination” because the term is used in the existing and final-form definition of “release” with regard to spills into containment. The new definition of “immediate threat of contamination” excludes most spills into a containment structure or facility below the applicable Federal reportable quantity limits. Though different in respect to the location of the spill, this language mirrors language in existing statutory and regulatory definitions of “release,” which exclude spills into environmental media below Federal reportable quantity limits. 35 P.S. § 6021.103; 25 Pa. Code § 245.1.

With this new definition of “immediate threat of contamination,” most spills below the applicable Federal reportable quantity limits will not be subject to the reporting requirements of § 245.305.

Regarding spills of petroleum absent a certified installer’s onsite involvement, as included under the definition of “immediate threat of contamination”, a spill from a storage tank will be a “release” under the definitions of “immediate threat of contamination” and “release.” However, under § 245.305(i) of the final-form rulemaking an owner or operator will not need to report a spill of less than 25 gallons to an aboveground surface or a spill that is below the lowest containment sump penetration, if the owner or operator contains and controls the spill, and removes the total volume of the spill within 24 hours. In addition, the definition of “immediate threat of contamination” does not include spills of petroleum that are less than 25 gallons into either a liquid-tight containment sump or emergency containment structure that

occur as a result of “tank handling activity,” as that term is defined in § 245.1. Consequently, reporting would not be required.

The addition of a definition of “immediate threat of contamination” and the amendments in the final-form rulemaking to the reporting exemptions under § 245.305(i) create a broad exemption for small spills that do not need to be reported while balancing the Department’s need to effectively oversee the threat to the environment and to protect against pollution. The Department believes that defining “immediate threat of contamination” is a reasonable approach because a quantitative review of a spill, rather than a qualitative analysis of a spill and its possible effects, significantly simplifies release reporting analysis and clarifies the roles of owners, operators and the Department in the process. Note that while containment structures help to prevent contamination, they do not alone completely mitigate the risk of contamination to the environment.

Finally, this simplification will benefit the Department, the regulated community and, most importantly, the environment and public health. Among its various duties, the Department is also responsible under § 245.305(g) for determining when a release poses an immediate threat to public health and safety. The Department cannot promptly respond to this duty if facilities spend valuable time determining if a spill poses a threat.

#### Subchapter A – General Provisions

##### *Section 245.1. Definitions.*

A number of commentators raised concern about the regulation of UST systems containing radioactive materials or coolants that are regulated under The Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011—2297) and UST systems that are part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR Part 50, Appendix A (relating to general design criteria for nuclear power plants). In addition, commentators expressed concern that the exclusion of wastewater tank systems from the universe of USTs regulated under Chapter 245 is too narrow. Commentators suggested that the proposed changes to Chapter 245, which include limiting language that provides that to be excluded, wastewater tank systems must be part of a water treatment facility that is either regulated under the national pollutant discharge elimination system (“NPDES”) permitting program or the industrial wastewater pretreatment program under the Federal Clean Water Act, would subject certain wastewater tank systems to Chapter 245 for the first time.

Commentators stated that the proposed rule should be revised to be consistent with, and no more stringent than, the requirements and exclusions in EPA’s July 15, 2015 Final Rule. Additionally, a commentator requested that the Department clarify that the Part 280 Subpart A installation requirements apply to the installation of new tanks, which the commentator believes is the intent of the Part 280 regulation. The commentator asserted that this would not impose any new requirements for existing tanks within these two categories of nuclear-related tanks. IRRC asked the Board to explain why the changes being proposed are needed and how

they are consistent with and not more stringent than the Federal regulation on this subject matter.

In its response to these comments, the Department noted that the definition of “underground storage tank” in § 245.1 of the final-form rulemaking retains the proposed deletion in Subparagraphs (xiii) and (xviii) of the exclusions for “Tanks containing radioactive materials or coolants that are regulated under The Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011—2297)” and “An underground storage tank system that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR Part 50, Appendix A (relating to general design criteria for nuclear power plants).” Deletion of these existing exclusions is consistent with the Federal definition of “underground storage tank” in 40 CFR § 280.12 (relating to definitions) and necessary for Pennsylvania to re-apply for State Program Approval from EPA. Also, the proposed amendment to the definition of “underground storage tank” in Subparagraph (xiv) to modify the exclusion for a wastewater treatment tank system has been retained in the final-form rulemaking. The amended definition clarifies that the exclusion only applies to systems regulated under section 307(b) or 402 of the Clean Water Act (33 U.S.C. § 1317(b) or § 1342) (relating to toxic and effluent pretreatment standards; and national pollutant discharge elimination system permits). This existing exclusion has been amended to be consistent with the Federal regulations at 40 CFR 280.10(b)(2) (relating to applicability). Modification of this existing exclusion is necessary for Pennsylvania to receive revised State Program Approval from EPA.

EPA has long regulated these UST systems, and owners and operators have been required to comply with “interim prohibition” requirements pertaining to corrosion protection and compatibility with the regulated substance stored since May 7, 1985. The “interim prohibition” requirements were established in 1984 when Subtitle I was added to the Solid Waste Disposal Act, 42 U.S.C.A. §§ 6921—6939g, through the Hazardous and Solid Waste Amendments which authorized the Federal program to regulate USTs. On December 22, 1988, the same “interim prohibition” requirements, along with release response and corrective action requirements, were promulgated in 40 CFR Part 280, Subparts A and F. At that time, these UST systems were deferred from Federal regulation with the exception of Subparts A and F. In its July 15, 2015 Final Rule, EPA maintained its position that these regulated USTs only need to comply with Subparts A and F. To summarize the Federal requirements, these UST systems installed on or after May 7, 1985, need to be protected against corrosion and be compatible with the substance stored. Further, these UST systems regulated as of December 22, 1988, need to comply with the release response and corrective action requirements in 40 CFR Part 280.

The Department currently excludes these UST systems from regulation but to be as stringent as Federal requirements, will now regulate them. The proposed amendment to § 245.403(a), which states that these USTs must meet the same requirements that all other regulated UST systems must meet, has been retained in the final-form rulemaking. Similarly, the proposed amendments to § 245.403(c) have been retained, with an amendment added in the final-form rulemaking for these UST systems installed on or after May 7, 1985, to provide that UST owners and operators will not need to comply with §§ 245.411, 245.421(b)(3),

245.421(b)(4)(ii)-(iii), 245.422(d), 245.432(g) and 245.436 – 245.446. UST owners will not be required to conduct facility inspections, install spill and overfill prevention equipment, check for water in petroleum storage tanks, implement operator training, conduct periodic operation and maintenance walkthrough inspections, or perform release detection.

Although these USTs will be exempt from certain requirements, the Department believes that it is important for owners of these USTs to register the USTs, use Department-certified installers and inspectors, and maintain financial responsibility. These three requirements are specific to Chapter 245 and while considered more stringent than Federal requirements, are beneficial to both the storage tank owner and the Department. These USTs are now regulated and all regulated USTs need to be registered with the Department under existing § 245.41 (relating to tank registration requirements). If the USTs are not registered with the Department, then the Department will not know where these USTs are, the number of these newly regulated USTs, and whether the USTs are in compliance with applicable regulations.

In addition, all regulated USTs in the Commonwealth need to be installed, modified and removed by Department-certified installers. Since UST owners and operators will need to meet the corrective action process requirements of Chapter 245, Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties), it follows that the financial responsibility requirements of Subchapter H (relating to financial responsibility requirements for owners and operators of underground storage tanks and storage tank facilities) will apply. Financial responsibility is met by participating in the Underground Storage Tank Indemnification Fund (USTIF), which provides coverage for corrective action and third-party damages should a release occur. In addition, specifically with regard to Subchapter E (relating to technical standards for underground storage tanks), provisions concerning variances, applicable codes and standards, performance standards for new UST systems, upgrade requirements for existing UST systems, reuse of removed USTs, spill and overfill control, operation and maintenance including corrosion protection, compatibility, repairs allowed, reporting and recordkeeping, and closure, have been retained in the final-form rulemaking and will apply to these UST systems. New § 245.403(c)(4) has been added in Subchapter E to the final-form rulemaking to clarify that UST systems installed before May 7, 1985, are not required to comply with §§ 245.411—245.422, 245.424, 245.432, 245.433 and 245.436—245.446.

### Subchapter B – Certification Program for Installers and Inspectors of Storage Tanks and Storage Tank Facilities

#### *Section 245.132. Standards of performance.*

Several commentators expressed concern that the proposed changes to § 245.132(a)(4) and (6) mandate that certified companies, certified installers and certified inspectors report to the Department where a regulated substance is observed in a containment structure or facility. Commentators stated that this type of requirement extends well beyond existing reporting requirements and is divorced from any analysis of whether the presence of a regulated substance in a containment structure is posing a significant threat to the environment. Further, a commentator stated that the proposed rulemaking would require certified installers

and inspectors to report to the Department releases, even though the owner or operator would have no reporting obligation under § 245.305(i). IRRC requested that the Board explain the need for and reasonableness of the new language being added to these subsections.

The Department does not believe that the reporting requirements in final-form § 245.132 are overly broad. Existing storage tank regulations require Department-certified individuals to report a release of a regulated substance or suspected or confirmed contamination while performing services as a certified installer or certified inspector. In addition, facility owners and operators are required under § 245.304(a)(1) to perform a suspected release investigation where, for instance, there is a regulated substance of unknown origin at a facility, even if the facility later determines that spill is ultimately not a reportable release.

While containment structures help to prevent contamination, they do not, alone, completely mitigate the risk of contamination to the environment. Containment structures that comply with § 245.542 help prevent contamination to environmental media. Containment systems, however, may malfunction, may require maintenance, or may be unsupervised for prolonged periods. The Department's proposed amendments of § 245.132(a)(4) and (6) reflect the Department's position that, in the context of reporting a spill, preventing contamination includes addressing the quantity of the spill as well determining whether the containment structure contained the spill and whether the owner of the facility removed the spill within 24 hours. If the system is damaged – if the integrity of the system is not satisfactory – it is not containing the spill, thus potentially triggering reporting requirements. This is important information, without which the Department cannot perform its oversight duties. While changes from the proposed rulemaking are made in the final-form rulemaking, the essential approach taken in the proposed rulemaking remains the same in the final-form rulemaking.

As noted above, reporting requirements for Department-certified individuals to report a release of a regulated substance or suspected or confirmed contamination are listed in § 245.132 and are separate from reporting requirements for storage tank owners and operators contained in Subchapter D. The Department retained in the final-form rulemaking the proposed requirement that Department-certified individuals report regulated substances observed in a containment structure or facility. Regulated substances present in a containment structure may or may not be a “release” and may or may not have to be reported to the Department by the storage tank owner or operator. However, for a storage tank owner or operator, the presence of any amount of regulated substance in a containment structure or facility would at a minimum be a suspected release and would require a suspected release investigation under § 245.304. Department-certified individuals provide assurance that owners and operators are complying with regulatory requirements. These Department-certified individuals install, modify, remove and inspect storage tanks and are required to meet standards of performance in the conduct of their work. As part of their standards of performance, the certified individuals are to report information to the Department that a storage tank owner or operator would not need to report. This allows the Department to follow up with a storage tank facility owner or operator to assure the required corrective actions are being taken to protect the public and the environment.

Subchapter D – Corrective Action Process for Owners and Operators of Storage Tanks and Storage Tank Facilities and Other Responsible Parties

*Section 245.304. Investigation of suspected releases.*

One commentator expressed concern that proposed Section 245.304(a)(6) would classify the discovery of any damage to a storage tank system as an "indication of release." First, the commentator explained that it is unclear whether every "indication of release" is a "suspected release" and therefore triggers the obligation to investigate. Second, the commentator suggested that classifying any "damage to a storage tank system" as an indication of release is overly broad. The commentator stated that certain types of damage such as peeling paint, dents or surficial rust are not signs of a release. The commentator wrote that, if the existing language in Section 245.304(6), "the discovery of holes in a storage tank," is inadequate to cover conditions presenting a risk of release, then "damage" should be qualified by additional language, such as "damage creating a pathway for a regulated substance from a storage tank system to be released."

IRRC stated that § 245.304(a)(6) is being amended to include the discovery of "damage" to a storage tank system. IRRC noted that a commentator believes this addition is vague and as an example asks if chipped paint would be considered damage. IRRC requested that the Board explain in the Preamble how it will implement this provision and clarify § 245.304(a)(6) accordingly in the final-form regulation.

In considering these comments, the Department provided clarification in § 245.304(a) in the final-form rulemaking to avoid ambiguity. The proposed addition in § 245.304(a) of the word "suspected" in the phrase "investigation of a suspected release" has been carried over into the phrase "indication of a suspected release" in this subsection in the final-form rulemaking. The discovery of damage to a storage tank system is an indication of a suspected release and requires the owner or operator to investigate the suspected release to confirm whether a release of a regulated substance has occurred. The investigation must include a sufficient number of procedures as outlined in § 245.304(b).

The addition in § 245.304(a)(6) of "damage to a" storage tank system as an indication of a release is not overly broad and will not result in unnecessary investigations or recordkeeping requirements. The Department notes that § 245.304(b)(1)-(7) requires an investigation of an indication of a release, including damage to a storage tank system, by one of a number of means, such as checks of equipment, monitoring devices and visual inspections. An investigation does not require every listed analysis. Instead, it requires enough to confirm whether a release occurred. This is important to protect the environment. For instance, if a storage tank owner or operator discovers that damage such as dents or paint peeling has occurred, the owner may perform a visual inspection of the storage tank system and need not pursue further corrective action if the visual inspection confirms that no release has occurred. This approach was included in proposed § 245.304(d), which is deleted in the final-form rulemaking. Subsection 245.304(c) has been amended in the final-form rulemaking to incorporate proposed § 245.304(d). Subsection 245.304(c) is also amended in the final-form rulemaking to incorporate language from existing § 245.304(d) to clarify the actions an owner

or operator needs to take upon completion of a suspected release investigation, to include when the investigation cannot determine whether or not a release of a regulated substance occurred.

## Subchapter E – Technical Standards for Underground Storage Tanks

### *Section 245.433. Compatibility.*

Commentators noted concern with regard to § 245.433(b) and (c), the proposed amendments require owners and operators to demonstrate UST system compatibility when storing alternative fuel blends, biodiesel or biodiesel blended fuel. One commentator stated that the term “alternative fuel blend” is not defined in the proposed amended rule and, therefore, would be subject to interpretation. The commentator also stated that all diesel fuel may contain some quantity of biodiesel. Therefore, potentially all diesel fuel would be a biodiesel blended fuel. The commentator suggested that the proposed rule should be limited to diesel fuel containing greater than 2 percent biodiesel. Otherwise, according to the commentator, owners and operators will incur a significant paperwork burden with no added benefit in protecting the environment. Another commentator recommended the Department revise the proposed language of § 245.433 to limit the documentation requirement to petroleum fuel blends containing greater than 10% ethanol and 20% biodiesel and other non-petroleum regulated materials, as required by Federal regulations.

To improve the clarity of the regulation, IRRC asked that the term “alternative fuel blends” be defined. IRRC also asked for clarification as to whether all diesel fuel would be considered biodiesel fuel. IRRC noted that § 245.433(c) only requires the submittal of information to demonstrate compatibility upon the request of the Department. IRRC asked several questions. How will the Department implement this provision? Under what circumstances would the Department require the information? Would it apply to all USTs? If § 245.433(c) is more stringent than the Federal requirement, what is the need for it?

In consideration of these comments, the Department has deleted in the final-form rulemaking the terms “alternative fuel blends,” “biodiesel,” and “biodiesel blended fuels” from the amendments that were proposed to § 245.433. Certain proposed reporting requirements remain.

Subsection 245.433(a) in both the proposed and the final-form rulemaking mirrors the requirements of Federal regulations at 40 CFR 280.32(a) and states, “Owners and operators shall use an underground storage tank system made of or lined with materials that are compatible with the substance stored in the underground storage tank system.” Section 280.32(b)(1) of the Federal regulations at 40 CFR 280.32(b)(1) requires owners and operators to notify the implementing agency (in this case, the Department) and demonstrate compatibility for any regulated substance. As such, compatibility documentation is to be maintained for all regulated UST systems. Section 245.435 requires regulated UST owners and operators to cooperate fully with Department requests for documentation and retain UST installation documentation for the life of the UST system.

In recognition of the concern that the requirement to submit compatibility information for “alternative fuel blends or biodiesel or biodiesel blended fuel” is subject to interpretation and lacks clarity, and due to the fact that the Department may request an owner or operator to provide compatibility documentation for any regulated substance under § 245.435, the Department amended § 245.433(b) in the final-form rulemaking to require an owner and operator of an underground storage tank to submit on a form provided by the Department information verifying compatibility of the underground storage tank system with the substance stored prior to storing the substance in the underground storage tank, upon Department request.

Subsection 245.433(c) of the final-form rulemaking provides four ways for UST owners and owners to document compatibility. These are modified slightly from the proposed rulemaking to account for removing the terms “alternative fuel blends” and “biodiesel blended fuels.” Subsection 245.433(c)(2) in the final-form rulemaking requires the manufacturer’s approval to be in writing, indicate an affirmative statement of compatibility with the substance stored, and be from the equipment or component manufacturer.

By providing several means for a UST owner and operator to provide compatibility documentation for a regulated UST system, the Department is balancing the need to protect the environment with a UST owner and operator’s ability to show compatibility of the UST system with the substance stored. Since compatibility documentation is to be maintained for all regulated UST systems, the proposed wording “Upon Department request” has been deleted in the final-form § 245.433(c), and the provision has been amended to require that an owner and operator of an underground storage tank system demonstrate compatibility of the underground storage tank system with the substance stored by using one or more of a list of options.

#### *Section 245.435. Reporting and recordkeeping.*

One commentator requested that § 245.435 be revised to explicitly state that wherever recordkeeping is required in the regulations, electronic records and documentation are permitted. Many UST owners and operators have modernized many aspects of UST compliance to electronic applications and dispatch systems. As a result, physical paper documentation may not exist. This modernization simplifies archiving, accountability and distribution of information. Additionally, these systems are a benefit to the environment as less paper is consumed.

The Department responded with acknowledgment of the statement regarding the increased use of electronic means for storing and transmitting data. Section 245.435 states what records are required and is for the most part silent on how those records must be stored or submitted to the Department. Records and documentation may be submitted to the Department electronically and will be acceptable to the Department provided that the submission meets the requirements of the regulations.

## Subchapter F – Technical Standards for Aboveground Storage Tanks and Facilities

### *Section 245.514. Security.*

### *Section 245.516. Recordkeeping requirements.*

Several commentators requested that the proposed conditions in §§ 245.514(b), 245.516(c)(8), 245.603(c), and 245.615(b)(8) be removed and that the Department continue its existing practice of allowing the storage tank facility to select and implement the security measures that are most appropriate for the facility. These subsections would require owners and operators of AST facilities to maintain a written log book. One commentator noted that the use of a log book containing the proposed information is a best management practice for storage tank owners and operators and most facilities already have a procedure in place for maintaining the requested documentation. One commentator stated that the requirement to keep a detailed logbook is burdensome for large facilities with many tanks, especially for the detail required by a logbook. A consideration to shift this responsibility to the inspector or installer should be considered. One commentator noted that they have employed the security measures that they feel are appropriate for their facility, including the implementation of a robust system to control facility access. They stated that requiring that a written log book be maintained on top of an already strong access control system is overly burdensome, impractical, unnecessary, and would not serve to improve site security. IRRC asked how this provision will be implemented and to implement the least burdensome alternative for the regulated community while ensuring the proper protection of the environment.

The Department responded that it does not believe that the maintenance of a written log is overly burdensome, impractical or unnecessary, or that it would not serve to improve site security. The use of a log containing the proposed information is a best management practice for storage tank owners and operators. However, it has been the Department's experience that facilities do not have such logs as documented in several enforcement cases. The commentator states that they already implement a robust system to control facility access. Upon further review, they may find that the system already meets the written log requirements. To facilitate compliance with this requirement to maintain a written log, the Department has amended §§ 245.514(b), 245.516(c)(8), 245.603(c) and 245.615(b)(8) in the final-form rulemaking to allow the log to be maintained in written or electronic form.

One commentator expressed concern that proposed § 245.516(c)(15) would require documentation of investigations of suspected releases to be maintained for the operational life of the tank system and retained for a minimum of 1 year after the tank system has been permanently closed. Proposed §§ 245.435(d)(22) and 245.615(b)(7) would impose similar requirements. The commentator stated if the investigation of a suspected release reveals that no release occurred, the records are of limited value. Further, they stated that the records are not relevant to any corrective action mandated by the regulation or to any damages to third persons. The commentator recommended that the proposed amendment adding § 245.516(c)(15) and the similar sections identified above be withdrawn, or the retention period be limited to no more than 6 months. IRRC asked the Board to explain why it needs this information.

The Department responded that it currently requires regulated storage tank owners and operators to investigate an indication of a suspected release. Indications of a suspected release include: presence of a regulated substance or an unusual level of vapors from a regulated substance; unusual operating conditions; and test, sampling or monitoring results, including the sounding of an alarm, from a release detection method which indicate a release. These records are important in understanding the storage tank's operational history when performing required inspections and site assessments and responding to inquiries or complaints from the public. By retaining these records, a regulated storage tank owner may be able to overcome by clear and convincing evidence that he did not contribute to the damage, contamination or pollution discovered, under § 1311 of the act (35 P.S. § 6021.1311) (relating to presumption). The Department respectfully disagrees with the commentator and believes requiring maintenance of records associated with investigating suspected releases is imperative in providing protection for the environment and public health.

*Section 245.522. New aboveground tank installations and reconstructions.*

One commentator noted that proposed § 245.522(g) would require previously regulated tanks being reactivated to meet new storage tank system requirements which is consistent with existing regulations. However, the commentator requested clarity for tanks being reactivated in shared existing emergency containment areas. The commentator wrote that those containment areas should not be required to be upgraded as a result of activating a tank.

The Department responded that it respectfully disagrees that emergency containment areas should not be required to be upgraded when a tank returns to regulated status. In the final-form rulemaking, the Department deleted proposed § 245.522(g) and amended § 245.542(d)(1)-(2) to clarify the emergency containment requirements based on installation date of the AST.

The intent of § 245.542(d)(1) is to apply to new tank systems, a position the Department has maintained since the provisions were initially promulgated on October 11, 1997. A new tank system includes a tank being returned to regulated status in a shared, existing emergency containment area. In this instance, the emergency containment area must be upgraded to meet the requirements of § 245.542(d)(1).

To provide clarity, the Department has amended § 245.542(d)(1) and (2) in the final-form rulemaking to clarify that large ASTs installed after October 11, 1997, must be installed within emergency containment having permeability less than  $1 \times 10^{-6}$  cm/sec.

*Section 245.531. General corrosion and deterioration requirements.*

A commentator noted that subsection 245.531(c) currently states that "Existing tank bottoms that do not meet the standards in subsection (b) shall be upgraded when the tank bottom is replaced." Proposed subsection (c) states that tank bottoms that are not adequately protected from corrosion and deterioration shall be upgraded to meet § 245.532 and § 245.534 (relating to interior linings and coatings). The commentator proposes to keep the same requirement in place that is already there or at the very least allow the upgrade to take place at the next "out-

of-service” inspection. The commentator notes that the proposed requirement presents a significant burden and potential shutdown of plant operations by requiring immediate upgrades unless this work is performed either when the tank bottom is replaced or scheduled during an “out-of-service” inspection. IRRC asked the Board if the amendments to § 245.531 being proposed are new requirements, and if so, to explain the need for the revisions. If the requirements are new, IRRC asked the Board to quantify the costs associated with the amendments.

The Department responded that § 245.531(a), as proposed, clarifies that AST systems are to be continuously protected from corrosion and deterioration. Subsection 245.531(b), as proposed, clarifies that tank bottoms in direct contact with the soil are to be evaluated by a corrosion expert to determine if cathodic protection is necessary. Subsection 245.531(c), as proposed, clarifies that, “Tank bottoms that are not adequately protected from corrosion and deterioration [which is to be determined by the corrosion expert under § 245.531(b)] shall be upgraded to meet §§ 245.532 and 245.534 (relating to cathodic protection systems; and interior linings and coatings).” These regulatory amendments do not modify existing requirements. Rather the regulatory amendments included in this final-form rulemaking clarify existing requirements under § 245.531. Therefore, no additional costs will be incurred in complying with these amendments. The final-form rulemaking retains these proposed amendments. The Department does not believe it to be prudent or appropriate to allow a large AST to continue to operate knowing that the tank bottom is not protected from corrosion deterioration. The final-form regulation in § 245.531 allows large ASTs that have tank bottoms that need corrosion protection to be upgraded through tank bottom replacement, cathodic protection being installed, or with a tank liner. Allowing upgrades to be performed only when the tank bottom is scheduled to be replaced or allowing upgrades to wait until the next out-of-service inspection (which could be up to 20 years) is not acceptable, is not in the best interest of the tank owner, and may result in a release of regulated substance to the environment.

### Subchapter G – Simplified Program for Small Aboveground Storage Tanks

#### *Section 245.616. Inspection requirements.*

Commentators noted that subsection § 245.616(c) (relating to inspection requirements) proposes to have small aboveground storage tanks storing regulated substances with a capacity of greater than 5,000 gallons and small aboveground storage tanks storing highly hazardous substances with a capacity greater than 1,100 gallons to conduct in-service inspections every 5 years (previously 10 years) or more often when corrosion, deterioration or other specific conditions necessitate. Two commentators stated that increasing the frequency of small AST inspections is unnecessary when industry tank standards already provide a sound scientific and engineering basis for tank inspection schedules. One commentator stated that these small tanks offer minimal potential environmental harm and requiring more frequent inspections because people are failing to meet the current regulatory obligation is a flawed justification. One commentator believes that this change, which essentially doubles the costs for in-service inspections, does little but penalize facilities that appropriately manage their ASTs for the actions of facilities that do not and imposes an unnecessary financial

burden on the tank owner with little environmental benefit. They proposed that the Department continue its existing practice of allowing Department certified inspectors to manage in-service inspection frequencies on a case-by-case and site-specific basis.

The Department responded that the existing inspection frequency for USTs is once every 3 years, under § 245.411. The Department saw a marked improvement in UST facility compliance rates when the UST inspection frequency changed from 5 or 10 years to the existing 3-year inspection cycle. Department inspection records show that less than 50% of ASTs inspected meet existing requirements. The Department strongly believes that a mandated shortened inspection frequency is needed to help improve compliance with these systems. Therefore, the proposed amendments to § 245.616(c) have been retained in the final-form rulemaking.

### *G. Benefits, Costs and Compliance*

#### *Benefits*

In enacting the act, the General Assembly found and declared the following under 35 P.S. § 6021.102(a): 1) the lands and waters of this Commonwealth constitute a unique and irreplaceable resource from which the well-being of the public health and economic vitality of this Commonwealth is assured; 2) these resources have been contaminated by releases and ruptures of regulated substances from both active and abandoned storage tanks; 3) once contaminated, the quality of the affected resources may not be completely restored to their original state; 4) when remedial action is required or undertaken, the cost is extremely high; 5) contamination of groundwater supplies caused by releases from storage tanks constitutes a grave threat to the health of affected residents; and 6) contamination of these resources must be prevented through improved safeguards on the installation and construction of storage tanks.

The General Assembly declared its intent under 35 P.S. § 6021.103 to prevent releases by establishing a regulatory system to contain them and to establish liability for any damages caused. The Department's regulatory structure authorized by the act to prevent releases of regulated substances from storage tanks, as implemented through Chapter 245, provides the important benefits articulated in the General Assembly's findings.

The Department's primary purpose of this final-form rulemaking is to maintain its State Program Approval for its UST program. Incorporation of these UST amendments in the final-form regulations into Chapter 245 will enable the Commonwealth to retain approval of its UST program from the EPA and remain eligible for continued substantial Federal funding for the UST program.

In addition, this final-form rulemaking will further reduce the potential for releases of regulated substances from USTs by strengthening the requirements regarding properly operating and maintaining release detection equipment. This final-form rulemaking will require that UST equipment be inspected and tested regularly, which will help to further reduce the number of releases from USTs and in turn protect public health and the environment.

The Department anticipates that a substantial portion of the beneficial impacts associated with this final-form rulemaking will be the improved release detection and reporting, and, consequently, avoided cleanup costs. The EPA, in its analysis of the potential costs, benefits and other impacts associated with its July 15, 2015 Final Rule on pages 4-9 of the regulatory impact analysis found at <https://www.epa.gov/sites/production/files/2015-07/documents/regs2015-ria.pdf>, estimated the typical cost of a small-extent, soil-only remediation to be \$25,300, and the typical cost of a large-extent, groundwater-contamination remediation to be \$428,200. These costs are in 2008 dollars. During calendar year 2017, the average cost per closed claim paid by the USTIF was \$308,389, and the total paid for all open claims was \$33,287,724, as reported at [https://ustif.pa.gov/documents/10184/0/2017\\_PAUSTIF\\_Annual+Report\\_Final\\_2018-03-01.pdf/178c0ef5-8ef1-4931-b6fa-528014d9be38](https://ustif.pa.gov/documents/10184/0/2017_PAUSTIF_Annual+Report_Final_2018-03-01.pdf/178c0ef5-8ef1-4931-b6fa-528014d9be38).

While the reduced cleanup costs associated with this final-form rulemaking cannot be accurately quantified, a decrease in release frequency and severity is expected to result in both a reduction of the average cost per closed claim and the total annual claim payments made by the USTIF. The Department expects that groundwater contamination incidents and vapor intrusion remediation costs will be reduced or avoided as a result of operation and maintenance improvements and release prevention improvements, which will reduce the need for USTIF claims and payments and potentially reduce fees paid by UST owners to fund USTIF. These fees are typically passed on to consumers at motor fuel retail locations. Thus, any decrease in release frequency achieved by this final-form rulemaking will benefit the public and the environment by protecting soil and water resources, and reducing costs associated with necessary corrective action.

Other benefits of decreasing the frequency of releases from storage tanks that cannot be quantified or monetized include the avoidance of human health risks, protection of ecological receptors, protection of gallons of groundwater each year, and avoided property devaluation.

This final-form rulemaking will also benefit storage tank owners and operators, and certified installers and companies. For example, this final-form rulemaking adds a new UST certification category under § 245.110(b)(2) to allow individuals to perform tank handling activities such as repairs that do not involve excavation without having to obtain the (full) certification to install and modify storage tank systems, and to perform tests of UST systems required by this final-form rulemaking. Creation of this new certification category will afford UST owners the opportunity to employ individuals who specialize in modifications only, which could save UST owners some of the costs associated with minor modification work and system testing. This “minor modification” certification category will also provide opportunities for existing certified companies to employ individuals who specialize in minor modification work. In addition, it may create an incentive for persons interested in only performing “minor modification” work to become certified and establish their own companies. In either case, the establishment of this new certification category is expected to result in the creation of a significant number of jobs within the certified installer community, which may reduce the cost of UST system testing over time.

The increase in required inspections and testing by storage tank owners is expected to reduce Department costs. For example, this final-form rulemaking requires under § 245.552(d)(5) that all ASTs in underground vaults that require an in-service inspection be inspected within 6 and 12 months of installation and at least every 3 years thereafter due to their history of noncompliance.

This mirrors the inspection requirement for USTs. Also, the initial inspection requirement and in-service inspection cycle for small ASTs is shortened under § 245.616(c) from 10 years to 5 years. Based on current in-service inspections, the compliance rate with regulatory requirements is less than 50%. When the facility operations inspection cycle for USTs was shortened from 5 years to 3 years in a prior rulemaking, the Department observed increased regulatory compliance, fewer releases and a reduction in the severity of releases from USTs, which reduced Department staff time needed to follow-up on noncompliant facilities and corrective action cases.

### *Compliance costs*

In general, this final-form rulemaking requires additional storage tank testing for USTs and inspection of small ASTs and ASTs in vaults, and does not require large-scale investments in equipment or significant changes to operations at the facility level. The only exceptions that may require significant investment are the one-time costs to replace ball float valves following failure of the UST overfill prevention evaluation with alternate overfill prevention equipment and the need to add release detection to those emergency generator USTs that were previously deferred from regulation. See §§ 245.421(b)(3)(iii) (relating to performance standards for underground storage tank systems) and 245.403(b)(1)-(3).

These one-time costs apply to a limited number of UST systems. Of the 22,203 existing UST systems regulated in this Commonwealth, 3,306 have ball float valves for overfill prevention and 605 are emergency generator UST systems without a form of release detection.

Many of the changes, especially those related to USTs, are necessary for the Department's regulations in Chapter 245 to be consistent with Federal requirements for USTs and to retain EPA approval of the State program. Without these amendments, EPA will not continue to approve the State program and will instead implement the Federal UST program in this Commonwealth. Therefore, UST owners would incur the increased costs for their UST facilities to comply with 40 CFR Part 280 if Chapter 245 was not amended due to the EPA's revised regulations for USTs.

### *Analysis of UST compliance costs*

Within this Commonwealth, the Department regulates 7,655 UST facilities, which, in the aggregate, consist of 22,203 UST systems, for an average of 2.90 UST systems per facility. Compliance costs for these new UST regulatory requirements are estimated in this analysis based on a UST facility with 3 UST systems that have the following features: three 10,000-gallon UST systems with two storing gasoline and one storing diesel; 100 feet of piping per UST system; one fill port per UST system; spill prevention equipment at each UST system; two drop tube shut-off devices and one ball float valve for overfill prevention equipment; four dispensers each with an under-dispenser containment sump; one submersible turbine pump sump/tank top sump per UST system; and one automatic tank gauge (ATG) with an ATG probe per UST system.

Costs presented on a facility basis were adjusted for the fact that each UST facility has on average 2.90 UST systems. The Department contacted five Department-certified companies from various regions of this Commonwealth to estimate cost for the various requirements in this

final-form rulemaking for the UST facility described in the preceding paragraph. In doing so, the Department requested the companies to provide cost estimates to include mobilization fees, paperwork fees, labor costs, and any necessary waste disposal costs.

The maintenance walkthrough inspection requirement for UST facilities under § 245.438 involves a visual inspection of spill prevention equipment and release detection every 30 days and a visual inspection of containment sumps and handheld release detection devices annually. All 7,655 UST facilities are required to conduct 30-day maintenance walkthrough inspections. The 5,806 UST facilities with containment sumps are required to conduct the annual visual inspection. These inspections may be performed by the UST owner, operator or other employee of the UST owner resulting in no cost other than the necessary time to conduct the inspections. However, some UST owners may choose to utilize third-party companies to conduct the maintenance walkthrough inspections. If a UST owner chooses to hire a third-party company, the owner will incur costs. However, this action will be voluntary and is not required by this final-form rulemaking.

Testing of spill prevention equipment and containment sumps and evaluation of overfill prevention equipment at UST facilities is required every 3 years, under § 245.437 (relating to periodic testing). All 22,203 UST systems have overfill prevention equipment and are required to conduct evaluations. Likewise, all UST systems require spill prevention equipment tests. Forty-one percent, or 9,103 UST systems at 3,324 UST facilities, have containment sumps used for interstitial monitoring of piping that will need to be tested. These tests and evaluations will need to be conducted by appropriate certified individuals.

Although the cost for testing and evaluation will only be incurred every 3 years, the costs are estimated on an annualized basis for purposes of this analysis (that is, the testing and evaluation costs are divided by three to estimate the cost per year). The estimated annual cost range and average annual cost for each evaluation or test per facility are summarized as follows:

<i>Evaluation or Test</i>	<i>Estimated Range of Annual Costs</i>	<i>Estimated Average Annual Cost</i>
Overfill prevention equipment	\$97—\$161	\$113
Spill prevention equipment	\$89—\$209	\$127
Containment sump	\$258—\$902	\$548

Based on the estimated average annual cost, the total annualized cost to a UST facility owner for equipment testing and evaluation every 3 years is estimated to range from \$240—\$788. The lower cost will apply to a facility that does not have containment sumps used for interstitial monitoring of piping. Based on these per facility costs, the annualized cost to evaluate and test equipment at all UST facilities is estimated to be \$3,658,752.

This final-form rulemaking prohibits continued use of ball float valves as an option for overfill prevention when these devices need to be replaced. A total of 3,306 UST systems are reported to have ball float valves as the form of overfill prevention. The increased cost to repair a ball float valve or replace a ball float valve with another ball float valve versus providing another form of overfill prevention (for example, shut-off device or alarm) is estimated to range from \$975—\$1,100 with the average cost to be \$1,038. The average cost represents the one-time increased cost to a UST owner for this overfill prevention equipment replacement. Replacement of a ball

float valve will only be necessary when the equipment no longer functions as originally designed and fails the 3-year overfill evaluation requirement. Based on the average cost, the total one-time increased cost to replace ball float valves with another form of overfill prevention for all UST systems is estimated to be \$3,431,628.

Annual release detection equipment testing is required by this final-form rulemaking for all 22,203 UST systems. Operability tests will need to be conducted of the electronic and mechanical components of release detection equipment. The annualized cost to a UST facility owner for this release detection testing requirement is estimated to range from \$338—\$1,039, with the average cost to be \$595. Based on the average cost, the annual cost to test release detection equipment at all UST facilities is estimated to be \$4,554,725. These costs are based on an average UST facility consisting of three UST systems and four dispensers. Facilities that have fewer UST systems are expected to have lower costs.

This final-form rulemaking requires release detection for emergency generator USTs. An estimated 605 UST systems are reported as not having any form of release detection. For this analysis, an ATG is used as the form of release detection for these systems and will need to be tested annually for operability, however, other lower cost methods of tank release detection could be chosen by the UST owner depending on type and location of the UST system. The cost for the operability tests for these systems were included in the cost for release detection equipment testing previously described. The cost for the addition of an ATG ranges from \$4,000—\$30,000 with the average estimated cost to be \$16,875. Cost estimates are dependent on several factors, including amount of excavation required to install wiring and conduit, access to the UST system and location of the UST system to utilities and buildings. The average cost represents the one-time cost to a UST owner to add an ATG for release detection. Based on the average cost, the total one-time cost to add release detection to emergency generator USTs is estimated to be \$10,209,375.

The following table and discussion summarizes the total estimated annualized cost that UST facilities will incur for the testing and inspections in this final-form rulemaking when UST owners, operators or other employees of the UST owner conduct all maintenance walkthrough inspections:

	<i>Annualized Operation and Maintenance Costs<sup>1</sup></i>	<i>One-Time Costs<sup>2</sup></i>	<i>Number of Potentially Affected Facilities/Systems</i>	<i>Total Annualized Operation and Maintenance Costs<sup>3</sup></i>	<i>Total One-Time Costs<sup>4</sup></i>
Maintenance walkthrough inspections	\$0	\$0	7,655 facilities	\$0	\$0
Periodic testing and inspection of overfill prevention equipment, spill prevention equipment and containment sumps <sup>5</sup>	\$240—\$788	\$0	7,655 facilities	\$3,658,752	\$0
Eliminate ball float valves when overfill prevention equipment is replaced	\$0	\$1,038	3,306 UST systems	\$0	\$3,431,628
Operability tests for release detection	\$595	\$0	7,655 facilities	\$4,554,725	\$0
Remove release detection deferral for emergency generator USTs	\$0	\$16,875	605 UST systems	\$0	\$10,209,375
	\$835—\$1,383			\$8,213,477	\$13,641,003

<sup>1</sup> Per UST facility.

<sup>2</sup> Per UST system. One-time costs do not apply to all UST systems.

<sup>3</sup> For all UST facilities.

<sup>4</sup> For all UST systems. One-time costs do not apply to all UST systems.

<sup>5</sup> The lower range of the annualized operation and maintenance costs is for facilities that do not have containment sumps used for interstitial monitoring of piping.

The annualized increased operation and maintenance costs to conduct maintenance walkthrough inspections, inspect overfill prevention equipment, test spill prevention equipment and containment sumps, and test release detection equipment per UST facility is estimated to range from \$835—\$1,383. The total annualized increased costs for these inspections and tests at all UST facilities are estimated to be \$8,213,477.

The total one-time costs to replace all ball float valves with alternate overfill prevention equipment and to add release detection to emergency generator USTs is estimated to be \$13,641,003. These one-time costs apply to a limited number of UST systems. Currently, 3,306 UST systems (less than 15%) have ball float valves for overfill prevention and 605 UST systems (less than 3%) are emergency generator USTs that will need to add release detection equipment. Owners of emergency generator UST systems will be afforded 1 year to 2 years under this final-form rulemaking to make an informed decision to either add the necessary release detection, close the UST system or close the UST system and install a new AST.

#### *Analysis of AST compliance costs*

As with UST systems, the primary focus of this final-form rulemaking for AST systems is on an increased inspection frequency for small ASTs and ASTs in vaults. The Department contacted five Department-certified companies from various regions of this Commonwealth to estimate the increased cost to AST owners for the revised inspection requirements. In doing so, the Department requested the companies to provide cost estimates to include paperwork fees.

This final-form rulemaking requires all ASTs in underground vaults that require an in-service inspection to be inspected within 6 to 12 months of installation and at least every 3 years thereafter. ASTs with a capacity greater than 5,000 gallons, and ASTs storing highly hazardous substances with a capacity greater than 1,100 gallons, are subject to these inspection requirements.

Currently, no large ASTs in underground vaults are registered with the Department and 35 small AST systems in underground vaults will need to increase inspections from once every 10 years to once every 3 years. These small ASTs have an average size of approximately 10,000 gallons.

The reported annualized cost range for an in-service inspection of a vaulted AST every 10 years, as currently required, is \$78 to \$315, and the average annualized cost is \$179. The estimated annualized cost range for an in-service inspection of a vaulted AST every 3 years is \$260 to \$1,050, and the estimated average annualized cost is \$595. Thus, the annualized increased cost to a AST owner of a vaulted AST for an in-service inspection every 3 years is estimated to be \$416. The total annualized increased cost to all AST owners who will be subject to the 3-year inspection requirement is estimated to be \$14,560.

This final-form rulemaking also shortens the initial inspection requirement and in-service inspection cycle for small ASTs (other than small ASTs in underground vaults) from 10 years to 5 years. This requirement applies to small ASTs with a capacity greater than 5,000 gallons, and small ASTs with a capacity greater than 1,100 gallons that store highly hazardous substances. An estimated 6,756 small ASTs with an average size of 11,400 gallons will need to increase their inspections to every 5 years under this final-form rulemaking.

The reported annualized cost range for an in-service inspection of a small AST every 10 years, as currently required, is \$44 to \$200, and the average annualized cost is \$98. The estimated annualized cost range for an in-service inspection of a small AST every 5 years is \$88 to \$400, and the estimated average annualized cost is \$196. Thus, the annualized increased cost to a AST owner of a small AST for the 5-year inspection period is estimated to be \$98. The total annualized increased cost to all AST owners who will be subject to the 5-year inspection period is estimated to be \$662,088.

The following table summarizes the estimated increased annualized costs discussed above that will be incurred by AST system owners under this final-form rulemaking:

	<i>Annualized Operation and Maintenance Costs</i>	<i>One-Time Costs</i>	<i>Number of Potentially Affected Systems</i>	<i>Total Annualized Operation and Maintenance Costs</i>	<i>Total One-Time Costs</i>
Increased inspection frequency for vaulted ASTs	\$416	\$0	35 AST systems	\$14,560	\$0
Increased inspection frequency for small ASTs	\$98	\$0	6,756 AST systems	\$662,088	\$0
		\$0		\$676,648	\$0

Additional compliance costs associated with this final-form rulemaking that cannot be estimated are the costs to UST systems that were previously excluded from the definition of a UST, but are subject to Chapter 245 under this final-form rulemaking (for example, tanks containing radioactive materials or coolants that are regulated under The Atomic Energy Act of 1954, wastewater treatment tank systems that are not part of a wastewater treatment facility regulated under section 307(b) or 402 of the Clean Water Act, and UST systems that are part of an emergency generator system at nuclear power generation facilities regulated by the NRC under 10 CFR Part 50, Appendix A). In addition, existing field-constructed USTs installed on or before October 11, 1997, are regulated under § 245.403 of this final-form rulemaking.

The number of USTs in these categories that will be subject to Chapter 245 under this final-form rulemaking is unknown because they are not currently required to be registered with the Department. Registration will be required within 60 days after the effective date of the final-form rulemaking. Field-constructed USTs installed on or before October 11, 1997, are temporarily excluded from other regulatory requirements in Chapter 245 until 1 year after the effective date of the final-form rulemaking. Upon registration of a UST that was previously excluded from regulation, the Department will work with the tank owner to bring the UST into regulatory compliance. Due to the unique nature of these USTs, the steps that will be necessary

to bring the USTs into compliance are expected to vary widely. Thus, compliance costs associated with the regulation of this universe of USTs cannot be estimated.

USTs containing radioactive material and emergency generator UST systems at nuclear power generation facilities regulated by the NRC are subject to United States Department of Energy Orders and NRC regulations that are comparable to the Chapter 245 requirements for new and existing USTs regarding spill and overfill control, operation and maintenance of corrosion protection, and release detection. Since owners and operators of these UST systems had to meet Federal requirements dating back to May 7, 1985, that required systems to be designed and constructed to prevent releases during the operating life of the facility due to corrosion or structural failure, these systems should already be in compliance with most requirements and therefore incur minimal additional costs.

#### *Analysis of Department costs*

Under this final-form rulemaking, the Department will incur minimal additional costs to publish notices in the *Pennsylvania Bulletin* for the following: acknowledgment of receipt of the remedial action plan under § 245.311 (relating to remedial action plan); notice of the Department's final action on the remedial action plan under § 245.313(c) (relating to remedial action completion report); acknowledgment of receipt of the remedial action completion report under § 245.313(c); notice of the Department's final action on the remedial action completion report under § 245.313(c); and notice of variances approved by the Department under §§ 245.503(6) (relating to variances) and 245.606(6) (relating to variances). No additional central or regional office program staff are needed to implement these regulatory amendments. No new data system requirements are required.

#### *Compliance assistance plan*

As previously noted, this final-form rulemaking will affect approximately 7,000 storage tank owners at nearly 12,600 storage tank facilities. Industry sectors potentially affected by this final-form rulemaking include retail motor fuel sales, commercial, institutional, manufacturing, transportation, communications and utilities, and agriculture. Federal, State and local government owners of regulated storage tanks will also be affected.

Department-certified storage tank installers, inspectors and companies will also need to comply with this final-form rulemaking. Nearly 875 individuals and approximately 350 companies have certifications from the Department under Chapter 245. It is anticipated that Department-certified tank installers and inspectors will have the capacity to provide the increased testing and inspections that will be required by this final-form rulemaking. This is especially true with the addition of a new certification category for minor modifications to allow individuals to perform tank handling activities such as repairs that do not involve excavation without having to obtain the (full) certification to install and modify storage tank systems. With this new certification, individuals will also be able to perform tests of UST systems required by this final-form rulemaking.

The visual inspection of spill prevention and release detection equipment, containment sumps and handheld release detection devices could be performed by the UST owner, operator or other employee of the UST owner. However, UST owners may choose to utilize a third-party company to conduct the maintenance walkthrough inspections.

Owners of existing storage tank systems will be provided with adequate timeframes to adjust and comply with the new requirements. Owners of storage tank systems installed on or after the effective date of the final-form rulemaking shall comply with the requirements immediately.

Financial assistance is not anticipated or planned. The Department will provide technical and compliance assistance outreach through its website, publications, forms and presentations to various industry groups and organizations. Webinars explaining the regulatory amendments are also planned.

#### *Paperwork requirements*

This final-form rulemaking includes the following new notification, reporting and other paperwork requirements:

- Certified installers and inspectors will need to report regulated substance observed in a containment structure or facility within 48 hours on a form provided by the Department. See § 245.132(a)(6).
- Certified installers and inspectors will need to report failed tests of UST spill prevention equipment, containment sumps, and overflow prevention equipment within 48 hours on a form provided by the Department. A copy of the test results will also need to be provided to the Department with the notification report. See § 245.132(a)(6).
- If a suspected release investigation fails to determine whether or not a release of a regulated substance has occurred, owners and operators will need to report the suspected release within 15 days of the indication of a suspected release on a form provided by the Department. See § 245.304(c)(2).
- If a suspected release investigation confirms that a release has not occurred, and removal of the regulated substance cannot be accomplished within 24 hours, owners and operators will need to immediately notify the Department by telephone or electronic mail. See § 245.304(c)(3).
- Responsible parties will need to notify the Department by telephone or electronic mail as soon as practicable, but no later than 24 hours after the initiation of interim remedial actions in response to a release. See § 245.306(e) (relating to interim remedial actions).
- Responsible parties will need to notify the Department, by telephone or electronic mail, within 24 hours of providing an alternate source of water to the owner of an affected or diminished water supply in response to a release. See § 245.307(e) (relating to affected or diminished water supplies).

- Responsible parties will need to notify the Department by telephone or electronic mail as soon as practicable, but no later than 24 hours after the initiation of site characterization activities in response to a release. See § 245.309(c)(24) (relating to site characterization).
- The Department will need to publish an acknowledgment of receipt of the remedial action plan and notice of its final action on the plan in the *Pennsylvania Bulletin*. See § 245.311.
- The Department will need to publish an acknowledgment of receipt of the remedial action completion report and notice of its final action on the report in the *Pennsylvania Bulletin*. See § 245.313(c).
- Owners and operators will need to notify the Department of the proposed installation of specific UST system components such as the piping system and dispenser, and not just when a tank or tank system is being installed, on a form provided by the Department. See § 245.421(a)(2).
- Certified installers and inspectors will need to document tests or evaluations of UST spill prevention and overfill prevention equipment, containment sumps, and release detection equipment on a form provided by the Department. Owners and operators will need to maintain test or evaluation results onsite at the storage tank facility or at a readily available alternative site and shall provide the forms to the Department upon request. See §§245.31(f) (relating to underground storage tank system testing requirements) and 245.435(a)-(b).
- Surveys of UST cathodic protection systems will need to be documented on a form provided by the Department and must be provided to the Department upon request. See § 245.432(a)(2)(iii).
- Upon Department request, owners and operators will need to submit, on a form provided by the Department, information verifying that all system components are compatible with the proposed substance to be stored, prior to storing the substance in the UST. See § 245.433(b).
- Owners and operators will need to maintain documentation showing that their UST systems are continuously participating in the USTIF. See § 245.435(d)(9).
- Owners and operators will need to maintain documentation of the last test of UST spill prevention equipment and containment sumps used for interstitial monitoring of piping and evaluation of overfill prevention equipment. See § 245.435(d)(19).
- For containment sumps used for interstitial monitoring of piping and spill prevention equipment not required to be tested, UST owners and operators will need to maintain documentation showing that the equipment is double-walled and the integrity of both walls is periodically monitored. See §245.435(d)(20).

- UST owners and operators will need to maintain records of walkthrough inspections for the past 12 months. See § 245.435(d)(21).
- Owners will need to ensure that Class A, Class B and Class C operators are identified on a form provided by the Department prior to placing the UST system into use. See § 245.436(d)(1) (relating to operator training).
- Owners and operators of AST facilities with an aggregate aboveground storage capacity greater than 21,000 gallons will need to maintain a written or electronic log. Each log entry will need to identify the name of the individual performing tank handling and inspection activities, the individual's signature or equivalent verification of presence onsite, the company name, the date of work, start and end times, and a brief description of work performed, including tank identification. See §§ 245.514(b) and 245.603(c).
- In addition to routine monthly inspections, AST owners and operators will need to maintain 72-hour maintenance inspections for the past 12 months. See § 245.516(c)(12).
- AST owners and operators will need to maintain documentation of investigations of suspected releases. See §§ 245.516(c)(15) and 245.615(b)(7).
- AST owners and operators will need to maintain the results of testing from the last two cathodic protection surveys and the results of the last three impressed current cathodic protection system checks for each 60-day period. (See §§ 245.516(c)(11), 245.516(c)(16), and 245.615(b)(9)-(10)).
- Should a high-level alarm with a manned operator shutdown procedure be utilized, owners and operators of ASTs will need to document the shutdown procedure and provide it to the Department upon request. See § 245.541(b)(2) (relating to overfill prevention requirements).
- When an overfill alarm or prevention device or monitoring gauge is utilized, owners and operators of ASTs will need to document the shutdown procedure. See § 245.612(d)(2).

The following new forms will be used to implement this final-form rulemaking:

- Underground Storage Tank Groundwater/Vapor Monitoring System Functionality Testing Form
- Underground Storage Tank Sensor Functionality Testing Form
- Underground Storage Tank Automatic Line Leak Detector Functionality Testing Form
- Underground Storage Tank Pressure/Vacuum Monitoring Functionality Testing Form
- Underground Storage Tank Spill Prevention Equipment/Containment Sump Integrity Testing Form

- Underground Storage Tank Automatic Tank Gauge Functionality Testing Form
- Underground Storage Tank Overfill Prevention Evaluation Form
- Aboveground Storage Tank Lining Inspection Summary and Instructions

The following existing forms have been revised to implement this final-form rulemaking:

- Underground Storage Tank Facility Operations Inspection Report Form Instructions (2630-FM-BECB0501)
- Underground Storage Tank Facility Operations Inspection (2630-FM-BECB0501a)
- Underground Storage Tank System Installation/Closure Notification Form (2630-FM-BECB0127)
- Planning for Permanent Closure Checklist—Underground Storage Tank Systems (2630-FM-BECB0126)
- Underground Storage Tank Modification Report (2630-FM-BECB0575)
- Underground Storage Tank System Closure Report Form (2630-FM-BECB0159)
- Aboveground Storage Tank Integrity/Installation Inspection Summary and Instructions (2630-FM-BECB0150)
- Aboveground Storage Tank System Closure Report Form (2630-FM-BECB0514)
- Planning for Permanent Closure Checklist—Aboveground Storage Tank Systems (2630-FM-BECB0512)
- Aboveground Storage Tank System Closure Notification Form (2630-FM-BECB0513)
- Notification of Release/Notification of Contamination (2620-FM-BECB0082)
- Storage Tanks Registration/Permitting Application Form and Instructions (2630-PM-BECB0514)
- Storage Tank Installer/Inspector Certification Application Form and Instructions (2630-PM-BECB0506)
- Storage Tank Training Course Approval Application and Instructions (2630-PM-BECB0402)

- Storage Tank Site-Specific Installation Permit Application Instructions (2630-PM-BECB0002)
- Initial Qualifications—Storage Tank Installer and Inspector Certification (2630-PM-BECB0506b)
- Renewal Qualifications—Storage Tank Installer and Inspector Certification (2630-PM-BECB0506b2)
- Instructions—Storage Tank Installer and Inspector Certification—Attachment A (2630-PM-BECB0506c)

The following form has been deleted under this final-form rulemaking and is being incorporated into the Aboveground Storage Tank Integrity/Installation Inspection Summary and Instructions (2630-FM-BECB0150):

- Aboveground Storage Tank Installation Inspection Summary (2630-FM-BECB0602).

While this rulemaking adds additional notification, reporting and recordkeeping requirements, some of the notification is simply verbal or electronic notification. Where information is required to be documented, the Department is providing a significant number of forms to facilitate compliance with the various requirements. Most of the forms will be completed by Department-certified installers and inspectors who will be instructed by Department staff on how to complete them. Department-certified installers and inspectors often request standardized forms from the Department so that they are fully aware of what the Department expects to be reported. Having standardized forms, completed by certified installers and inspectors, should limit the time and expense required to fill them out.

With regard to verbal or electronic notification requirements, a responsible party will need to notify the Department either verbally or electronically (such as by telephone or email) upon initiation of an interim remedial action, within 24 hours of providing an alternate source of water to an affected water supply owner, and within 24 hours of initiation of site characterization activities in response to a release of a regulated substance from a storage tank, under §§ 245.306(e), 245.307(e) and 245.309(c)(24). The first corrective action report required to be submitted by the responsible party is the site characterization report, required under § 245.310 (relating to site characterization report). It is to be submitted to the Department after the responsible party takes interim remedial actions, provides an alternate source of water (if necessary) and completes site characterization activities. Therefore, it is important for the Department to know in a timely manner that these required corrective actions are taking place. Interim remedial actions, when conducted properly and promptly, limit the extent and severity of contamination, thereby limiting the amount of site characterization that needs to be performed and further remedial action that needs to be conducted. The result is protection of the public and the environment, and a reduction in the cost of corrective action to storage tank owners and operators.

In addition, if a suspected release investigation confirms that a “release” has not occurred, and removal of the regulated substance cannot be accomplished within 24 hours, owners and operators will need to immediately notify the Department by telephone or e-mail. An example is a spill of a hazardous substance to an aboveground surface in an amount less than the reportable quantity that cannot be fully removed within 24 hours.

The Department anticipates that costs associated with these additional verbal or electronic notification requirements should be minimal because the owner, operator or consultant is typically communicating with the Department at this point and informing the Department when actions that have been proposed are initiated.

The vast majority of the reporting requirements will be handled by Department-certified installers and inspectors, as well as by consultants. The Department is providing the necessary forms to facilitate compliance with the various requirements. Department-certified installers and inspectors, as well as consultants welcome these forms and will be instructed by Department staff as to how to complete the them. The vast majority of reporting forms associated with this final-form rulemaking are existing forms that have undergone minor revisions. Completion of these revised forms will result in no additional cost to the regulated community. The few new forms that have been developed are testing and evaluation forms that are necessary to record the results of the new periodic UST testing requirements established in § 245.437 to meet the Federal requirements of ensuring that installed equipment for release detection and prevention is operating properly. The Department contacted five Department-certified companies from various regions of the Commonwealth to provide cost estimates for the various testing requirements. The Department requested the companies to provide cost estimates to include mobilization fees, paperwork fees, labor costs, and any necessary waste disposal costs. Therefore, the costs presented in Section G of the Preamble and Item 19 of the Regulatory Analysis Form to this final-form rulemaking for the new UST testing requirements are inclusive of the reporting requirements.

With regard to the new recordkeeping requirements, the vast majority of the documentation that owners and operators will need to maintain is necessary to comply with the new Federal UST requirements. However, in general, the records are important because review of storage tank system records is necessary for Department-certified inspectors to determine compliance with regulatory requirements. Department-certified inspectors are required to periodically inspect ASTs and UST facilities, under §§ 245.411, 245.551-554, and 245.616. Record review is an integral part of the inspection. Without the records, inspectors would not be able to determine regulatory compliance. In fact, the absence of required records means that a storage tank system is in non-compliance with regulatory requirements. A storage tank system that is non-compliant is at risk for releases which may impact the public and the environment. While the Department cannot quantify the costs associated with the maintenance of additional records, any costs should be minimal.

#### *H. Pollution Prevention*

The Federal Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state

environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

The primary purpose of this final-form rulemaking is to strengthen the UST requirements by increasing the emphasis on properly operating and maintaining equipment. The amendments require that UST equipment be operated and maintained properly, which will help to further reduce the number of releases from USTs and in turn protect public health and the environment.

This final-form rulemaking also will require all ASTs in underground vaults that require an in-service inspection to be inspected within 6 and 12 months of installation and at least every 3 years thereafter due to their history of noncompliance. This mirrors the inspection requirement for USTs. Also, the initial inspection requirement and in-service inspection cycle for small ASTs will be shortened from 10 years to 5 years. Based on current in-service inspections, the compliance rate with regulatory requirements is less than 50%. The facility operations inspection cycle for USTs was shortened from 5 years to 3 years in a prior rulemaking, which has resulted in increased regulatory compliance. Increased compliance with these regulatory requirements will mean fewer releases and a reduction in the severity of releases from ASTs.

#### *I. Sunset Review*

The Board is not establishing a sunset date for these regulations, since they are needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.

#### *J. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 13, 2018, the Department submitted a copy of the notice of proposed rulemaking, published at 48 Pa.B. 1101, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act, on     (date)    , the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on     (date)     and approved the final-form rulemaking.

K. *Findings of the Board*

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law, and all comments were considered.
- (3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 48 *Pennsylvania Bulletin* 1101, 1130 (February 24, 2018).
- (4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble.

L. *Order of the Board*

The Board, acting under the authorizing statutes, orders that:

- (a) The regulations of the Department, 25 Pa. Code Chapter 245, are amended to read as set forth in Annex A.
- (b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.
- (c) The Chairperson of the Board shall submit this order and Annex A to the Independent Regulatory Review Commission and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.
- (d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.
- (e) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PATRICK MCDONNELL  
*Chairperson*

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VI. GENERAL HEALTH AND SAFETY

CHAPTER 245. ADMINISTRATION OF THE STORAGE TANK AND SPILL PREVENTION PROGRAM

Subchapter A. GENERAL PROVISIONS

GENERAL

§ 245.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Aboveground storage tank*—One or a combination of stationary tanks with a capacity in excess of 250 gallons, including the underground pipes and dispensing systems connected thereto within the emergency containment area, which is used, will be used or was used to contain an accumulation of regulated substances, and the volume of which, including the volume of piping within the storage tank facility, is greater than 90% above the surface of the ground. The term includes tanks which can be visually inspected, from the exterior, in an underground area and tanks being constructed or installed for regulated use. The term does not include the following, or pipes connected thereto:

\* \* \* \* \*

(viii) Tanks [which are] regulated under 58 Pa.C.S. Chapter 32 (relating to development) used to store brines, crude oil, drilling or frac fluids and similar substances or materials and are directly related to the exploration, development or production of crude oil or natural gas [regulated under the Oil and Gas Act (58 P.S. §§ 601.101—601.605)].

\* \* \* \* \*

(xix) Other tanks excluded by regulations promulgated under the act.

**Aboveground storage tank system—An above-ground ABOVEGROUND storage tank, connected piping and ancillary equipment within the emergency containment area, and emergency and secondary containment.**

*Act*—The Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

**[Actively involved—To perform or to conduct direct onsite supervision or oversight of the minimum number of qualifying activities in § 245.111 or § 245.113 (relating to certified installer experience and qualifications; and certified inspector experience and qualifications) for renewal of installer or inspector certification in each applicable category, within the period in § 245.114(a)(3) (relating to renewal and amendment of certification).]**

*Adjacent*—Next to or contiguous with.

\* \* \* \* \*

*Cathodic protection tester*—A person who can demonstrate an understanding of the principles and measurements of common **[type] types** of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, the person shall have **documented** education and experience in soil resistivity, stray current, structure to soil potential and component electrical isolation measurements of buried metal piping and tank systems.

*Certification categories*—

(i) Individual certification categories issued to certified installers or certified inspectors to perform tank handling, tightness testing or inspection activities on aboveground or underground storage tank systems and facilities.

(ii) The term includes category specific certifications in one or more of the following:

\* \* \* \* \*

(B) Storage tank installer certification categories:

\* \* \* \* \*

(IX) UMX—Underground storage tank system installation and modification.

**(X) UMI—Underground storage tank system minor modification.**

**[X)] (XI) UTT—Underground storage tank system tightness tester.**

**[X)] (XII) UMR—Underground storage tank system removal.**

*Certified company*—An entity, including[, but not limited to,] a sole proprietorship, a partnership or a corporation, which is certified by the Department and employs certified

installers or certified inspectors to conduct tank handling activities, tightness testing activities or inspection activities.

*Certified inspector*—A person certified by the Department to conduct inspections of tanks or storage tank facilities and who may conduct environmental audits. A certified inspector may not be an [employee] employee of a tank owner.

*Certified installer*—A person certified by the Department to install, modify or remove storage tanks. A certified installer may be an [employee] employee of a tank owner.

\* \* \* \* \*

*Containment structure or facility*—Anything built, installed or established **AND DESIGNED TO CONTAIN ~~which comes in contact with~~** regulated substances that are spilled, leaked, emitted, discharged, escaped, leached or disposed from a storage tank or storage tank system[. **The term includes, but is not limited to**], including a vault, A dike, A wall, A building or secondary containment ~~structure around an underground or~~ [above-ground] aboveground storage tank, or any rock or other fill material placed around an underground storage tank.

*Containment sump*—A liquid-tight container designed to protect the environment by containing leaks and spills of regulated substances from piping, dispensers, pumps and related components in the containment area. Containment sumps may be single-walled or secondarily contained and located at the top of the tank (tank top or submersible turbine pump sump), underneath the dispenser (under-dispenser containment sump) or at other points in the piping run (transition or intermediate sump).

*Corrective action*—

\* \* \* \* \*

*De minimis*—With regard to products containing regulated substances, the term applies when the regulated substance is of insufficient concentration to be required to appear on a [Material Safety Data Sheet (MSDS)] Safety Data Sheet (SDS). The term does not apply to section 507 of the act (35 P.S. § 6021.507) as it pertains to site contamination.

\* \* \* \* \*

*Environmental audit*—Activities which may be conducted by a certified inspector to evaluate the storage tank system or storage tank facility site, equipment and records to determine evidence of an actual or possible release of regulated substance.

*Environmental covenant*—A servitude arising under an environmental response project which imposes activity and use limitations under 27 Pa.C.S. §§ 6501—6517 (relating to Uniform Environmental Covenants Act).

*Environmental media*—Soil, sediment, surface water, groundwater, bedrock and air.

*Excavation zone*—The volume containing the tank system and backfill material bounded by the ground surface, walls and floor of the pit and trenches into which the underground storage tank system is placed at the time of installation.

*Exempt underground storage tank*—An underground storage tank which has been exempted by regulation from participation in USTIF.

*Existing underground storage tank system*—An underground storage tank system used to contain an accumulation of regulated substances **[or for which installation has commenced on or before December 22, 1988] for which installation has either started or been completed in accordance with this chapter.** Installation is considered to have **[commenced] started** if the following apply:

\* \* \* \* \*

*Hazardous substance storage tank system*—

(i) A storage tank system that contains a hazardous substance defined in section 101(14) of CERCLA (42 U.S.C.A. § 9601(14)).

(ii) The term does not include a storage tank system that contains a substance regulated as a hazardous waste under **[Subtitle C of CERCLA] sections 3001—3024 of the Solid Waste Disposal Act (42 U.S.C.A. §§ 6921—6939g)**, or mixture of the substances and petroleum, and which is not a petroleum system.

\* \* \* \* \*

**IMMEDIATE THREAT OF CONTAMINATION—SPILLING, LEAKING, EMITTING, DISCHARGING, ESCAPING, LEACHING OR DISPOSING OF A REGULATED SUBSTANCE FROM A STORAGE TANK INTO A CONTAINMENT STRUCTURE OR FACILITY IN AN AMOUNT EQUAL TO OR GREATER THAN THE REPORTABLE RELEASED QUANTITY DETERMINED UNDER SECTION 102 OF THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980 (42 U.S.C.A. § 9602) AND REGULATIONS PROMULGATED THEREUNDER, OR AN AMOUNT EQUAL TO OR GREATER THAN A DISCHARGE AS DEFINED IN SECTION 311 OF THE FEDERAL WATER POLLUTION CONTROL ACT (33 U.S.C.A. § 1321) AND REGULATIONS PROMULGATED THEREUNDER. THE TERM ALSO INCLUDES SPILLING, LEAKING, EMITTING, DISCHARGING, ESCAPING, LEACHING OR DISPOSING OF PETROLEUM INTO A LIQUID-TIGHT CONTAINMENT SUMP OR EMERGENCY CONTAINMENT STRUCTURE IN AN AMOUNT LESS THAN 25 GALLONS AS A RESULT OF A TANK HANDLING ACTIVITY UNLESS THE CERTIFIED INSTALLER PROVIDING DIRECT ONSITE SUPERVISION HAS CONTROL OVER THE REGULATED SUBSTANCE, THE REGULATED SUBSTANCE IS COMPLETELY CONTAINED AND, PRIOR TO THE**

**CERTIFIED INSTALLER LEAVING THE STORAGE TANK FACILITY, THE TOTAL VOLUME OF THE REGULATED SUBSTANCE IS RECOVERED AND REMOVED.**

\* \* \* \* \*

*Install*—Activities to construct, reconstruct or erect to put into service a storage tank, a storage tank system or storage tank facility.

**[Interim certification—Certification granted by the Department on an interim basis under section 108 of the act (35 P.S. § 6021.108) to installers and inspectors of storage tank systems or storage tank facilities.]**

*Intrafacility piping*—A common piping system serving more than one storage tank system within a storage tank facility.

\* \* \* \* \*

*Minor modification*—

(i) An activity to upgrade, repair, refurbish or restore all or part of an existing storage tank system or storage tank facility which does not alter the design of that storage tank system or storage tank facility, but[, which may effect] which may affect the integrity of that storage tank system or storage tank facility.

(ii) The term does not include an activity directly affecting the tank portion of the storage tank system or an activity directly affecting an underground component of the storage tank system.

*Modify*—To conduct an activity that constitutes a major modification or a minor modification.

*Monitoring system*—A system capable of detecting releases in connection with an aboveground or underground storage tank.

*Motor fuel*—**[Petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel or any grade of gasohol, and is typically used in the operation of an internal combustion engine.] A complex blend of hydrocarbons typically used in the operation of a motor engine, such as motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any blend containing one or more of these substances such as motor gasoline blended with alcohol.**

\* \* \* \* \*

*Pipeline facilities (including gathering lines)*—New and existing pipe rights-of-way and associated equipment, facilities or buildings **[regulated under the Hazardous Liquid Pipeline Safety Act of 1979 or the Natural Gas Pipeline Safety Act of 1968, codified without substantive change in 1994 by Pub.L. No. 103-272, 108 Stat. 1371 (49 U.S.C.A. §§ 60101—60125) which may include coastal, interstate or intrastate pipelines].**

\* \* \* \* \*

*Reconstruction*—The work necessary to reassemble a storage tank that has been dismantled and relocated to a new **[site] location**.

*Regulated substance*—

**[(i)]** An element, compound, mixture, solution or substance that, when released into the environment, may present substantial danger to the public health, welfare or the environment which is one of the following:

**[(A)] (i)** A substance defined as a hazardous substance in section 101(14) of CERCLA, including hazardous substances that are liquid or gaseous, or suspended therein regardless of holding temperature, but not including a substance regulated as a hazardous waste under Subtitle C of the Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. §§ 6921—6931).

**[(B)] (ii)** Petroleum, including crude oil or a fraction thereof and petroleum hydrocarbons which are liquid at standard conditions of temperature and pressure (60° F and 14.7 pounds per square inch absolute), including, **but not limited to,** oil, petroleum, petroleum mixed with ethanol, fuel oil, oil sludge, oil refuse, oil mixed with other nonhazardous wastes and crude oils, gasoline and kerosene.

**[(C)] (iii)** Other substances determined by the Department by regulation whose containment, storage, use or dispensing may present a hazard to the public health and safety or the environment, but not including gaseous substances used exclusively for the administration of medical care. This includes the following other regulated substances:

**[(D)] (A)** Nonpetroleum oils including biodiesel; synthetic fuels and oils, such as silicone fluids; tung oils and wood-derivative oils, such as resin/rosin oils; and inedible seed oils from plants, which are liquid at standard conditions of temperature and pressure. The requirements in this chapter for petroleum tanks in **[clause (B)] subparagraph (ii)** apply for this group of substances.

**[(II)] (B)** Pure ethanol intended for blending with motor fuel. The requirements in this chapter for petroleum tanks in **[clause (B)] subparagraph (ii)** apply.

*Release*—Spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank into surface waters and groundwaters of this Commonwealth or soils or subsurface soils in an amount equal to or greater than the reportable released quantity determined under section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.A. § 9602), and regulations promulgated thereunder, or an amount equal to or greater than a discharge as defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1321) and regulations promulgated thereunder. The term also includes spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank into a containment structure or facility that poses an immediate threat of contamination of the soils, subsurface soils, surface water or groundwater. ~~All spills, leaks, emissions, discharges, escapes,~~

~~leaching or disposals of a regulated substance into a containment structure or facility pose an immediate threat of contamination of the soils, subsurface soils, surface water or groundwater, except when a regulated substance is present in a liquid-tight containment sump or emergency containment structure as a result of a tank handling activity, if the certified installer providing direct onsite supervision has control over the regulated substance, the regulated substance is completely contained and, prior to the certified installer leaving the storage tank facility, the total volume of the regulated substance is recovered and removed.~~

*Release detection*—The determination, through a method or combination of methods, whether a release of a regulated substance has occurred from a storage tank system into the environment or into the interstitial space between the storage tank system and its secondary containment around it.

*Remediation standard*—The background, Statewide health or site-specific standard, or any combination thereof, as provided for in the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—~~6026.909~~ 6026.208).

*Removal*—Activities involving removal of storage tank system components, ancillary equipment and appurtenances. The term includes removal from service activities when a storage tank or storage tank system is removed, but excludes site assessment activities.

*Removal from service*—The term includes the following:

(i) Activities related to rendering ~~[an underground]~~ a storage tank system permanently unserviceable. Activities include the oversight of the proper draining and cleaning of the storage tank system of product liquids, vapors, accumulated sludges or solids, and completing one of the following:

(A) Leaving the storage tank system in the ground and filling the tank with inert, solid material.

(B) Dismantling or removing the storage tank system from the tank site.

(ii) ~~[Discontinued use, abandonment, closure in place and permanent closure but does not include temporary closure as those terms are used in the act.]~~ Closure-in-place and permanent closure.

(iii) Site assessment activities required under Subchapter E (relating to technical standards for underground storage tanks) and applicable State law, which are the responsibility of owners and operators, but are not conducted by certified installers or inspectors.

*[Reportable release*—A quantity or an unknown quantity of regulated substance released to or posing an immediate threat to surface water, groundwater, bedrock, soil or sediment. The term does not include the following, if the owner or operator has control over the

release, the release is completely contained and, within 24 hours of the release, the total volume of the release is recovered or removed in the corrective action:

(i) A release to the interstitial space of a double-walled aboveground or underground storage tank.

(ii) A release of petroleum to an aboveground surface that is less than 25 gallons.

(iii) A release of a hazardous substance to an aboveground surface that is less than its reportable quantity under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.A. §§ 9601—9675) and 40 CFR Part 302 (relating to designation, reportable quantities, and notification).]

**Repair—An activity that restores to original operating condition a tank, piping, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, release detection equipment or other storage tank system component that has failed to function properly.**

*Residential tank*—A tank located on property used primarily for dwelling purposes.

\* \* \* \* \*

*Solid Waste Management Act*—The Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

**Spill prevention equipment—A liquid-tight container placed around the fill pipe or fill port riser of a storage tank designed to capture any product that may spill when the delivery hose is disconnected including a catchment basin, spill containment bucket or spill containment box.**

*Spill prevention response plan*—Emergency plans and procedures developed by an aboveground storage tank or tank facility owner, operator, or both, for response to an accident or spill on the facility by facility personnel or contractors.

*Stationary tank*—An aboveground storage tank that is permanently affixed to the real property on which the tank is located.

*Storage tank*—An aboveground or underground storage tank which is used for the storage of a regulated substance.

*Storage tank facility*—One or more stationary tanks, including associated intrafacility pipelines, fixtures, monitoring devices and other equipment. A facility may include aboveground tanks, underground tanks or a combination of both. For the purposes of the act and this part, the associated intrafacility pipelines, fixtures, monitoring devices and other equipment for an aboveground storage tank shall be that which lies within the emergency containment area. The

term storage tank facility does not encompass portions of a facility that do not contain storage tank systems.

*Storage tank system*—[An] **All or part of an** underground or aboveground storage tank, associated underground or aboveground piping directly serving that storage tank, and one or more of the following which are directly associated with that storage tank:

\* \* \* \* \*

*Tank handling activities*—Activities to install, modify [or remove], **perform change-in-service or close** all or part of a storage tank system or storage tank facility. The term does not include maintenance activities.

\* \* \* \* \*

*Underground storage tank*—One or a combination of tanks (including underground pipes connected thereto) which are used, were used or will be used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10% or more beneath the surface of the ground. The term includes tanks being constructed or installed for regulated use. The term does not include:

- (i) Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.
- (ii) Tanks used for storing heating oil for consumptive use on the premises where stored unless they are specifically required to be regulated by Federal law.
- (iii) A septic or other subsurface sewage treatment tank.
- (iv) A pipeline facility (including gathering lines) [regulated under] **which is one of the following:**
  - (A) [The Natural Gas Pipeline Safety Act of 1968.] **Regulated under 49 U.S.C.A. §§ 60101—60141.**
  - (B) [The Hazardous Liquid Pipeline Safety Act of 1979.] **An intrastate pipeline facility regulated under state laws as provided in 49 U.S.C.A. §§ 60101—60141 and which is determined by the Secretary of the United States Department of Transportation to be connected to a pipeline or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline.**
- (v) An interstate [or intrastate] pipeline facility regulated under State laws comparable to the provisions of law in subparagraph (iv).

\* \* \* \* \*

(xii) An underground storage tank system with capacity of 110 gallons or less.

[(xiii) Tanks containing radioactive materials or coolants that are regulated under The Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011—2297).

(xiv) A wastewater treatment tank system.]

(xiii) A wastewater treatment tank system that is part of a wastewater treatment facility regulated under section 307(b) or 402 of the Clean Water Act (33 U.S.C.A. §§ 1317(b) and 1342).

[(xv)] (xiv) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks.

[(xvi)] (xv) An underground storage tank system that contains a de minimis concentration of regulated substances.

[(xvii)] (xvi) An emergency spill or overflow containment underground storage tank system that is expeditiously emptied after use.

[(xviii) An underground storage tank system that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR Part 50, Appendix A (relating to general design criteria for nuclear power plants).

(xix)] (xvii) Other tanks excluded by policy or regulations promulgated under the act.

\* \* \* \* \*

**TANK HANDLING AND INSPECTION ACTIVITIES**

**§ 245.21. Tank handling and inspection requirements.**

(a) Tank handling activities shall be conducted by a certified installer except in the case of modification to an aboveground nonmetallic storage tank, which may be modified by the tank manufacturer. Storage tank facility owners and operators **[may not use persons who are not Department certified] shall use persons who are Department-certified** to conduct tank handling activities except as noted in this subsection. The certified installer shall perform the tank handling activity or provide direct onsite supervision and control of the activity.

(b) Tank handling activities conducted on all **aboveground** field constructed storage **[tanks] tank systems** and tank handling activities conducted on all aboveground storage **[tanks] tank systems** having a capacity **greater** than 21,000 gallons shall be inspected by a certified inspector, except in the case of a minor modification or removal from service.

\* \* \* \* \*

## [TIGHTNESS] TESTING ACTIVITIES

§ 245.31. Underground storage tank [tightness] system testing requirements.

(a) Tightness testing activities shall be conducted by a Department-certified underground storage tank system tightness tester (UTT), except when performed by an owner or operator using installed automatic tank gauging or monitoring equipment meeting requirements [of § 245.444(3) and (4)] in § 245.444(2) and (3) (relating to methods of release detection for tanks).

**[(b) Tightness testing is required to be conducted when it is:**

**(1) Used as a method of release (leak) detection as prescribed in §§ 245.442(b)(1), 245.443(1), 245.444(3) and 245.445(2).**

**(2) Used to complete the installation of a new single wall constructed underground storage tank. The testing is an integral part of the installation process.**

**(3) Used in conjunction with cathodic protection upgrading as prescribed in § 245.422(b)(2)(iii) or (v) (relating to upgrading of existing underground storage tank systems).**

**(4) Used to test tanks repaired in response to a release as prescribed in § 245.434(5) (relating to repairs allowed).**

**(5) Otherwise required by the Department.**

(c) **[b]** Tightness testing shall be conducted in accordance with equipment manufacturer's written instructions and using the recommended written practices, procedures and established test method protocols developed by the sources in § 245.132(a)(1) (relating to standards of performance).

**[(d)] (c)** A failed valid tightness test will, regardless of the test method, constitute a suspected release, except as provided in § 245.304(b) (relating to investigation of suspected releases). A failed valid tightness test conducted as part of an investigation of a suspected release constitutes a confirmed release.

**[(e)] (d)** A complete written test report shall be provided to the tank owner as documentation of test results within 20 days of the test. The test methodology, a certification that the test meets the requirements [of § 245.444(3)] in § 245.444(2) or § 245.445(2) (relating to methods of release detection for piping), and sufficient test data, which were used to conclude that the **[tank] underground storage tank system** passed or failed the tightness test, shall be included in the test report.

**[(f)] (e)** Certified underground storage tank system tightness testers (UTT) shall maintain complete records of tightness testing activities for a minimum of 10 years as provided in § 245.132(a)(3) (relating to standards of performance).

**[(g) Tightness testing of the underground storage tank system's piping shall be conducted by a Department-certified underground storage tank system tightness tester (UTT) after November 10, 2008.]**

**(f) Tests or evaluations of spill prevention and overflow prevention equipment, containment sumps and release detection equipment required under this chapter shall be performed by a Department-certified individual holding the appropriate certification category and documented on a form provided by the Department. Results shall be maintained onsite at the storage tank facility or at a readily available alternative site and shall be provided to the Department upon request.**

## **TANK REGISTRATION AND FEES**

### **§ 245.41. Tank registration requirements.**

(a) Tank owners shall properly register each storage tank by meeting the requirements **[of] in** this section and paying the registration fee **prior to registration certificate expiration as** required by § 245.42 (relating to tank registration fees).

(b) Tank owners shall register each aboveground storage tank and each underground storage tank with the Department, except as specifically excluded by Department policy or this chapter, on a form provided by the Department, within 30 days after installation or acquisition of an ownership interest in the storage tank. Unless otherwise approved by the Department, a regulated substance may not be placed in the tank and the tank may not be operated until the tank is properly registered and the Department approves an operating permit for the tank.

(c) A form for registration of a storage tank must be complete upon submission to the Department and provide the following:

- (1) Tank owner, operator, **property owner** and contact information.
- (2) General facility, site and location information.
- (3) Specific tank description and usage information, including regulated substance or substances that will be stored in each tank.
- (4) Specific tank construction, system components and installation information.
- (5) **[Owner or owner's representative] Owner's** certification validating the registration information and operating permit application.
- (6) Certified tank installer information and signature (when required).
- (7) Certified tank inspector information and signature for certain classes of tanks addressed in § 245.21 (relating to tank handling and inspection requirements).

**(8) Trained underground storage tank operator information, as required under § 245.436 (relating to operator training).**

[(8)] (9) Other applicable information that may be required by the Department.

(d) The owner's registration form shall also serve as an operating permit application. The Department may register a tank and not approve an operating permit for the tank if the application, tank system or the storage tank facility does not meet the requirements [of] in this chapter or the permit applicant is in violation of the act. The Department will automatically withhold or withdraw the operating permit for a storage tank that is reported on the registration form in [temporary closure or] temporary removal from service (out-of-service) status. Tank owners may not store, dispense from or place a regulated substance in a storage tank that does not have an operating permit unless otherwise agreed upon by the Department. Additionally, certain classes of tanks require a site-specific installation permit prior to beginning construction of a new or replacement storage tank in accordance with Subchapter C (relating to permitting of underground and aboveground storage tank systems and facilities). Submission of a site-specific installation permit application is a separate requirement for these tanks that is not satisfied by the registration form submission.

(e) A combination of tanks that operate as a single unit require registration of each tank unless otherwise agreed upon by the Department. A tank that has separate compartments within the tank shall be registered separately and charged a separate tank fee for each compartment unless the compartments are connected in a manner that fills, dispenses and operates as a single unit maintaining the same regulated substance at the same operating level in each compartment.

(f) Tank owners shall submit a registration form to amend registration information previously submitted to the Department within 30 days of a change in the previously submitted information. These changes include the following:

- (1) Removal or relocation of a storage tank to a new facility.
- (2) Temporary or permanent closure or removal from service of a storage tank.
- (3) Change in use of a storage tank to or from regulated or nonregulated status, for example, changing a storage tank to use as a process vessel.
- (4) Change in substance or substances stored in the tank, unless otherwise agreed upon by the Department.
- (5) Change of ownership or change of operator[—new and previous owner].
- (6) Change of contact, mailing address or telephone number.
- (7) Installation of a new or replacement storage tank at an existing facility.

(g) The Department may require submission of supporting documentation and process information for exemption or exclusion from regulation for a tank change in status or use from a regulated to a nonregulated status.

**(h) Beginning October 24, 1988, a person who sells a tank intended to be used as a regulated storage tank or a property containing an existing regulated storage tank shall notify the purchaser, in writing, of an owner's obligations under this section.**

**§ 245.42. Tank registration fees.**

\* \* \* \* \*

(c) The Department will issue an invoice to the tank owner after receipt of a complete registration form under § 245.41(c) (relating to tank registration requirements). **[A tank owner filing a registration] The tank owner** shall remit the appropriate fee upon receipt of the invoice.

(d) Registration expiration dates are established for storage tanks according to facility location. The Department will prorate the registration fee **[established by] in** this section to reflect the percentage of time remaining in the registration year from the date of initial registration **or change of ownership** of a storage tank. The Department will not refund registration fees if an owner permanently closes a storage tank or exempts a storage tank through a change-in-service to store a nonregulated substance or change to nonregulated use (such as a process vessel) prior to the expiration of the storage tank's registration. **The Department will not refund registration fees due to a change of ownership.**

\* \* \* \* \*

**Subchapter B. CERTIFICATION PROGRAM FOR INSTALLERS AND INSPECTORS OF STORAGE TANKS AND STORAGE TANK FACILITIES**

**GENERAL CERTIFICATION REQUIREMENTS**

**§ 245.102. Requirement for certification.**

(a) A person may not conduct tank handling or tightness testing activities unless that person holds a current installer certification issued by the Department for the applicable certification category as indicated in § 245.110 (relating to certification of installers), except as provided in § 245.31 (relating to underground storage tank **[tightness] system** testing requirements). Installer certification will only be issued by the Department to a person who:

\* \* \* \* \*

(d) **[After March 23, 1992, a] A** certified installer or certified inspector may not perform tank handling or inspection activities as an employee of a company unless the company holds a valid certification issued by the Department under this chapter.

\* \* \* \* \*

§ 245.105. Certification examinations.

\* \* \* \* \*

(d) To receive a passing grade on the examinations, the applicant for certification shall achieve a minimum score of 80% on each technical [section] examination and a minimum score of 80% on the administrative [section of the] examination.

(e) An applicant who fails an examination is eligible to retake the examination for up to 1 year from the failed examination test date, but no later than 18 months from date of authorization.

**(f) Passing examination scores are valid for 2 years from the date of the examination.**

§ 245.106. Conflict of interest.

(a) Except as provided in subsection (b), a certified inspector may not be one or more of the following:

(1) An employee of the tank owner, the tank owner or operator.

(2) A certified installer on the same tank handling activity [for which he is a] on an aboveground storage tank system for which the installer is the certified inspector.

(3) An employee of a company that employs a certified installer on the same tank handling activity for which [he is a] the employee is the certified inspector, when the tank handling activity is performed on a [field constructed] field-constructed storage tank. This prohibition extends to a company that owns, or is owned by, the employer, in whole or in part.

(b) A certified inspector who is a certified installer may conduct a tank handling activity to correct a deficiency identified by the same certified individual or company during an inspection of the operation of [a storage tank facility] an underground storage tank system or the inspection of the integrity, installation or modification of an aboveground storage tank system. Notwithstanding this exception, subsection (a)(2) still prohibits a certified inspector from subsequently inspecting a tank handling activity which the certified inspector conducted to correct a deficiency noted [in an inspection of the operation of a storage tank facility] during an integrity, installation or modification inspection of an aboveground storage tank system.

**(c) A certified inspector may not perform an inspection as required under § 245.411 (relating to inspection frequency) for a facility where the inspector is also the designated Class A or Class B operator as defined in § 245.436 (relating to operator training).**

§ 245.107. [Reciprocity.] (Reserved).

**[(a) A person holding a valid certification issued under the law of another state, territory or the District of Columbia may be issued a certificate in a classification equivalent to the classification of the certification issued by the other state, territory or District of Columbia, if the person proves to the satisfaction of the Department that he is competent to conduct activities in the classification for which certification is being requested. In making its determination, the Department will consider the following:**

**(1) That the other certification was issued as a result of the passing of an examination equivalent in technical content to that given by the Department for that classification.**

**(2) That the applicant can be shown to have complied with the laws and requirements of the state, territory or District of Columbia, issuing the other certification in conducting activities for which the other certification was issued.**

**(3) That the applicant meets the experience and qualification requirements of this chapter for the category of certification being requested.**

**(4) The applicant achieves a passing grade on all administrative sections of the certification examination required by this chapter for the category of certification being requested.**

**(b) The applicant shall submit an application for certification to the Department in accordance with § 245.104 (relating to application for installer or inspector certification).]**

#### **§ 245.108. Suspension of certification.**

**(a) The Department may suspend the certification of a certified installer or certified inspector for good cause which includes[, but is not limited to]:**

**(1) A violation of the act or this chapter.**

**(2) Incompetency on the part of the certified installer or certified inspector as evidenced by errors in conducting duties and activities for which the certification in question was issued.**

**(3) Failure to successfully complete a training program required by the Department.**

**(4) ~~In the case of a~~ A certified inspector's failure to:**

**(i) Inform the owner or operator and the Department of conditions or procedures that are not in accordance with the manufacturer's technical and procedural specifications for installation, construction, modification or operation of the storage tank system or storage tank facility and not in compliance with the act or this chapter.**

**(ii) Conduct, review or observe a test or inspection activity required by the act or this chapter.**

(iii) Submit A ~~reports~~ **REPORT** of AN inspection ~~activities~~ **ACTIVITY** to the Department within 60 days of conducting [the inspection activities] an inspection activity, except for reports of modification inspection activities, which shall MUST be reported to the Department within 30 days of conducting a modification inspection activity. **FOR INSPECTION ACTIVITIES INVOLVING MULTIPLE CERTIFIED INDIVIDUALS AND CERTIFICATION CATEGORIES, REPORTS OF MODIFICATION INSPECTION ACTIVITIES MUST BE SUBMITTED WITHIN 30 DAYS OF THE COMPLETION OF ALL PROJECT TANK HANDLING AND INSPECTION ACTIVITIES.**

(5) ~~In the case of a~~ A certified installer's failure to:

(i) Be present during tank handling activities at the storage tank system or storage tank facility as required by the act or this chapter.

(ii) Conduct tank handling activities in accordance with the requirements [of] in the act or this chapter.

(iii) Submit tank handling reports and activities to the Department within 30 days of conducting the tank handling activities. For tank handling activities involving multiple certified individuals and certification categories, the tank handling report shall be submitted within 30 days of the completion of all project tank handling and inspection activities.

(6) Working as a certified installer or certified inspector in a certification category for which the person has failed to obtain or maintain certification.

(7) Failure to meet one or more of the standards for performance in § 245.132 (relating to standards of performance).

(8) Submission of false information to the Department.

(9) A violation of The Clean Streams Law, the Air Pollution Control Act or the Solid Waste Management Act or regulations promulgated under those statutes by the certified individual which [results in the following:] causes pollution, causes a threat of pollution, or causes POLLUTION OR CAUSES harm to the public health, safety or welfare.

**[(i) Causes pollution, causes a threat of pollution or causes harm to the public health, safety or welfare.**

**(ii) Occurs as a result of the certified individual conducting activities related to the installation, modification, removal or inspection of storage tank systems.]**

(10) Failure to perform underground tightness testing activities and documentation in accordance with § 245.31 (relating to underground storage tank [**tightness**] system testing requirements).

\* \* \* \* \*

§ 245.110. Certification of installers.

(a) An installer certification authorizes the person to whom it is issued to conduct tank handling activities or tightness testing activities pertaining to storage tank systems or storage tank facilities in one or more of the categories in subsection (b).

(b) Installer certifications may be issued for the following categories:

(1) *Underground storage tank [system-installation] system installation and modification {UMX}*. Installation and modification of underground [storage tanks and] storage tank systems including[, but not limited to,] the tank and all associated ancillary equipment, appurtenances, corrosion protection systems, structural components and foundations. This category also includes conducting preinstallation air pressure tests for underground storage tank systems, overflow prevention equipment evaluations, containment sump and spill prevention equipment testing, and release detection equipment testing.

(2) *Underground storage tank system minor modification {UMI}. Limited to the performance of minor modifications of underground storage tank systems. This category also includes conducting overflow prevention equipment evaluations, containment sump and spill prevention equipment testing, and release detection equipment testing.*

[(2)] (3) *Underground storage [tank-removal] tank system removal {UMR}*. Removal from service of underground storage tank systems [or storage tank facilities].

[(3)] (4) *Underground storage tank [system-tightness] system tightness tester {UTT}*. Tightness testing activities involved in conducting and interpreting results of volumetric and nonvolumetric tests on underground storage tank systems [or storage tank facilities]. This category also includes containment sump and spill prevention equipment testing and release detection equipment testing.

[(4)] (5) *Aboveground manufactured metallic storage [tank-installation] tank system installation and modification {AMMX}*. Installation and modification of aboveground manufactured metallic storage tank systems, including[, but not limited to,] the tank and all associated ancillary equipment, appurtenances and corrosion protection systems. This category also covers foundations, containment structures and structural components when they are designed by an engineer qualified in civil construction or when installing small aboveground UL-labeled tanks with manufacturer's installed self-containment or diking systems.

[(5)] (6) *Aboveground nonmetallic storage [tank-installation] tank system installation and modification {AMNX}*. Installation and modification of ~~above-ground~~ ABOVEGROUND nonmetallic [storage tanks or] storage tank systems, including[, but not limited to,] the tank and all associated ancillary equipment and appurtenances. This category also covers foundations and structural components when they are designed by an engineer qualified in civil construction or as specified by the tank manufacturer.

[(6)] (7) *Aboveground manufactured storage [tank-removal] tank system removal {AMR}*. Removal from service of aboveground manufactured storage tank systems [or storage tank facilities].

[(7)] (8) *Aboveground field constructed metallic storage [tank-installation] tank installation, modification and removal {AFMX}*. Installation, modification and removal of aboveground field constructed metallic storage tanks and corrosion protection systems. This category also covers the modification of tank shell components of an aboveground manufactured metallic storage tank [system].

[(8)] (9) *Aboveground field constructed storage [tank-removal] tank system removal {AFR}*. Removal from service of aboveground field constructed and manufactured aboveground storage tank systems [or storage tank facilities].

[(9)] (10) *Aboveground storage tank [mechanical-installation] system mechanical installation, modification and removal {AMEX}*. Installation, modification and removal of tank related mechanical appurtenances, including[, but not limited to,] valves, fill piping, suction piping, foam system piping, pumps, corrosion protection systems, release detection systems, and spill and overfill prevention systems that are components of an aboveground storage tank system [or storage tank facility].

[(10)] (11) *Aboveground storage [tank-civil] tank system civil {ACVL}*. Installation and modification of tank related structural components, including[, but not limited to,] foundations, dike walls, field grading, above and below grade vaults, pump supports, pipe supports, corrosion protection systems and drainage systems associated with an aboveground storage tank system [or storage tank facility].

[(11) *Storage tank-liner*] (12) *Storage tank liner {TL}*. Activities involved in installation or modification of internal linings for underground and aboveground storage tank systems [or storage tank facilities] and the evaluation of underground storage tank linings as required in § 245.422(b)(1)(ii) (relating to upgrading of existing underground storage tank systems).

**§ 245.111. Certified installer experience and qualifications.**

(a) An applicant shall meet the following minimum experience, education, training or certification requirements and have completed the required number of activities in the appropriate category for an initial installer category certification:

Category	Experience, Education, Training or Certification	Total Number of Activities Completed
UMX	2 years, or college degree and 1 year Technical training <u>or</u> <u>UMI certification</u>	<u>[9 installations] 10 installations or major modifications (at least 5 installations)</u>  <u>10 installations or major modifications (at least 5 installations)</u>

UMI	<u>2 years, or college degree and 1 year Technical training</u>	<u>10 minor modifications</u>
UMR	2 years, or college degree and 1 year Technical training	6 removals
UTT	Department-approved training with testing equipment manufacturer's certification	None
AMMX	2 years, or college degree and 1 year Technical training	<u>[9 installations] 10 installations or major modifications (at least 5 installations)</u>
	or UMX certification Technical training	None
	or AFMX certification	None
AMNX	2 years, or college degree and 1 year Technical training or AMMX certification	<u>[9 which may be installations or major modifications] 10 installations or major modifications (at least 5 installations)</u> 6 AST installations
AMR	2 years, or college degree and 1 year Technical training	6 removals
	or UMR certification	None
	or AFR certification	None
AFMX	3 years, or college degree and 2 years Technical training	12 which may be installations or major modifications
AFR	2 years, or college degree and 1 year Technical training	6 removals
AMEX	3 years, or college degree and 2 years Technical training	12 installations or modifications (at least 6 installations)
ACVL	3 years, or college degree and 2 years Technical training	12 installations or modifications (at least 6 installations)
TL	2 years[/] Manufacturer's certification	9 tank linings

\* \* \* \* \*

(c) A college degree being substituted for experience shall be, at a minimum, a bachelor's degree in civil engineering, mechanical engineering, environmental engineering, petroleum engineering, chemical engineering, structural engineering [or], geotechnical engineering, hydrology, geology or an equivalent degree as determined by the Department.

\* \* \* \* \*

(g) The technical training required by subsection (a) shall be completed during the experience interval and shall be demonstrated through the submission of proof of successful completion of a category-specific training course approved by the Department in accordance with § 245.141. Successful completion means attendance at all sessions of the training and attainment of the minimum passing grade for the approved course. [The requirement for category-specific technical training is effective November 10, 2008.]

\* \* \* \* \*

**§ 245.112. Certification of inspectors.**

(a) An inspector certification authorizes the person to whom it is issued to conduct inspection activities for storage tank systems and storage tank facilities in one or more of the categories in subsection (b).

(b) Inspector certifications may be issued for the following categories:

(1) IUM underground storage tank systems and storage tank facilities. This category also includes containment sump and spill prevention equipment testing and release detection equipment testing.

(2) IAM aboveground manufactured storage tank systems and storage tank facilities.

(3) IAF aboveground field constructed and aboveground manufactured storage tank systems and storage tank facilities.

**§ 245.113. Certified inspector experience and qualifications.**

(a) An applicant shall meet the following minimum experience, education, training or certification requirements, and have completed the required number of activities in the appropriate category for an initial inspector category certification:

Category	Experience, Education, Training or Certification	Total Number of Activities Completed
IUM	4 years, or college degree and 2 years <u>and</u> Department-approved tank tightness testing	None

	familiarization course or UTT certification <b>and</b>	
	UMX certification <b>and</b> Corrosion protection training	
IAM	4 years, or college degree and 2 years API 653 certification or	None
	STI inspector certification or	
	Department-approved aboveground <b>storage</b> tank inspector certification	
IAF	4 years, or college degree and 2 years API 653 certification or Department-approved aboveground <b>storage</b> tank inspector certification	12 integrity or construction inspections

(b) The total number of activities completed required by subsection (a) shall have been completed within the 3-year period immediately prior to submitting the application for certification. The activities shall have been completed in compliance with Federal and State requirements and the applicant shall have had substantial personal involvement at the storage tank site in the activities.

(c) A college degree being substituted for experience shall be, **at a minimum, a bachelor's degree** in civil engineering, mechanical engineering, environmental engineering, petroleum engineering, chemical engineering, structural engineering, geotechnical engineering, **CORROSION ENGINEERING**, hydrology, geology or **[environmental studies]** **an equivalent degree as determined by the Department.**

(d) The total number of activities completed required by subsection (a) may be met through the conducting of inspection activities. Noncertified individuals may work at the site but the certified inspector is directly responsible to assure that the activities are conducted properly. This work qualifies toward the total number of activities completed requirements.

(e) The total experience requirement is experience gained working at a storage tank site while working towards the total number of activities completed requirement.

**(f) Corrosion protection training required for IUM certification shall be documented by completion of a Nationally recognized training course in the area of cathodic protection or corrosion protection, or other training as approved by the Department.**

[(f)] **(g)** When conducting an aboveground storage tank structural integrity inspection on an aboveground field constructed metallic storage tank, the Department certified inspector shall also

possess API Standard 653 (Tank Inspection, Repair, Alteration and Reconstruction Certification).

[(g)] (h) The applicant shall certify completion of safety training which is appropriate for the certification category. Training must be in accordance with regulatory requirements and industry standards and procedures such as Occupational Safety and Health Administration requirements in 29 CFR Part 1910 (relating to occupational safety and health standards [for industry]).

[(h)] (i) **Certified inspectors** A CERTIFIED INSPECTOR of underground storage tanks (IUM) shall complete Department-provided inspector training prior to conducting [UST facility operation] inspections on underground storage tank systems as required in § 245.411 (relating to inspection frequency).

(i) Certified inspectors A CERTIFIED INSPECTOR of aboveground storage tanks (IAF and IAM) shall complete Department-provided inspector training prior to conducting installation, modification, in-service and out-of-service inspections on aboveground storage tank systems as required under §§ 245.551—245.554 and 245.616.

**§ 245.114. Renewal and amendment of certification.**

(a) Certification categories [renewed after January 9, 2008,] will have a uniform expiration date of 3 years from the issuance date of the first category obtained or renewed after January 9, 2008.

(b) [After the conversion to a uniform expiration date as provided in subsection (a), the] The issued certification will be valid for 3 years from the previous expiration date, unless suspended or revoked before that date.

(c) An applicant shall meet the following [minimum] training requirements [or number of activities] in the appropriate category for renewal of installer certification:

Category	[training] <u>Training</u>	<i>[Total Number of Activities Completed (Renewal by activities to be phased out November 10, 2009)]</i>
UMR	Examination or Technical training Administrative training	[6 removals]
UMX	Examination or Technical training Administrative training	[9 installations or major modifications]
<u>UMI</u>	<u>Examination or Technical training</u> <u>Administrative training</u>	
UTT	Testing equipment manufacturer's certification Administrative training	[None]

AMMX	Examination or Technical training Administrative training	<b>[9 installations or major modifications]</b>
AMNX	Examination or Technical training Administrative training	<b>[9 installations or major modifications]</b>
AFMX	Examination or Technical training Administrative training	<b>[12 installations or major modifications]</b>
AFR	Examination or Technical training Administrative training	<b>[6 removals]</b>
AMR	Examination or Technical training Administrative training	<b>[6 removals]</b>
AMEX	Examination or Technical training Administrative training	<b>[12 installations or major modifications]</b>
ACVL	Examination or Technical training Administrative training	<b>[12 installations or major modifications]</b>
TL	Manufacturer's certification Administrative training	<b>[9 tank linings]</b>

(d) An applicant shall meet the following requirements in the appropriate category for renewal of inspector certification:

<b>Category</b>	<b>Qualifications and Training</b>
IUM	Department inspector training
IAM	API 653 certification or STI Inspector certification or Department approved inspector certification and Department inspector training
IAF	API 653 certification or Department-approved inspector certification and Department inspector training

**[(e) Renewal of categories based on number of activities completed without technical training or examination as provided in subsection (c) will be a method of renewal until November 10, 2009.**

**(f) Technical and administrative training shall be obtained within 2 years prior to application submission.]**

**(e) Technical, administrative and inspector training shall MUST be obtained within 2 years prior to application submission.**

**(1) Administrative and inspector training will be provided by the Department. [Administrative training in subsection (c) is required after November 10, 2009.]**

**(2) Technical training is category-specific and must be approved by the Department in accordance with § 245.141 (relating to training approval).**

**[(g)] (f) An applicant for renewal shall:**

**(1) Submit a completed application for renewal to the Department 60 to 120 days prior to the expiration date or examination test date. Applicants who fail to submit a renewal application within 60 days following the expiration date shall meet the experience, qualifications and examination requirements for initial certification as required in § 245.111 or § 245.113 (relating to certified installer experience and qualifications; and certified inspector experience and qualifications) and the requirements in § 245.105 (relating to certification examinations).**

**(2) The applicant shall certify completion of safety training which is appropriate for the certification category. Training must be in accordance with regulatory requirements and industry standards and procedures such as Occupational Safety and Health Administration requirements in 29 CFR Part 1910 [(relating to occupational and health standards for industry)].**

**(3) Successfully complete training programs which may be required by the Department. Successful completion means attendance at all sessions of training and attainment of the minimum passing grade established by the Department in the approval of the training course under § 245.141 for all sections of all qualifying tests given as part of the training course.**

**[(h)] (g) A certified installer or certified inspector shall notify the Department and seek amendment of the certification from the Department whenever:**

**(1) There is a change in the information provided in the application for the certification. This request shall be made within 14 days from the date of a change in information.**

**(2) The certified installer or certified inspector wishes to conduct tank handling or inspection activities in installer or inspector certification categories other than those approved by the Department as set forth on the certification.**

(3) The certified installer or certified inspector wishes to eliminate installer or inspector certification categories from the certification.

(4) The EQB amends certification categories or qualification requirements and establishes a phase-in period for the new requirements.

~~[(i)]~~ **(h)** Certified installers or certified inspectors required to amend their certifications in accordance with paragraph (1) or (3) shall apply for amendment on a form provided by the Department.

~~[(j)]~~ **(i)** Certified installers or certified inspectors required to amend their certifications in accordance with subsection ~~[(h)(2)]~~ **(g)(2)** shall comply with the applicable requirements ~~[of]~~ **in** this chapter related to application, experience, qualifications and examination.

### COMPANY CERTIFICATION

#### § 245.121. Certification of companies.

A company may not **perform or** employ a certified installer or certified inspector to perform tank handling, tightness testing or inspection activities unless the company holds a valid certification issued by the Department under this chapter and the company verifies that the certified installer or certified inspector holds a valid certification issued under this chapter for the appropriate category.

#### § 245.123. Suspension of company certification.

(a) The Department may suspend the certification of a certified company for good cause, which includes, but is not limited to:

\* \* \* \* \*

(4) A violation of The Clean Streams Law, the Air Pollution Control Act or the Solid Waste Management Act or regulations promulgated thereunder by the company or a certified installer or a certified inspector employed by the company which **[results in the following:] causes pollution, causes a threat of pollution or causes harm to the public health, safety or welfare.**

**[(i) Causes pollution, causes a threat of pollution or causes harm to the public health, safety or welfare.**

**[(ii) Occurs while conducting activities related to the installation, modification, removal from service or inspection of storage tank systems.]**

(5) Withholding from a certified installer or certified inspector, individual correspondence or certification documents issued by the Department.

\* \* \* \* \*

## STANDARDS [FOR] OF PERFORMANCE

### § 245.132. Standards of performance.

(a) Certified companies, certified installers and certified inspectors shall:

(1) Maintain current technical and administrative specifications and manuals, [**Nationally-recognized**] **Nationally recognized** codes and standards, and State and Federal regulations which pertain to the categories for which certification was issued. [**Nationally-recognized**] **Nationally recognized** organizations are identified in §§ 245.405, 245.504 and 245.604 (relating to codes and standards; **referenced organizations**; and referenced organizations).

(2) Complete and submit to the Department, ~~within 60 days of [the inspection activity] **an inspection activity, except for a modification inspection, which shall be submitted within 30 days of the inspection activity, or 30 days of a tank handling activity,**~~ a Department-approved form certifying that the tank handling activity or inspection activity conducted by the certified installer or certified inspector meets the requirements [of] **in** the act and this chapter and accurately ~~describes~~ **DESCRIBING** the conditions of the storage tank system and facility **IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:-** ~~For tank handling activities involving multiple certified individuals and certification categories, the tank handling report shall be submitted within 30 days of the completion of all project tank handling and inspection activities.~~

**(I) SUBMIT A REPORT OF AN INSPECTION ACTIVITY TO THE DEPARTMENT WITHIN 60 DAYS OF CONDUCTING AN INSPECTION ACTIVITY, EXCEPT FOR A REPORT OF MODIFICATION INSPECTION ACTIVITIES, WHICH MUST BE REPORTED TO THE DEPARTMENT WITHIN 30 DAYS OF CONDUCTING A MODIFICATION INSPECTION ACTIVITY.**

**(II) SUBMIT A REPORT OF A TANK HANDLING ACTIVITY TO THE DEPARTMENT WITHIN 30 DAYS OF CONDUCTING THE TANK HANDLING ACTIVITY.**

**(III) FOR TANK HANDLING ACTIVITIES OR INSPECTION ACTIVITIES INVOLVING MULTIPLE CERTIFIED INDIVIDUALS AND CERTIFICATION CATEGORIES, SUBMIT A REPORT OF TANK HANDLING ACTIVITIES OR INSPECTION ACTIVITIES WITHIN 30 DAYS OF THE COMPLETION OF ALL PROJECT TANK HANDLING OR INSPECTION ACTIVITIES.**

(3) Maintain complete records of tank handling and inspection activities, nondestructive examination and testing results and tightness testing records for a minimum of 10 years.

**[(4) Report to the Department a release of a regulated substance or confirmed or suspected contamination of soil, surface or groundwater from regulated substances observed while performing services as a certified installer or certified inspector. This notification shall be submitted to the Department in writing within 48 hours of observing**

suspected or confirmed contamination on a form provided by the Department. If the notification is being submitted because of a failed valid tightness test, a copy of the test results shall also be provided to the Department with the notification report. When there is a reportable release, the notification may be submitted jointly by the owner, operator, certified installer and certified inspector. In this instance, the written notification report shall be submitted to the Department, at the appropriate regional office, in accordance with § 245.305 (relating to reporting releases).]

**(4) Report any of the following to the Department while performing services as a certified installer or certified inspector:**

**(i) A release of a regulated substance.**

**(ii) Suspected or confirmed contamination of soil, surface or groundwater from regulated substances.**

**(iii) A regulated substance observed in a containment structure or facility.**

**(5) Report to the Department A failed tests TEST of spill prevention equipment, containment sumps and overfill prevention equipment conducted as required in this chapter.**

**(6) As required under paragraphs (4) and (5), notify the Department in writing within 48 hours of performing the failed test or observing a release of a regulated substance, suspected or confirmed contamination, or a regulated substance in a containment structure or facility on a form provided by the Department. If the notification is being submitted because of a failed valid tightness test, spill prevention equipment test, containment sump test or overfill prevention evaluation, a copy of the test results shall MUST also be provided to the Department with the notification report.**

[(5)] **(7) Perform certified installer or certified inspector activities so that there is no release of regulated substances or contamination of soil, surface or groundwater caused by regulated substances from a storage tank system or storage tank facility.**

**[(6) Not affix the certified installer's or certified inspector's signature or certification number to documentation concerning the installation or inspection of a component of a storage tank system project or to documentation concerning tank handling or inspection activity, unless:**

**(i) The storage tank system project was accomplished by the certified installer or under the installer's direct, onsite supervision and control.**

**(ii) Inspection activities were conducted on the storage tank system project by the certified inspector, or under the inspector's direct, onsite supervision and control and as required by the act and this chapter and the certified inspector was present at the site**

during the conducting of inspection activities on the storage tank system project and as required by the act and this chapter.

(iii) Installation or modification inspection activities were conducted on a large or field constructed aboveground storage tank and the certified inspector was involved prior to the initiation of the project and was present at critical times, so that the inspector can reliably determine that the following requirements were met:

(A) Industry standards and project specifications were followed throughout the tank handling activity.

(B) Appropriate testing and nondestructive examinations were properly conducted.

(C) The tank is suitable for operational service.

(7) Not certify to an owner or operator or the Department that a storage tank system project or component thereof is complete unless it complies with the act or this chapter. Project certification applies to both certified activities and nontank handling activities that may have been performed as part of the project.]

(8) Adhere to equipment manufacturer's instructions, accepted industry standards and applicable industry codes of practice when performing tank handling, tightness testing or inspection activities or other nontank handling activities on the project.

(9) Provide requested records and documentation to the Department under section 107(c) of the act [(35 P.S. § 6201.107(c))] (35 P.S. § 6021.107(c)).

(b) A company that employs an individual certified in the UMX, UMR, UMI or UTT category or an individual certified in the UMX, UMR, UMI or UTT category who is not employed by a certified company shall participate in the Tank Installer Indemnification Program (TIIP) as required under section 704(a)(1) of the act (35 P.S. § 6021.704(a)(1)) and shall provide timely payment of TIIP fees as required under section 705(d)(1) and (e) of the act (35 P.S. § 6021.705(d)(1) and (e)) and § 977.19(b) (relating to certified company fees for the Underground Tank Storage Tank Indemnification Fund).

(c) Certified companies, certified installers and certified inspectors may not:

(1) Affix the certified installer's or certified inspector's signature or certification number to documentation concerning the installation or inspection of a component of a storage tank system project or to documentation concerning tank handling or inspection activity as required under the act and this chapter unless:

(i) The storage tank system project was performed by the certified installer or under the installer's direct, onsite supervision and control.

**(ii) Inspection activities were conducted on the storage tank system project by the certified inspector, or under the inspector's direct, onsite supervision and control.**

**(iii) Installation or modification inspection activities were conducted on a large or field-constructed aboveground storage tank and the certified inspector was involved prior to the initiation of the project and was present at critical times so that the inspector can reliably determine that all of the following requirements were met:**

**(A) Industry standards and project specifications were followed throughout the tank handling activity.**

**(B) Appropriate testing and nondestructive examinations were properly conducted.**

**(C) The tank is suitable for operational service.**

**(2) Certify to an owner or operator or the Department that a storage tank system project or component thereof is complete unless it complies with the act and this chapter. Project certification applies to certified activities and nontank handling activities that may have been performed as part of the project.**

**[(b)] (d)** A certified installer or certified inspector shall display **[a] his Department-issued** certification identification card or certificate upon request.

**[(c)] (c)** A certified company is responsible for employees having appropriate safety and technical training. Certified companies, certified installers and certified inspectors shall adhere to health and safety procedures, such as those required by the Federal Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH).

### TRAINING APPROVAL

#### § 245.141. Training approval.

\* \* \* \* \*

(b) An application for approval must include the following information:

\* \* \* \* \*

(4) A narrative describing the preparation and administration of a test to be given at the conclusion of the course. This test must test the participant's knowledge of the technical, administrative and legal requirements related to the subject matter of the course. The narrative must also describe a procedure for conducting and grading of the test that assures careful monitoring and expeditious transmission of test results to the applicant and the Department.

**(5) Other information necessary for a determination that the training program conforms to the act and this chapter such as copies of presentations, presenter notes, training handouts or references.**

(c) Training approval shall be for 3 years from the date of issuance. An applicant for renewal shall submit a completed application for renewal to the Department 60 to 120 days prior to the expiration date.

(d) The Department may approve industry recognized training without the submission of an application as provided in subsection (a).

**Subchapter C. PERMITTING OF UNDERGROUND AND ABOVEGROUND STORAGE  
TANK  
SYSTEMS AND FACILITIES**

**GENERAL**

**§ 245.203. General requirements for permits.**

(a) [Except as provided in subsections (b)—(d), a] A person may not operate an aboveground or underground storage tank system or storage tank facility, or install a storage tank system or facility covered by § 245.231 (relating to scope), unless the person has first applied for and obtained a permit for the activity from the Department under this subchapter.

(b) [A person is not required to submit a separate application for a permit if the storage tank system is subject to a permit-by-rule.] The storage tank system must be registered with the Department in accordance with Subchapter A (relating to general provisions) and be maintained and operated in compliance with the standards and requirements of the Department under the act and this chapter. Failure to comply with standards could result in administrative or other Departmental actions against the storage tank [owner/operator] **owner and operator**.

[(c) A person may continue to operate an existing storage tank system, registered with the Department on or before October 11, 1997, when the tank system is operated for its intended use, until the Department notifies the person to submit a permit application under this subchapter or the Department notifies the person the tank system is deemed permitted, if the person maintains and operates the storage tank system in compliance with the act and this chapter.

(d) Operation of existing storage tank systems will be allowed to continue until the Department takes final action on the permit application requested in subsection (c) or the Department notifies the person that the tank system is deemed permitted or that the permit is withheld or denied.

(e)] (c) Operating permits will be renewed automatically on an annual basis concurrent with registration. There will be no additional fee or paperwork required beyond the registration requirements.

**[(f)] (d)** The Department will automatically withhold or withdraw the operating permit for a storage tank that is reported under § 245.41 (relating to tank registration requirements) in **[temporary closure or]** temporary removal from service (out-of-service) status. The Department may renew the permit when an amended registration form is received showing the tank returning from **[temporary closure or]** temporary removal from service status to an operating status.

**[(g)] (e)** A storage tank system may not be operated if the Department suspends, revokes or denies the tank operating permit. **[A person may not deliver or place a regulated substance in a storage tank if the Department suspends, revokes or denies the tank operating permit.]**

**(f) A person may not deliver or place a regulated substance in a storage tank if the Department suspends, revokes or denies the tank operating permit, if the tank operating permit is in a withheld or withdrawn status, or STATUS OR if the tank operating permit has not been issued.**

**(g) The owner and operator of a storage tank system who causes or allows a violation of the act, this chapter, an order of the Department, a condition of a permit issued under the act or any other applicable law is subject to enforcement action including suspension, modification or revocation of the permit.**

#### **[PERMITS-BY-RULE]**

§ 245.211. **[Scope.] (Reserved).**

**[The following storage tank systems are subject to permit-by-rule for operation:**

**(1) Aboveground storage tank systems with a capacity less than or equal to 21,000 gallons, except highly hazardous substance storage tank systems.**

**(2) Underground manufactured storage tank systems storing petroleum.]**

§ 245.212. **[Minimum requirements for obtaining a permit-by-rule.] (Reserved).**

**[(a) A storage tank system listed in § 245.211 (relating to scope) shall be deemed to have a permit-by-rule for operation if the following conditions are met:**

**(1) The storage tank system is properly registered.**

**(2) Tank handling and inspection activities are performed by Department certified individuals, as specified in Subchapter B (relating to certification program for installers and inspectors of storage tanks and storage tank facilities).**

**(3) If necessary, the corrective action process regulations in Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) are followed.**

(4) The storage tank system meets the applicable technical, administrative and operational requirements for underground tank systems specified in Subchapter E (relating to technical standards for underground storage tanks) or for aboveground tank systems specified in Subchapter G (relating to simplified program for small aboveground storage tanks).

(5) The owner of an underground storage tank system has met the applicable financial responsibility requirements of Subchapter H (relating to financial responsibility requirements for owners and operators of underground storage tanks and storage tank facilities).

(6) If required, the owner submits a current Spill Prevention and Response Plan that meets the Department's requirement under Chapter 9 of the act (35 P.S. §§ 6021.901—6021.904).

(b) The owner/operator of a storage tank system who causes or allows violations of the act, regulations thereunder, an order of the Department, or a condition of a permit issued under the act is subject to administrative or other actions including suspension, modification or revocation of the permit.]

#### [GENERAL] OPERATING PERMITS

§ 245.221. [Scope.] (Reserved).

[Storage tank systems not covered by § 245.211 (relating to scope) are subject to general operating permits.]

§ 245.222. Application requirements.

Applications for [a general] an operating permit shall be submitted on a [Department] form provided by the Department. The application must certify the following:

\* \* \* \* \*

(3) In addition to the requirements [of] in paragraph (1), an owner of [an aboveground storage tank system shall meet the following requirements:] a large aboveground storage tank or large aboveground storage tank facility shall file a current Spill Prevention Response Plan that is in compliance with sections 901—904 of the act (35 P.S. §§ 6021.901—6021.904) with the Department.

[(i) A current Spill Prevention Response Plan, that is in compliance with Chapter 9 of the act (35 P.S. §§ 6021.901—6021.904), is filed with the Department.

(ii) For new tanks, proof that an appropriate tightness test of the aboveground tank system has been completed.]

## SITE-SPECIFIC INSTALLATION PERMITS

### § 245.231. Scope.

(a) Site-specific installation permits are required prior to the construction, reconstruction or installation of one or more of the following:

(1) New aboveground storage tank systems with a capacity greater than 21,000 gallons at an existing large aboveground storage tank facility.

(2) New large aboveground storage tank facilities.

(3) New highly hazardous substance tank systems.

(4) New underground field constructed storage tank systems **not installed within a previously registered underground storage tank system.**

(b) Site-specific installation permit applications meeting the requirements in §§ 245.232(a)(1) and (2) and 245.236 (relating to general requirements; and public notice) are required to be approved prior to construction, reconstruction or installation. Additional application requirements include the following:

(1) Large aboveground storage tank system at a new facility or existing small aboveground **storage** tank facility requires compliance with § 245.232(a)(3) and (4) and (b).

(2) Large aboveground storage tank system at an existing large aboveground storage tank facility on new location requires compliance with § 245.232(a)(3) and (b).

(3) Large aboveground storage tank system at an existing large aboveground storage tank facility on the footprint of previous aboveground storage tank system requires compliance with § 245.232(b) and § 245.234(b) (relating to siting requirements).

(4) Small aboveground storage tank systems at a new large aboveground storage tank facility require compliance with § 245.232(a)(3) and (b).

(c) If the facility owner or operator can demonstrate that, on or before November 10, 2007, construction has commenced on an aboveground storage tank with a capacity greater than 30,000 gallons used or to be used for storing heating oil for consumptive use on the premises or on a tank regulated due to the addition of new regulated substances defined in § 245.1 (relating to definitions) [(See "regulated substance" (i)(C)(I) and (II)] **(see subparagraphs (i)(C)(I) and (II))**, the requirements of this section will not apply.

**(d) Site-specific installation permits will expire 5 years from the date of issuance unless the Department receives a written extension request from the owner prior to the expiration date and grants an extension.**

§ 245.232. General requirements.

(a) Applicants for site-specific installation permits shall provide the following:

\* \* \* \* \*

(b) In addition to the items required by subsection (a), owners of aboveground storage tank systems or facilities required to apply for a site-specific installation permit shall include:

(1) **[A current Spill Prevention Response Plan that is in compliance with Chapter 9 of the act (35 P.S. §§ 6021.901—6021.904).] A Spill Prevention Response Plan for the facility that includes the proposed storage tank systems demonstrating compliance with sections 901—904 of the act (35 P.S. §§ 6021.901—6021.904).**

(2) Proof of notification to the municipality and county prior to submitting the application for a site-specific installation permit under section 1101(a) of the act **[(35 P.S. §§ 621.1101(a))] 35 P.S. § 6021.1101(a)** and § 245.236 (relating to public notice). Acceptable proof of notification includes, but is not limited to, copies of letters sent to the affected municipality and county and legal notices published in a newspaper of general circulation in the area where the project is proposed.

(c) Applications for site-specific installation permits shall be accompanied by the proper fee required by section 304(c) of the act (35 P.S. § 6021.304(c)) for aboveground storage tanks and section 504(c) of the act (35 P.S. § 6021.504(c)) for underground storage tanks.

§ 245.233. Mapping requirements.

(a) A site-specific installation permit application **[shall] must** contain maps and plans of the proposed storage tank system or facility site showing **all of** the following:

(1) The boundaries for the proposed facility site.

**(2) The location of the proposed storage tanks.**

**[(2)] (3)** The location and names of public roads within or adjacent to the proposed facility site.

**[(3)] (4)** The location of proposed monitoring wells.

**[(4)] (5)** The municipality and county.

**[(5)] (6)** The elevation and location of test borings and core samples.

**[(6)] (7)** The ownership, if known, location and extent of known workings of active, inactive and abandoned underground mines including mine openings within the proposed permit site.

[(7)] **(8)** Streams, lakes or surface watercourses located on or adjacent to the proposed permit site.

[(8)] **(9)** The location and ownership of public or private groundwater supplies within 2,500 feet of the proposed permit site.

[(9)] **(10)** Sufficient slope measurements to adequately represent the existing land surface configuration of the proposed permit site.

(b) Maps, plans and cross sections required by this section shall be accurately surveyed and on a scale satisfactory to the Department, not less than 1 inch to 400 feet and in a manner satisfactory to the Department. The maps, plans and cross sections shall be prepared by a Pennsylvania registered professional engineer, Pennsylvania registered land surveyor or Pennsylvania registered professional geologist with assistance from experts in related fields.

#### **§ 245.234. Siting requirements.**

(a) The Department will not issue a site-specific storage tank system or facility installation permit if:

(1) The installation of storage tank systems and facilities is proposed on 100-year floodplains or a larger area that the flood of record has inundated unless **[the] an** industrial use on the proposed site was in existence as of August 5, 1989.

(2) The installation of storage tank systems and facilities is proposed in wetlands in a manner inconsistent with Chapter 105 (relating to dam safety and waterway management).

(3) The Department determines that construction design criteria or engineering specifications submitted by a professional engineer are not in accordance with generally accepted sound engineering practices or existing conditions at the site require mitigation to properly support the tank systems and the applicant's proposed mitigation actions are not deemed adequate.

(b) The applicant shall provide the following additional information if appropriate:

(1) Over areas underlain by carbonate bedrock, the applicant shall provide information and analysis to the Department which assesses the prevalence of solution channels and the potential for sinkholes at the facility site.

(2) If any part of a proposed facility has been previously mined by deep mining methods, the applicant shall provide the results of an engineering study of the proposed site by a Pennsylvania-registered professional engineer or Pennsylvania-registered professional geologist. The study must be detailed enough to assess the potential for and degree of surface subsidence. The study must also include methods which have been used or will be used to stabilize the surface. The applicant shall provide assurance that minerals providing surface support will not be mined as long as the facility stores regulated substances.

(3) A professional engineer's construction design criteria and engineering specifications necessary to mitigate surface or subsurface conditions which may result in excessive storage tank system settlement or unstable support of the applicant's proposed storage tank systems.

§ 245.235. Environmental assessment.

(a) An application for a site-specific installation permit must include an environmental assessment on a form prescribed by the Department.

\* \* \* \* \*

§ 245.236. Public notice.

The owner of a proposed new large aboveground storage tank facility or proposed aboveground storage tank system with greater than 21,000 gallons capacity or proposed new highly hazardous substance tank shall provide written notice to the local municipality and county in which the proposed aboveground system or facility is to be located prior to submitting a permit application. The notice must inform the local municipality and county of the location, capacity and projected installation date of the proposed storage tank system and the substance to be stored in the tank.

**Subchapter D. CORRECTIVE ACTION PROCESS FOR OWNERS AND OPERATORS OF STORAGE TANKS AND STORAGE TANK FACILITIES AND OTHER RESPONSIBLE PARTIES**

§ 245.301. Purpose.

This subchapter establishes suspected release investigation, release reporting[, release confirmation] and corrective action requirements for owners and operators of storage [tanks] tank systems and storage tank facilities and other responsible parties.

§ 245.302. Scope.

This subchapter applies to **SUSPECTED RELEASES AND** releases of regulated substances from storage [tanks] tank systems regulated under the act.

§ 245.303. General requirements.

\* \* \* \* \*

(c) For corrective actions required by this subchapter, it will be presumed as a rebuttable presumption of law in civil and administrative proceedings that a person who owns or operates an aboveground or underground storage tank system is liable, without proof of fault, negligence or causation, for damage, contamination or pollution within 2,500 feet of the perimeter of the site of a storage tank system containing or which contained a regulated substance of the type which caused the damage, contamination or pollution. The presumption may be overcome by clear and

convincing evidence that the person so charged did not contribute to the damage, contamination or pollution.

(d) To overcome the presumption of liability established in subsection (c), the owner or operator shall affirmatively prove, by clear and convincing evidence, one of the following:

(1) The damage, contamination or pollution existed prior to the use of a storage tank system at the facility to contain an accumulation of regulated substances, as determined by surveys of the site and within 2,500 feet of the perimeter of the storage tank system or facility.

(2) An adjacent landowner refused to allow the owner or operator of a storage tank system at a new facility access to property within 2,500 feet of the perimeter of a storage tank facility to conduct a survey.

(3) The damage, contamination or pollution was not within 2,500 feet of the perimeter of a storage tank system.

(4) The owner or operator did not contribute to the damage, contamination or pollution.

(e) The Department may waive or combine one or more of the requirements ~~of~~ in this subchapter based on:

(1) The nature, extent, type, volume or complexity of the release, including a release to a containment structure or facility that is shown to be liquid-tight.

(2) The general characteristics of the site and the regulated substances which were released.

(3) The corrective action which occurred subsequent to the release.

(f) The Department's acceptance or approval of an interim remedial action, site characterization, site characterization report, remedial action plan, remedial action or remedial action completion report, does not constitute and may not be construed as a release from civil or criminal liability in an administrative, civil or criminal proceeding.

#### § 245.304. Investigation AND REPORTING of suspected releases.

(a) The owner or operator of [storage tanks and storage tank facilities] a storage tank system or storage tank facility shall initiate and complete an investigation of [an indication of a release] a suspected release of a regulated substance as soon as practicable, but no later than 7 days after the indication of a **SUSPECTED** release. An indication of a **SUSPECTED** release includes one or more of the following conditions:

(1) The presence of a regulated substance or an unusual level of vapors from a regulated substance [of unknown origin, at] outside of storage tank system components designed to routinely contain or convey product, at or near a storage tank facility.

(2) Evidence of a regulated substance or vapors in soils, basements, sewer lines, utility lines, surface water or groundwater in the surrounding area.

(3) Unusual operating conditions, indicative of a release, such as the erratic behavior of product dispensing equipment.

(4) The sudden or unexpected loss of a regulated substance from a storage tank[,] system or the unexplained presence of water in a storage tank system.

(5) Test, sampling or monitoring results, including the sounding of an alarm, from a release detection method which indicate a release.

(6) The discovery of holes in or damage to a storage tank system during activities such as inspection, repair or removal from service.

(7) Other events, conditions or results which may indicate a release.

(b) The investigation required by subsection (a) shall include a sufficient number of the procedures outlined in this subsection and be sufficiently detailed to confirm whether a release of a regulated substance has occurred. The owner or operator shall investigate the indication of a release by one or more of the following procedures:

(1) A check of product dispensing or other similar equipment.

(2) A check of release detection monitoring devices.

(3) A check of inventory records to detect discrepancies.

(4) A visual inspection of the storage tank system or the area immediately surrounding the storage tank system.

(5) Testing of the storage tank system for tightness or structural soundness.

(6) ~~[Sampling and analysis of soil or groundwater.]~~ Sampling and analysis of soil, subsurface soil and backfill, vapor, water or groundwater at a location where contamination from a release would most likely be present.

(7) Other investigation procedures which may be necessary to determine whether a release of a regulated substance has occurred.

(c) ~~[If the investigation confirms that a reportable release has occurred, the owner or operator shall report the release in accordance with § 245.305 (relating to reporting releases) and initiate corrective action.]~~ ~~Except as provided in § 245.305(i) (relating to reporting releases), if the investigation confirms that a release has occurred, the owner or operator shall report the release in accordance with § 245.305 and initiate corrective action.~~ UPON COMPLETION OF THE INVESTIGATION UNDER SUBSECTION (A),

**THE OWNER OR OPERATOR SHALL COMPLY WITH ONE OF THE FOLLOWING REQUIREMENTS:**

- (1) EXCEPT AS PROVIDED IN § 245.305(I) (RELATING TO REPORTING RELEASES), IF THE INVESTIGATION CONFIRMS THAT A RELEASE HAS OCCURRED, THE OWNER OR OPERATOR SHALL REPORT THE RELEASE UNDER § 245.305 AND INITIATE CORRECTIVE ACTION.**
- (2) IF THE INVESTIGATION CANNOT DETERMINE WHETHER A RELEASE HAS OCCURRED, THE OWNER OR OPERATOR SHALL REPORT THE SUSPECTED RELEASE WITHIN 15 DAYS OF THE INDICATION OF THE SUSPECTED RELEASE TO THE APPROPRIATE REGIONAL OFFICE OF THE DEPARTMENT ON A FORM PROVIDED BY THE DEPARTMENT.**
- (3) IF THE INVESTIGATION CONFIRMS THAT A RELEASE HAS NOT OCCURRED, NO FURTHER CORRECTIVE ACTION IS REQUIRED EXCEPT THAT THE OWNER OR OPERATOR SHALL COMPLETELY RECOVER AND REMOVE THE REGULATED SUBSTANCE. IF REMOVAL OF THE REGULATED SUBSTANCE CANNOT BE ACCOMPLISHED WITHIN 24 HOURS, THE OWNER OR OPERATOR SHALL IMMEDIATELY NOTIFY THE APPROPRIATE REGIONAL OFFICE OF THE DEPARTMENT BY TELEPHONE OR E-MAIL.**

**[(d) If the investigation confirms that a nonreportable release has occurred, the owner or operator shall take necessary corrective actions to completely recover or remove the regulated substance which was released.]**

**~~(c) [(d) If the investigation confirms that a release has not occurred, further investigation] corrective action by the owner or operator is not required.~~**

**§ 245.305. Reporting releases.**

**(a) The owner or operator of [storage tanks and storage tank facilities] a storage tank system or storage tank facility shall notify the appropriate regional office of the Department as soon as practicable, but no later than 24 hours, after the confirmation of a [reportable] release.**

**[(b) Upon the occurrence of a confirmed, nonreportable release, the owner or operator shall take necessary corrective actions to completely recover or remove the regulated substance which was released.]**

**(c) [(b) The notice required by subsection (a) shall be by telephone and describe, to the extent of information available, the regulated substance involved, the quantity of the regulated substance involved, when the release occurred, where the release occurred, the cause of the release, the affected environmental media, [relevant, available] information concerning impacts to water supplies, buildings or to sewer or other utility lines, and interim remedial actions planned, initiated or completed.**

**[(d) [(c) Within 15 days of the notice required by subsection (a), the owner or operator shall provide written notification to the Department and to each municipality in which the**

[reportable] release occurred, and each municipality where that release has impacted environmental media or water supplies, buildings or sewer or other utility lines.

[(e)] (d) The owner or operator shall provide written notification to the Department and each impacted municipality of new impacts to environmental media or water supplies, buildings, or sewer or other utility lines discovered after the initial written notification required by subsection [(d)] (c). Written notification under this subsection shall be made within 15 days of the discovery of the new impact.

[(f)] (e) Written notification required by this section [shall] **must** contain the same information as required by subsection [(c)] (b) **and must be on a form provided by the Department.**

[(g)] (f) If the Department determines that a release poses an immediate threat to public health and safety, the Department may evaluate and implement reasonable procedures to provide the public with appropriate information about the situation which may, at a minimum, include a summary of the details surrounding the release and its impacts in a newspaper of general circulation serving the area in which the impacts are occurring.

[(h)] **Upon the occurrence of a reportable release at the aboveground storage tank, the owner or operator of aboveground storage tank facilities with a] (g) Upon the occurrence of a release at the aboveground storage tank, the owner or operator of a storage tank facility with an aggregate aboveground storage capacity greater than 21,000 gallons shall immediately notify the county emergency management agency, the Pennsylvania Emergency Management Agency and the Department. Downstream water companies, downstream municipalities and downstream industrial users within 20 miles of an aboveground storage tank facility located adjacent to surface waters shall be notified on a priority basis based on the proximity of the release by the owner or operator or the agent of the owner or operator within 2 hours of a release which enters a water supply or which threatens the water supply of downstream users. If the owner or operator or an agent fails to notify or is incapable of notifying downstream water users, the county emergency management agency shall make the required notification. This notification shall be done in accordance with section 904 of the act (35 P.S. § 6021.904).**

[(i) The owner or operator of storage tanks and storage tank facilities shall immediately notify the local fire authority where fire, explosion or safety hazards exist at the site.]

**(h) The owner or operator of a storage tank system or storage tank facility shall immediately notify the local fire authority where fire, explosion or safety hazards exist as a result of a release.**

**(i) Release reporting under this section and further corrective action under this subchapter are not required for the following releases if the owner or operator has control over the release, the release is completely contained, the CONTAINED AND THE total volume of the release is recovered and removed within 24 hours of the release, and any defective storage tank system component that caused or contributed to the release is properly repaired or replaced:**

**(1) A release of petroleum to an aboveground surface, including within an emergency containment structure, that is less than 25 gallons.**

**(2) A release of a hazardous substance to an aboveground surface, including within an emergency containment structure, that is less than its reportable quantity under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.A. §§ 9601—9675) and 40 CFR Part 302 (relating to designation, reportable quantities, and notification)** A RELEASE OF PETROLEUM TO A CONTAINMENT SUMP IF THE TOTAL VOLUME OF THE RELEASE IS CONTAINED BELOW THE LOWEST SUMP PENETRATION.

**~~(3) A release to a liquid tight containment sump used for interstitial monitoring of piping in accordance with § 245.444(6) (relating to methods of release detection for tanks).~~**

#### **§ 245.306. Interim remedial actions.**

(a) [Upon confirming that a release has occurred in accordance with § 245.304 (relating to investigation of suspected releases) or after a release from a storage tank is identified in another manner, the] A responsible party shall immediately initiate the following interim remedial actions necessary to prevent or address an immediate threat to human health or the environment **from a release** while initiating, as necessary, one or more of the tasks identified in § 245.309(c) (relating to site characterization):

(1) Remove the regulated substance from the storage tank **system** to prevent further release to the environment.

(2) Identify, mitigate and continue to monitor and mitigate, fire, explosion and safety hazards posed by vapors and free product.

(3) Prevent further migration of the regulated substance released from the storage tank **system** into the environment as follows:

(i) If contaminated soil exists at the site, the interim remedial action may include excavation of the soils for treatment or disposal.

(ii) If free product is present, free product recovery shall be initiated immediately.

(4) Identify and **[sample] analyze samples of** affected water supplies and water supplies with the potential to be affected in a reasonable and systematic manner consistent with § 245.309(b)(1) and (4) and (c)(4), (6) **[and (13)], (12) and (16)**. The responsible party shall restore or replace an affected or diminished water supply in accordance with § 245.307 (relating to affected or diminished water supplies). The responsible party shall provide a copy of the sample results to the water supply owner and the Department within 5 days of receipt of the sample results from the laboratory.

(b) At sites where free product recovery, regulated substance removal or contaminated soil excavation is performed, the responsible party shall:

- (1) Conduct recovery, removal, storage, treatment and disposal activities in a manner that prevents the spread of contamination into previously uncontaminated areas.
- (2) Handle flammable products in a safe and competent manner to prevent fires or explosions.
- (3) Obtain required State and local permits or approvals for treatment and disposal activities.
- (4) Minimize the amount of soil and subsurface material affected by a release of a regulated substance by segregating the unaffected soil and subsurface material from the material affected by a release of a regulated substance.

(c) **[If free product recovery affects or diminishes] If interim remedial actions such as free product recovery affect or diminish** the quality or quantity of a water supply, the responsible party shall restore or replace the water supply in accordance with § 245.307.

(d) Where soil and subsurface material affected by a release is removed from the site, the person removing the material shall provide to the owner, operator, landowner or other responsible party a receipt documenting acceptance of the material at a permitted treatment or disposal facility.

**(e) A responsible party shall notify the Department by telephone or e-mail as soon as practicable, but no later than 24 hours, after the initiation of interim remedial actions.**

**§ 245.307. Affected or diminished water supplies.**

\* \* \* \* \*

(d) A permanent water supply shall be provided within 90 days, or within an alternative time frame as determined by the Department, after one of the following:

- (1) The responsible party receives information which establishes that the responsible party has affected or diminished the water supply.
- (2) The responsible party is notified by the Department that the responsible party has affected or diminished the water supply.

**(e) A responsible party shall notify the Department, by telephone or e-mail, within 24 hours of providing an alternate source of water to the owner of the affected or diminished water supply.**

§ 245.309. Site characterization.

(a) Upon confirming that a **[reportable]** release has occurred in accordance with § 245.304 (relating to investigation of suspected releases) or after a **[reportable]** release from a storage tank **system** is identified in another manner, the responsible party shall perform a site characterization.

(b) The objectives of a site characterization are to accomplish the following:

(1) Determine whether additional interim remedial actions are necessary to abate an imminent hazard to human health or the environment.

(2) Determine whether additional site characterization work is required upon completion of an interim remedial action.

(3) Determine or confirm the sources of contamination.

(4) Provide sufficient physical data, through field investigations, to determine the regulated substances involved, and the extent of migration of those regulated substances in surface water, groundwater, soil or sediment.

(5) Determine, from measurements at the site, values **[for input parameters] necessary for fate and transport analysis** including hydraulic conductivity, source dimensions, hydraulic gradient, water table fluctuation and fraction organic carbon **[necessary for fate and transport analysis]**.

(6) Provide sufficient information to select a remediation standard.

(7) Provide sufficient information to allow for completion of a remedial action plan or a design for remedial action.

(c) The responsible party shall conduct the site characterization activities necessary to satisfy the objectives **[established]** in subsection (b). The site characterization shall include the following tasks, as necessary, based on the nature, extent, type, volume or complexity of the release:

(1) Identifying the need for and initiating additional interim remedial actions.

(2) Opening **[and sampling]** storage tanks **and analyzing samples of the contents** to determine the regulated substances stored in the tanks.

(3) **[Tightness] Performing tightness** testing or other release detection testing and monitoring to determine the structural integrity of the storage tank **system**.

(4) **[Identify and sample] Identifying and analyzing samples of** affected water supplies and water supplies with the potential to be affected **which were** not previously identified or sampled

under § 245.306(a)(4) (relating to interim remedial actions). The responsible party shall restore or replace an affected or diminished water supply in accordance with § 245.307 (relating to affected or diminished water supplies). The responsible party shall provide a copy of the sample results to the water supply owner and the Department within 5 days of receipt of the sample results from the laboratory.

(5) Determining the location of the ecological receptors identified in §250.311(a) (relating to evaluation of ecological receptors).

**[(6) A review of the site history.**

**(7) A review and analysis of data from removal from service and interim remedial action activities.**

**(8) Using geophysical survey techniques to locate storage tanks and to determine geologic and hydrogeologic characteristics of affected hydro-geologic zones and hydrogeologic zones with the potential to be affected.**

**(9) Drilling soil borings, conducting soil gas surveys and collecting soil samples to determine soil characteristics and the horizontal and vertical extent of soil contamination.**

**(10) Using piezometers, well points, monitoring wells and public and private wells to:**

**(i) Determine the direction of groundwater flow.**

**(ii) Determine soil, geologic, hydrogeologic and aquifer characteristics.**

**(iii) Measure the horizontal extent and thickness of free product.**

**(iv) Sample groundwater to determine the horizontal and vertical extent of groundwater contamination.**

**(11) A demonstration that groundwater is not used or currently planned to be used.**

**(12) Sampling surface water and sediments to determine the extent of surface water and sediment contamination.**

**(13) Assessing potential migration pathways, including sewer lines, utility lines, wells, geologic structures and hydrogeologic conditions.**

**(14) Performing site surveying and topographic mapping.**

**(15) Developing a conceptual site model that describes the sources of contamination, fate and transport of contaminants and potential receptors.**

**(16) Handling and disposing of site characterization wastes.**

**(17) Preparing and implementing a site-specific plan for the provision of the following:**

**(i) Worker health and safety in accordance with OSHA requirements established at 29 CFR 1910.120 (relating to hazardous waste operations and emergency response), including health and safety policies, medical monitoring, training and refresher courses, emergency and decontamination procedures, personal protective equipment and standard work practices.**

**(ii) The identification, management and disposition of solid, hazardous, residual and other wastes generated as part of the site characterization.**

**(iii) A quality assurance/quality control program for the performance of site characterization field activities and for the accurate collection, storage, retrieval, reduction, analysis and interpretation of site characterization data.**

**(18) An analysis of the data collected as a result of the site characterization.**

**(19) Selection of a remediation standard.**

**(20) If the site-specific standard is selected, performance of a risk assessment in accordance with Chapter 250, Subchapter F (relating to exposure and risk determinations).**

**(21) Recommendation of preferred remedial action options.**

**(22) Recommendation for further site characterization work.**

**(23) Developing a conceptual design of the selected remedial action options and identifying additional investigations or pilot studies needed to design and implement a detailed remedial action plan.**

**(24) Additional tasks necessary to characterize the site.]**

**(6) Reviewing the history of operations, releases and corrective actions at the site.**

**(7) Reviewing and analyzing data collected during removal from service and interim remedial action activities.**

**(8) Using geophysical survey techniques to locate storage tanks and to determine geologic and hydro-geologic characteristics of affected hydrogeologic zones and hydrogeologic zones with the potential to be affected.**

**(9) Using soil survey techniques which include drilling soil borings and analyzing soil samples to determine soil characteristics and the horizontal and vertical extent of soil contamination.**

**(10) Using direct push probes, piezometers, well points, monitoring wells, public and private wells, and other resources to:**

**(i) Determine the direction of groundwater flow.**

**(ii) Determine soil, geologic, hydrogeologic and aquifer characteristics, including parameters necessary for fate and transport analysis.**

**(iii) Determine the horizontal and vertical extent and evaluate the properties of free product in the subsurface.**

**(iv) Analyze groundwater samples to determine the horizontal and vertical extent of groundwater contamination.**

**(11) Analyzing surface water and sediment samples to determine the extent of surface water and sediment contamination.**

**(12) Assessing potential migration pathways, including sewer lines, utility lines, wells, geologic structures, hydrogeologic conditions and vapor intrusion into structures.**

**(13) Performing site surveying and topographic mapping.**

**(14) Developing a conceptual site model that describes the sources of contamination, fate and transport of contaminants, actual and potential receptors, and an evaluation of the vapor intrusion pathway.**

**(15) Handling and disposing of site characterization wastes.**

**(16) Preparing and implementing a site-specific plan for the provision of the following:**

**(i) Worker health and safety in accordance with OSHA requirements in 29 CFR 1910.120 (relating to hazardous waste operations and emergency response), including health and safety policies, medical monitoring, training and refresher courses, emergency and decontamination procedures, personal protective equipment and standard work practices.**

**(ii) The identification, management and disposition of solid, hazardous, residual and other wastes generated as part of the site characterization.**

**(iii) Establishment of data quality objectives and a quality assurance/quality control program for the performance of site characterization field activities and for the accurate collection, storage, retrieval, reduction, analysis and interpretation of all data that will be collected during the corrective action, according to appropriate standards and guidelines for environmental remediation.**

**(17) Analyzing the data collected as a result of the site characterization.**

**(18) Selecting a remediation standard.**

**(19) Demonstrating that groundwater is not used or currently planned to be used in accordance with the selected remediation standard.**

**(20) If the site-specific standard is selected, performing a risk assessment in accordance with Chapter 250, Subchapter F (relating to exposure and risk determinations).**

**(21) Developing preferred remedial action options to attain the selected remediation standard.**

**(22) Identifying additional investigations or pilot studies needed to design and implement the preferred remedial action options.**

**(23) Performing additional tasks necessary to meet the objectives in subsection (b).**

**(24) Notifying the Department by telephone or e-mail as soon as practicable, but no later than 24 hours, after the initiation of site characterization activities.**

**§ 245.310. Site characterization report.**

(a) [The] **A** responsible party shall prepare and submit to the Department within 180 days of reporting a [reportable] release under § 245.305(a) (relating to reporting releases), or within an alternative time frame as determined by the Department, [two copies of] a site characterization report which describes the activities undertaken in accordance with § 245.309 (relating to site characterization). **The responsible party shall submit two copies of the site characterization report to the Department unless directed otherwise.** The site characterization report shall be complete and concisely organized and shall contain the following elements, as necessary, based on the nature, extent, type, volume or complexity of the release:

(1) A narrative description of the site and the historical and current operations conducted at the site.

(2) A site map showing location of buildings, roads, storage tanks, including those removed from service or closed in place, utilities, property boundaries, topographic contours, potential receptors and other information pertinent to the site characterization.

(3) A description of natural and manmade features pertinent to the site characterization.

(4) Details of interim remedial actions conducted at the site in accordance with § 245.306 (relating to interim remedial actions). These details [shall] **must** include the following, as necessary:

(i) A description of the type and volume of the regulated substance removed from the storage tank.

(ii) A discussion of fire, explosion and safety hazards which have been identified, mitigated and monitored.

(iii) A discussion of necessary relocation of affected residents.

(iv) Where free product recovery is performed, **a description of:**

(A) The regulated substance released [and], the thickness of free product in wells, boreholes or excavations, **and the properties and vertical and horizontal distribution of any free product remaining in the subsurface.**

(B) The type of free product recovery system used.

(C) Whether a discharge has or will take place during the recovery operation, and where this discharge is or will be located.

(D) The type of treatment applied to, and the effluent quality expected from, a discharge.

(E) The steps that have been or are being taken to obtain necessary permits or approvals for a discharge.

(F) The volume and disposition of the recovered free product.

(G) The date free product recovery was initiated.

(H) The date free product recovery was completed.

(v) Where excavation of contaminated soil is performed, **a description of:**

(A) The regulated substance released and actual volume of soil excavated.

(B) The method used to determine the existence and extent of contaminated soil.

(C) The treatment method or disposition of the excavated soil, including receipts documenting acceptance of the material at a permitted treatment or disposal facility.

(D) The date excavation was initiated.

(E) The date excavation was completed.

(F) The rationale for terminating soil excavation where the contaminated soil has not been excavated, including the volume of contaminated soil remaining in place, and a description of what steps will be taken to address the soils that remain unexcavated.

(5) **[The] Details of actions conducted at the site in accordance with § 245.307 (relating to affected or diminished water supplies). These details must include the** steps that have been or are being taken to restore or replace affected or diminished water supplies.

(6) A description of the type and characteristics of regulated substances involved, including quantities, physical state, concentrations, toxicity, propensity to bioaccumulate, persistence and mobility.

(7) The results of tightness testing or other release detection method used or conducted to determine the structural integrity of the storage **[tanks] tank systems**.

(8) The details of removal from service activities conducted at the site.

(9) The identification of the sources of contamination, including the actual or estimated date and quantity of release from each source.

(10) The location and description of affected water supplies and water supplies with the potential to be affected.

(11) **[A description of further site characterization work needed.] A statement certifying that the site-specific plan, prepared for worker health and safety in accordance with OSHA requirements in 29 CFR 1910.120 (relating to hazardous waste operations and emergency response), including health and safety policies, medical monitoring, training and refresher courses, emergency and decontamination procedures, personal protective equipment and standard work practices, was implemented.**

(12) A discussion and **[conclusions that demonstrate] analysis to demonstrate that** the site characterization objectives **[outlined]** in § 245.309(b) have been satisfied.

(13) The rationale, equipment, methodology and results of geophysical surveys.

(14) The location, rationale and logs of soil borings.

(15) The location, rationale, construction details, including methods and materials, and depth to groundwater of piezometers, well points and monitoring wells.

(16) Groundwater contour maps depicting groundwater flow direction at the site.

(17) A description of methods and equipment used to determine site-specific soil, geologic, hydrogeologic and aquifer properties.

(18) Sampling locations and rationale for selection of these locations.

(19) The results of a survey used to identify and sample public and private wells.

(20) Parameters analyzed for, analytical methods used and detection limits of these methods.

- (21) Field and laboratory analytical results and interpretations.
- (22) Contaminant distribution maps in the media and contaminant phases.
- (23) A conceptual site model [**describing**] **which describes** the sources of contamination, **the fate and transport of contaminants, actual** and potential receptors, **and evaluates the vapor intrusion pathway**.
- (24) The disposition of site characterization wastes.
- (25) A copy of site-specific plans prepared and implemented for the provision of the following:
- [(i) Worker health and safety in accordance with OSHA requirements established at 29 CFR 1910.120 (relating to hazardous waste operations and emergency response), including health and safety policies, medical monitoring, training and refresher courses, emergency and decontamination procedures, personal protective equipment and standard work practices.**
- [(ii)] (i) The identification, management and disposition of solid, hazardous, residual and other wastes generated as part of the site characterization.**
- [(iii) A] (ii) The data quality objectives and quality assurance/quality control program for the performance of site characterization field activities and for the accurate collection, storage, retrieval, reduction, analysis and interpretation of site characterization data.**
- (26) The identification of the remediation standard which has or will be attained at the site.
- (27) The Department's written determination that groundwater is not used or currently planned to be used, **if needed to attain the remediation standard selected or to be selected**.
- (28) The impacts to ecological receptors as a result of the evaluation conducted in accordance with § 250.311 or § 250.402(d) (relating to evaluation of ecological receptors; and human health and environmental protection goals).
- (29) The impacts to surface water as a result of the evaluation conducted in accordance with § 250.309 or § 250.406 (relating to MSCs for surface water; and relationship to surface water quality requirements).
- (30) **[A discussion of the remedial action options selected to remediate the site.] A summary of the remedial action option that will be used at the site to attain the selected remediation standard. The summary must include a description of the components of each option, a conceptual design and a description of any additional investigation needed to complete the design of each option.**

(31) A risk assessment report in accordance with § 250.409 (relating to risk assessment report).

(32) A demonstration that no current or future exposure pathways exist following the procedures described in § 250.404 (relating to pathway identification and elimination).

**[(33) A conceptual design of the remedial action options selected.]**

**(34) A report of additional tasks performed to characterize the site.]**

**(33) A report of additional tasks performed to meet the objectives in § 245.309(b).**

(b) If the responsible party determines, after completion of interim remedial actions, that further site characterization is not required, that soil is the only media of concern, and that interim remedial actions have remediated the site, the responsible party may submit a site characterization report to the Department, in lieu of the report required in subsection (a), which contains the following:

(1) A concise statement that describes the release, including information such as the amount of regulated substance that was released, the extent of contamination and interim remedial actions taken under § 245.306.

(2) Data demonstrating that the interim remedial actions have attained the Statewide health standard for the site in accordance with Chapter 250, Subchapter G (relating to demonstration of attainment).

(3) The basis for selection of the residential or nonresidential Statewide health standard.

(4) The results of the evaluation of ecological receptors conducted in accordance with § 250.311.

(5) Additional information as identified in subsection (a) necessary to fully describe the release, the extent of contamination and the interim remedial actions taken to address the release.

(c) Following submission of a complete site characterization report prepared under subsection (a), selecting the site-specific standard, or subsection (b), the Department will do one or more of the following:

(1) Review and approve the site characterization report as submitted.

(2) Review and approve the site characterization report with modifications made by the Department.

(3) Review and disapprove the site characterization report, citing deficiencies.

(4) Review and disapprove the site characterization report and direct, require or order the responsible party to perform other tasks or make modifications as prescribed by the Department.

(5) Review and disapprove the site characterization report, perform the site characterization in whole or in part and recover, in accordance with § 245.303(b) (relating to general requirements), the Department's costs and expenses involved in performing the site characterization.

**[(6) Review the site characterization report without further action.]**

(d) The Department will take one or more of the actions listed in subsection (c) within 60 days of receipt of a site characterization report meeting the requirements [of] in subsection (b) or within 90 days of receipt of a site characterization report selecting the site-specific standard. If the Department does not respond, in writing, within the allotted time, the report shall be deemed approved, unless the responsible party and the Department agree, in writing, to an alternative time frame.

**§ 245.311. Remedial action plan.**

(a) Unless a site characterization report is submitted in accordance with § 245.310(b) (relating to site characterization report), the responsible party shall prepare and submit to the Department **two copies of the remedial action plan, unless directed otherwise. The remedial action plan shall MUST be submitted** within 45 days of submission of a site characterization report required by § 245.310(a) selecting the background or Statewide health standard, within 45 days of deemed approval or receipt of a written approval of a site characterization report selecting the site-specific standard, or within an alternative time frame as determined by the Department], **two copies of a remedial action plan prior to implementation of the remedial action plan**. The remedial action plan {must} **shall be submitted prior to its implementation**, be complete and concisely organized and contain **all of** the following elements, as necessary, based on the nature, extent, type, volume or complexity of the release:

(1) A brief summary of the site characterization report conclusions.

(2) A copy of the plans relating to [worker health and safety,] management of wastes generated and quality assurance/quality control procedures, as they relate to the remedial action, if different from the plans submitted in accordance with § 245.310(a)(25).

\* \* \* \* \*

(12) A description of proposed postremediation care requirements, **including proposed activity and use limitations to be implemented under an environmental covenant**.

(13) A description of additional items necessary to develop the remedial action plan.

**(14) A description of any water supply that remains affected or diminished, the replacement system that was provided, the analytical results of samples taken, and any**

**maintenance or monitoring required to ensure its functionality until the supply is no longer affected or diminished.**

(b) Following submission of a complete remedial action plan selecting the background or Statewide health standard, the Department will **publish an acknowledgment of receipt of the remedial action plan in the *Pennsylvania Bulletin* and** do one or more of the following:

- (1) Review and approve the site characterization report and remedial action plan as submitted.
- (2) Review and approve the site characterization report and remedial action plan with modifications made by the Department.
- (3) Review and disapprove the site characterization report and remedial action plan, citing deficiencies.
- (4) Review and disapprove the site characterization report and remedial action plan and direct, require or order the responsible party to perform other tasks or make modifications as prescribed by the Department.
- (5) Review and disapprove the site characterization report and remedial action plan, prepare a remedial action plan or perform the remedial action in whole or in part, and recover, in accordance with § 245.303(b) (relating to general requirements), the Department's costs and expenses involved in preparing the remedial action plan or performing the remedial action.
- (6) [Review the site characterization report and remedial action plan without further action.] **Publish a notice of its final action in the *Pennsylvania Bulletin*.**

(c) Following submission of a complete remedial action plan selecting the site-specific standard, the Department will **publish an acknowledgment of receipt of the remedial action plan in the *Pennsylvania Bulletin* and** do one or more of the following:

- (1) Review and approve the remedial action plan as submitted.
- (2) Review and approve the remedial action plan with modifications made by the Department.
- (3) Review and disapprove the remedial action plan, citing deficiencies.
- (4) Review and disapprove the remedial action plan and direct, require or order the responsible party to perform other tasks or make modifications as prescribed by the Department.
- (5) Review and disapprove the remedial action plan, prepare a remedial action plan or perform the remedial action in whole or in part, and recover, in accordance with § 245.303(b), the Department's costs and expenses involved in preparing or performing the remedial action plan.

(6) [Review the remedial action plan without further action.] Publish a notice of its final action in the *Pennsylvania Bulletin*.

\* \* \* \* \*

§ 245.312. Remedial action.

\* \* \* \* \*

(c) Each remedial action progress report shall provide the data generated during the reporting period and shall show the progress to date toward attainment of the selected remediation standard. Each report shall be complete and concisely organized and shall contain the following elements, as necessary, based on the nature, extent, type, volume or complexity of the release:

\* \* \* \* \*

(4) Quantitative analytical results from replacement water supply system, groundwater, surface water, soil and sediment sampling.

\* \* \* \* \*

(9) Demonstration that required Federal, State and local permits and approvals are being complied with.

(10) A summary of data collected from any water supply that remains affected or diminished, and any maintenance performed.

[(10)] (11) A report of additional items necessary to describe the progress of the remedial action.

(d) The first remedial action progress report shall be received by the Department 3 months following the date of remedial action plan implementation or at an alternative interval as determined by the Department. The final remedial action progress report shall be submitted to the Department as part of the remedial action completion report.

(e) If during implementation of the remedial action plan the responsible party decides to change the remedial action plan, the responsible party shall prepare and submit, to the Department, a new or modified remedial action plan, to include selection of the new remediation standard, if applicable, in accordance with § 245.311 (relating to remedial action plan).

(f) If during implementation of the remedial action plan the responsible party determines that continued implementation of the remedial action plan will cause additional environmental harm, the responsible party shall suspend remedial action and notify the Department, by telephone, within 24 hours of suspension. The responsible party shall prepare and submit a new or modified remedial action plan, to include selection of the new remediation standard, if applicable, to the Department in accordance with § 245.311.

**(g) If during implementation of the remedial action plan the Department determines that the remedial action plan will not attain the selected remediation standard or will cause additional environmental harm, the Department may require the responsible party to suspend remedial action and notify the Department, by telephone or e-mail, within 24 hours of suspension. The Department may require the responsible party to prepare and submit a new or modified remedial action plan, to include selection of the new remediation standard, if applicable, to the Department in accordance with § 245.311.**

**§ 245.313. Remedial action completion report.**

(a) When the selected remediation standard has been attained, the responsible party shall submit a remedial action completion report to the Department.

(b) The remedial action completion report [shall] **must** be complete and concisely organized and [shall] **must** contain the following elements, as necessary, based on the remediation standard attained:

**(1) Data demonstrating that the remedial actions have attained the selected standard for the site in accordance with Chapter 250, Subchapter G (relating to demonstration of attainment).**

[(1)] **(2)** When the background standard has been attained, the remedial action completion report shall include the requirements [of] **in** § 250.204(f) and (g) (relating to final report).

[(2)] **(3)** When the Statewide health standard has been attained, the remedial action completion report shall include the requirements [of § 250.312(b)—(h)] **in** § 250.312(a)—(h) (relating to final report).

[(3)] **(4)** When the site-specific standard is attained, the remedial action completion report shall include the requirements [of § 250.411(c)—(f)] **in** § 250.411(c), (d) and (f) (relating to final report).

[(4)] **(5)** For fate and transport analyses, the following information, in addition to that required by § 250.204(f)(5):

(i) An isoconcentration map showing the configuration and concentrations of contaminants within the plume being analyzed.

(ii) Sufficient information from monitoring data to establish whether the plume is stable, shrinking or expanding.

(iii) Input parameters for the analysis and the rationale for their selection.

(iv) Figures showing the orientation of the model or analysis to the field data.

(v) Comparison and analysis of the model or mathematical output to the actual field data.

(c) Following submission of the remedial action completion report, the Department will **publish an acknowledgment of receipt of the remedial action completion report in the Pennsylvania Bulletin and** do one or more of the following:

- (1) Review and approve the remedial action completion report as submitted.
- (2) Review and approve the remedial action completion report with modifications made by the Department.
- (3) Review and disapprove the remedial action completion report, citing deficiencies.
- (4) Review and disapprove the remedial action completion report and direct, require or order the responsible party to perform other tasks or make modifications as prescribed by the Department.
- (5) Review and disapprove the remedial action completion report, perform the site characterization or remedial action and recover, in accordance with § 245.303(b) (relating to general requirements), the Department's costs and expenses involved in preparing the remedial action completion report.
- (6) **[Review the remedial action completion report without further action.] Publish a notice of its final action in the Pennsylvania Bulletin.**

(d) The Department will take one or more of the actions listed in subsection (c) within 60 days of receipt of the remedial action completion report demonstrating attainment of the background or Statewide health standard, or within 90 days of receipt of a remedial action completion report demonstrating attainment of the site-specific standard. If the Department does not respond, in writing, within the allotted time, the report shall be deemed approved, unless the responsible party and the Department agree, in writing, to an alternative time frame.

## **Subchapter E. TECHNICAL STANDARDS FOR UNDERGROUND STORAGE TANKS**

### **GENERAL**

#### **§ 245.402. Scope.**

This subchapter applies to underground storage [tanks] **tank systems** regulated under the act and this chapter.

#### **§ 245.403. Applicability.**

(a) *General.* The requirements [of] **in** this subchapter apply to owners and operators, as well as installers and inspectors of underground storage tank systems as defined in § 245.1 (relating to definitions), except as otherwise provided in [subsection (b)] **subsections (c) and (d).**

**[(b) *Deferrals.* Sections 245.441—245.446 (relating to release detection) do not apply to an underground storage tank system that stores fuel solely for use by emergency power generators.**

**(c) *Temporary exclusions.* Existing tanks that become regulated due to the addition of new regulated substances in § 245.1 ((relating to definitions) (See the definition of "regulated substance" (i)(C)(I) and (II))) are subject to this chapter and shall be registered with the Department by January 9, 2008. In addition, these tanks are temporarily excluded from the requirements of §§ 245.421, 245.422, 245.431, 245.432 and 245.441—245.446, until November 10, 2010.]**

**(b) *Emergency power generator fuel tanks.* Underground storage tank systems that store fuel solely for use by emergency power generators must meet the requirements in §§ 245.441—245.446 (relating to release detection) as follows:**

**(1) Underground storage tank systems installed on or before November 10, 2007, must meet the requirements in §§ 245.441—245.446 on or before \_\_\_\_\_ (Editor's Note: The blank refers to 730 days after the effective date of adoption of this proposed FINAL rulemaking.).**

**(2) Underground storage tank systems installed after November 10, 2007, must meet the requirements in §§ 245.441—245.446 on or before \_\_\_\_\_ (Editor's Note: The blank refers to 365 days after the effective date of adoption of this proposed FINAL rulemaking.).**

**(3) Underground storage tank systems installed after \_\_\_\_\_ (Editor's Note: The blank refers to the effective date of adoption of this proposed FINAL rulemaking.), must meet the requirements in §§ 245.441—245.446 at installation.**

**(c) *Partial exclusions.* EXCEPT AS PROVIDED IN PARAGRAPH (4), The THE following underground storage tanks systems are not required to comply with §§ 245.411, 245.421(b)(3) and (4)(ii) and (iii), 245.422(d), 245.432(g) and 245.436—245.446:**

**(1) A wastewater treatment tank system INSTALLED ON OR AFTER MAY 7, 1985, that is not part of a wastewater treatment facility regulated under section 307(b) or 402 of the Clean Water Act (33 U.S.C.A. §§ 1317(b) and 1342).**

**(2) An underground storage tank system INSTALLED ON OR AFTER MAY 7, 1985, containing radioactive material that is regulated under the Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011—2296b-7).**

**(3) An underground storage tank system INSTALLED ON OR AFTER MAY 7, 1985, that is part of an emergency generator system at a nuclear power generation facility licensed by the United States Nuclear Regulatory Commission and subject to United States Nuclear Regulatory Commission requirements regarding design and quality criteria, including 10 CFR Part 50 (relating to domestic licensing of production and utilization facilities).**

**(4) AN UNDERGROUND STORAGE TANK SYSTEM REFERENCED IN PARAGRAPH (1), (2), OR (3) INSTALLED BEFORE MAY 7, 1985, IS NOT REQUIRED TO COMPLY WITH §§ 245.411—245.422, 245.424, 245.432, 245.433, AND 245.436—245.446.**

**(d) *Previously excluded underground storage tanks.* Underground storage tank systems that were not required to be registered with the Department prior to \_\_\_\_\_ (Editor's Note: The blank refers to the effective date of adoption of this proposed FINAL rulemaking.), shall be registered with the Department by \_\_\_\_\_ (Editor's Note: The blank refers to 3060 days after the effective date of adoption of this proposed FINAL rulemaking.). Underground storage tanks include all of the following:**

**(1) Field-constructed underground storage TANKS installed on or before October 11, 1997, that the Department previously did not require to be registered as a matter of policy. These tanks are temporarily excluded from §§ 245.421, 245.422, 245.431, 245.432, 245.437 and 245.441—245.446, until \_\_\_\_\_ (Editor's Note: The blank refers to 365 days after the effective date of adoption of this proposed FINAL rulemaking.).**

**(2) Underground storage tank systems referenced in subsection (c)(1)—(3) installed on or before \_\_\_\_\_ (Editor's Note: The blank refers to the effective date of adoption of this proposed FINAL rulemaking.).**

**§ 245.404. Variances.**

When unique or peculiar circumstances make compliance with this subchapter technically impractical, infeasible or unsafe, the Department may, upon written application from the [owner/operator] owner of a storage tank system subject to this subchapter, grant a variance from one or more specific provisions of this subchapter:

\* \* \* \* \*

**[FACILITY] INSPECTIONS**

**§ 245.411. Inspection frequency.**

(a) *Inspection of [tanks] underground storage tank systems.* Underground storage tank owners or operators shall have their underground storage tank [facility] systems inspected by a certified inspector at the frequency [established in subsections (b)—(d)] in subsections (b) and (c). The inspection [must include, but not be limited to,] shall include release detection, assessment of the underground storage tank system and ancillary equipment, operation of overfill and spill prevention equipment where practicable, corrosion protection testing, or verification that corrosion protection is functional, and release prevention measures.

**[(b) *Initial inspections.***

**(1) Storage tank facilities with tank systems installed prior to December 1989, shall be inspected prior to October 11, 1999.**

**(2) Newly installed storage tank systems shall be inspected between 6 to 12 months after installation. If the facility ownership changes, an inspection of the facility shall be completed between the first 6 to 12 months of operation unless another time frame is agreed to by the Department.**

**(3) Storage tank facilities not inspected in accordance with paragraph (1) or (2) shall have an initial inspection by October 11, 2002.**

**(c) *Subsequent routine facility inspections.***

**(1) The interval between subsequent routine facility inspections may not exceed 3 years (36 months) commencing after the last inspection, except as provided in the phase-in periods in paragraph (2).**

**(2) On November 10, 2007, existing facilities with routine inspections scheduled more than 3 years from this date shall be inspected by the following dates, unless notified otherwise by the Department:**

**(i) Before August 8, 2008, if currently scheduled for inspection between November 10, 2010, and August 7, 2011, inclusive.**

**(ii) Before August 8, 2009, if currently scheduled for inspection between August 8, 2011, and August 7, 2013, inclusive.**

**(iii) Before August 8, 2010, if currently scheduled for inspection after August 7, 2013.**

**(d) *Additional inspections and mandatory training.* Inspections in addition to those in subsections (b) and (c) may be required by the Department when the prior inspection determined release detection, corrosion protection or operational violations occurred, or when the Department determines the inspections are necessary to verify compliance with this subchapter. The Department may require facility owners and operators to successfully complete a release detection or operator training course, such as those offered by PEI or professional industry trainers approved under § 245.141 (relating to training approval), when related violations are documented through an inspection. The owner or operator shall incur the costs of the training.]**

**(b) *Initial inspections.* Newly installed underground storage tank systems shall be inspected between 6 to 12 months after installation. If the tank ownership changes, an inspection of the underground storage tank system shall be completed between the first 6 to 12 months of operation unless another time frame is agreed to by the Department.**

**(c) Subsequent inspections.**

**(1) The interval between subsequent inspections may not exceed 3 years (36 months) beginning after the last inspection, except as provided in paragraph (2).**

**(2) An inspection in addition to those required in subsection (b) and paragraph (1) may be required by the Department when the prior inspection determined release detection, corrosion protection or operational violations occurred, or when the Department determines the inspection is necessary to verify compliance with this subchapter.**

**(d) Training. The Department may require facility owners and operators to successfully complete a release detection, release prevention or operator training course, such as those offered by Nationally recognized associations or professional industry trainers approved under § 245.141 (relating to training approval), when related violations are documented through an inspection. Owners and operators of underground storage tanks that the Department determines through inspection are failing to meet EPA guidelines for significant operational compliance shall be retrained in a manner consistent with the training recommended in Department guidance entitled "Underground Storage Tank Class A and Class B Operator Training Courses." The owner or operator shall incur the costs of the training.**

**UNDERGROUND STORAGE TANK SYSTEMS: DESIGN, CONSTRUCTION,  
INSTALLATION AND NOTIFICATION**

**§ 245.421. Performance standards for underground storage tank systems.**

***(a) New underground storage tank systems.***

(1) Underground storage tank systems installed or replaced after November 10, 2007, must have total secondary containment, which consists of double-walled tanks, double-walled piping (for piping that routinely contains and conveys regulated substances (product)) and liquid-tight containment sumps. The sumps must be installed at piping connections that routinely contain and convey product from the tank, such as tank-top sumps and dispenser pan sumps, that allow for release detection monitoring of the system (See PEI RP 100). Also, new or replacement tank systems installed with pressurized product piping systems must be equipped with automatic line leak detectors and automatic pump shutoff devices that meet the requirements of § 245.445(1) (relating to methods of release detection for piping).

(2) At least 30 days prior to the installation of a **[new or replacement tank or underground storage tank system installed after January 9, 2008,] tank, piping system, replacement or additional dispenser, or underground storage tank system,** or within another reasonable time **frame** agreed upon by the Department, owners and operators shall notify the Department of the proposed installation on a form provided by the Department.

(3) **[An owner or operator of a tank system changing from unregulated to regulated service shall provide certification by a Department-certified installer or inspector that the**

tank system meets new tank system requirements, using the registration form (See § 245.41 (relating to tank registration requirements)) prior to placing product into the tank and operating the storage tank system.] **An owner or operator of an underground storage tank changing from unregulated to regulated service shall provide certification by a Department-certified installer that the underground storage tank system meets new underground storage tank system requirements, on a form provided by the Department, prior to placing product into the tank and operating the storage tank system.**

(b) To prevent releases due to structural failure, corrosion or spills and overfills for as long as the underground storage tank system is used to store regulated substances, owners and operators of new and existing underground storage tank systems shall ensure that the system meets the following requirements:

(1) *Tanks.* A tank must be properly designed and constructed. A tank or portion of a tank including the outer metallic wall of a double-walled tank that is underground and routinely contains product shall be protected from corrosion in accordance with a code of practice developed by a [Nationally-recognized] **Nationally recognized** association or independent testing laboratory, using one of the following methods:

(i) The tank is constructed of fiberglass-reinforced plastic.

(ii) The tank is constructed of steel and cathodically protected in the following manner:

(A) The tank is coated with a suitable dielectric material.

(B) Field-installed cathodic protection systems are designed by a corrosion expert.

(C) Impressed current systems are designed by a corrosion expert and allow determination of current operating status as required in § 245.432(a)(3) (relating to operation and maintenance including corrosion protection).

(D) Cathodic protection systems are operated and maintained in accordance with § 245.432.

(iii) **[The tank is constructed of a steel-fiberglass-reinforced-plastic composite.] The tank is constructed of steel and clad or jacketed with a non-corrodible material.**

(iv) The tank is constructed of metal without additional corrosion protection measures if:

(A) The tank is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life.

(B) Owners and operators maintain records that demonstrate compliance with clause (A) for the remaining life of the tank.

(2) *Piping.* The piping and ancillary equipment that routinely contain regulated substances shall be protected from corrosion and deterioration. New piping systems that routinely contain

and convey regulated substances from the tank must be double-walled with liquid-tight containment sumps **[and dispenser pan sumps]** installed in accordance with paragraph (4)(ii). Whenever **50% or more [than 50%]** of the existing piping that routinely contains and conveys product from the tank is replaced, the entire piping system that routinely contains and conveys product from the tank shall be replaced meeting the requirements for new piping systems in this **[subsection] section**. The portions of the product piping system, including joints, flexible connectors and ancillary equipment that are in contact with the ground must be properly designed, constructed and protected from corrosion in accordance with a code of practice developed by a **[Nationally-recognized] Nationally recognized** association or independent testing laboratory using one of the following methods:

(i) The piping or component is constructed of nonmetallic material such as fiberglass reinforced plastic or other noncorrodible and UL listed material.

(ii) The piping or component is constructed of metal and cathodically protected in the following manner:

(A) The piping is coated with a suitable dielectric material. The wrapping of piping with tape or similar material alone does not meet this requirement.

(B) Field-installed cathodic protection systems are designed by a corrosion expert.

(C) Impressed current systems are designed by a corrosion expert and allow determination of current operating status as required in § 245.432(a)(3).

(D) Cathodic protection systems are operated and maintained in accordance with § 245.432.

(iii) The piping is constructed of metal without additional corrosion protection measures if:

(A) The piping is installed at a site that is determined by a corrosion expert to not be corrosive enough to cause it to have a release due to corrosion during its operating life.

(B) Owners and operators maintain records that demonstrate compliance with clause (A) for the remaining life of the piping.

(3) *Spill and overfill prevention equipment.*

(i) Except as provided in subparagraph [(iv)] **(vi)**, to prevent spilling and overfilling associated with product transfer to the underground storage tank system, owners and operators shall ensure that their systems have the following spill and overfill prevention equipment **permanently installed**:

(A) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe—for example, a spill catchment basin or spill containment bucket.

(B) Overfill prevention equipment that will do one or more of the following:

(I) Automatically shut off flow into the tank when the tank is no more than 95% full.

(II) Alert the transfer operator when the tank is no more than 90% full by restricting the flow into the tank or triggering a high-level alarm.

**[(III) Restrict flow 30 minutes prior to overfilling, alert the operator with a high level alarm 1 minute before overfilling, or automatically shut off flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overfilling.]**

**(ii) [Bypassing overfill protection is prohibited for example, bypassing the flow vent valve with coax vapor recovery or a spill bucket drain valve is prohibited.] Bypassing overfill protection is prohibited. For example, bypassing the ball float valve with coaxial stage-1 vapor recovery systems or a spill containment bucket drain valve is prohibited.**

**(iii) Ball float valves may not be used to comply with this subsection when overfill prevention is installed or replaced after \_\_\_\_\_ (Editor's Note: The blank refers to the effective date of adoption of this proposed FINAL rulemaking.).**

**[(iii) Ball] (iv) Existing ball** float valves may not be used on suction pump systems having an air eliminator, or on any system having coaxial stage-1 vapor recovery systems or receiving pressurized pump deliveries.

**(v) Spill and overfill prevention equipment must be periodically tested or evaluated in accordance with § 245.437 (relating to periodic testing). Required tests shall be documented on a form provided by the Department and shall be maintained onsite at the storage tank facility or at a readily available alternative site.**

**[(iv)] (vi)** Owners and operators are not required to use the spill and overfill prevention equipment specified in subparagraph (i) if the underground storage tank system is filled by transfers of no more than 25 gallons at one time.

*(4) Installation.*

**(i) [Tanks and piping] Underground storage tank systems** shall be properly installed and system integrity tested in accordance with a code of practice developed by a **[Nationally-recognized] Nationally recognized** association or independent testing laboratory **[such as API 1615 and PEI RP100,]** and in accordance with the manufacturer's instructions.

**(ii) [Newly installed spill containment buckets, tank-top sumps, dispenser pans] Spill prevention equipment** and containment sumps must be constructed to be liquid-tight, and shall be tested prior to use of the system to confirm liquid-tight construction using a hydrostatic test, vacuum test or other **[Nationally-recognized] Nationally recognized** liquid-tight testing procedure or method recommended by the containment equipment manufacturer.

(iii) Overfill prevention equipment shall be properly installed and tested in accordance with a code of practice developed by a [Nationally-recognized] Nationally recognized association, and in accordance with manufacturer's instructions. [When ball float valves are used, the valve shall be installed with extractor fitting and ball floats must be readily accessible (not requiring excavation) for removal and operational verification.]

(c) *Certification of installation.* Owners and operators shall ensure that a certified installer has installed the tank system by providing a certification of compliance on an appropriate form provided by the Department.]

§ 245.422. Upgrading of existing underground storage tank systems.

(a) *Alternatives allowed.* By December 22, 1998, existing underground storage tank systems shall comply with one of the following requirements:

(1) Underground storage tank system performance standards under § 245.421(b) (relating to performance standards for underground storage tank systems).

(2) The upgrading requirements in subsections (b)—(d).

(3) Closure requirements under §§ 245.451—245.455 (relating to out-of-service underground storage tank systems and closure), including applicable requirements for corrective action under Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties).

(b) *Tank upgrading requirements.* Steel tanks shall be upgraded to meet one of the following requirements in accordance with a code of practice developed by a [Nationally-recognized] Nationally recognized association or independent testing laboratory:

(1) *Interior lining.* [A tank may only be upgraded by internal lining prior to November 10, 2007. The following conditions of existing lined tanks shall be met:] A tank may only be upgraded by internal lining for corrosion protection prior to November 10, 2007. Existing lined tanks must meet the following conditions:

(i) The lining was installed in accordance with § 245.434 (relating to repairs allowed).

(ii) Within 10 years after lining, and every 5 years thereafter, the lined tank is internally evaluated by, or under the direct onsite supervision of a certified tank liner (TL) or by a professional engineer adhering to the evaluation process developed by a National association (See API 1631 and NLPAs 631) and found to be structurally sound with the lining still performing in accordance with original design specifications. The evaluation findings shall be documented on a form approved by the Department and shall be maintained at the facility for the duration of the tank's operating life.

(iii) Lined tank systems that do not meet original design specifications or have not been evaluated as required in subparagraph (ii) shall be emptied, removed from service, and

permanently closed in accordance with §§ 245.451 and 245.452 (relating to temporary **[closure]** **removal from service (out-of-service)**; and permanent closure and changes-in-service).

(2) *Cathodic protection.* A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements **[of § 245.421(1)(ii)(B)—(D)]** **in § 245.421(b)(1)(ii)(B)—(D)** and the integrity of the tank is ensured using one or more of the following methods:

(i) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system.

**[(ii) The tank has been installed for less than 10 years and is monitored monthly for releases in accordance with § 245.444(4)—(9) (relating to methods of release detection for tanks).**

**[(iii) The tank has been installed for less than 10 years and is assessed for corrosion holes by conducting two tightness tests that meet the requirements of § 245.444(3). The first tightness test shall be conducted prior to installing the cathodic protection system. The second tightness test shall be conducted between 3 and 6 months following the first operation of the cathodic protection system.**

**[(iv)]** **[(ii)]** The tank is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life. Owners and operators shall maintain records that demonstrate compliance with this requirement for the remaining life of the tank.

**[(v)]** **[(iii)]** The tank is assessed for corrosion holes by a method that is determined by the Department to prevent releases in a manner that is no less protective of human health and the environment than **[subparagraphs (i)—(iii)]** **subparagraph (i)**.

(3) *Internal lining combined with cathodic protection.* A tank upgraded prior to November 10, 2007, having both internal lining and cathodic protection must meet the following:

(i) The lining was installed in accordance with the requirements **[of]** **in** § 245.434.

(ii) The cathodic protection system meets § 245.421(b)(1)(ii)(B)—(D).

(c) *Piping upgrading requirements.* Metal piping and fittings that routinely contain regulated substances and are in contact with the ground must be one or more of the following: **[(1)]**

**[(1)]** Replaced with piping meeting the requirements of new piping in § 245.421(b)(2)(i) and (ii).

(2) Cathodically protected in accordance with a code of practice developed by a **[Nationally-recognized]** **Nationally recognized** association or independent testing laboratory and meets the requirements **[of]** **in** § 245.421(b)(2)(ii)(B)—(D).

(3) Installed at a site that is determined to not be corrosive enough to cause a release due to corrosion for the remaining operating life of the piping under § 245.421(b)(2)(iii).

(d) *Spill and overflow prevention equipment.* To prevent spilling and overflowing associated with product transfer to the underground storage tank system, [existing] underground storage tank systems must comply with [new] underground storage tank system spill and overflow prevention equipment requirements in § 245.421(b)(3) and (4).

(e) [*Under dispenser containment.* When a vertical riser, dispenser and interconnected piping and fittings are added to a storage tank system or a dispenser is replaced, involving major modification, the dispenser must have containment (liquid-tight dispenser pan) meeting requirements in § 245.421(b)(4)(ii).] *Under-dispenser containment.* When an existing dispenser is replaced with another dispenser and equipment at or below the shear valve needed to connect the dispenser to the underground storage tank system is replaced, under-dispenser containment meeting the requirements in § 245.421(b)(4)(ii) is required. This equipment may include check valves, shear valves, vertical risers, flexible connectors or other transitional components. Under-dispenser containment shall also be installed when a major modification as defined in § 245.1 (relating to definitions) is performed at the dispenser area involving excavation beneath the dispenser.

§ 245.423. [Registration requirements.] (Reserved).

(a) An underground storage tank shall be registered with the Department prior to adding a regulated substance. The owner of a tank that was in use after May 8, 1986, shall have notified the Department of the system's existence.

(b) Owners required to submit notices under subsection (a) shall provide notices to the Department for each tank they own. Owners may provide notice for several tanks using one registration form, but owners who own tanks located at more than one facility shall file a separate registration form for each separate facility.

(c) Notices required to be submitted under subsection (a) shall provide all of the requested information on the registration form for each tank for which notice is required to be given.

(d) Owners and operators of new underground storage tank systems shall certify compliance with the following requirements in the registration form provided by the Department:

(1) Installation of tanks and piping under § 245.421(c) (relating to performance standards for new underground storage tank systems).

(2) Cathodic protection of steel tanks and piping under § 245.421(b)(1) and (2).

**(3) Financial responsibility under Subchapter H (relating to financial responsibility requirements for owners and operators of underground storage tanks and storage tank facilities).**

**(4) Release detection under §§ 245.442 and 245.443 (relating to requirements for petroleum underground storage tank systems; and requirements for hazardous substance underground storage tank systems).**

**(5) Use of a Department-certified installer under § 245.21 (relating to tank handling and inspection requirements).**

**(e) Beginning October 24, 1988, a person who sells a tank intended to be used as an underground storage tank or a property containing an existing tank system shall notify the purchaser, in writing, of an owner's obligations under subsection (a). The following form may be used to comply with this requirement:**

**Federal law (the Resource Conservation and Recovery Act) and Commonwealth law (the Storage Tank and Spill Prevention Act) require that the owner of a regulated underground storage tank notify the Pennsylvania Department of Environmental Protection of the existence of its tank.**

**Notification for tanks brought into service after August 5, 1989, must be made prior to placing the tank system into service. Consult EPA 40 CFR Part 280 and PA Code Title 25 Chapter 245 to determine if you are affected by these laws.**

**(f) Every owner, including a new owner of an existing tank system, shall comply with tank registration requirements in Subchapter A (relating to general provisions).]**

## **GENERAL OPERATING REQUIREMENTS**

**§ 245.432. Operation and maintenance including corrosion protection.**

**(a) [Owners and operators of steel underground storage tank systems with corrosion protection shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the underground storage tank system is used to store regulated substances:] Owners and operators of metal underground storage tank systems with corrosion protection shall comply with all of the following requirements to ensure that releases due to corrosion are prevented until the underground storage tank system is permanently closed or undergoes a change-in-service in accordance with § 245.452 (relating to permanent closure and changes-in-service).**

**(1) Corrosion protection systems shall be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances.**

(2) Underground storage tank systems equipped with cathodic protection systems shall be **inspected TESTED** for proper operation by a qualified cathodic protection tester in accordance with the following requirements:

(i) *Frequency.* Cathodic protection systems shall be tested within 6 months of installation and at least every 3 years thereafter.

(ii) *Inspection criteria.* The criteria that are used to determine that cathodic protection is adequate as required by this section shall be in accordance with a code of practice developed by a [Nationally-recognized] **Nationally recognized** association.

**(iii) Documentation. Surveys of cathodic protection systems required under this chapter shall be documented on a form provided by the Department and shall be provided to the Department upon request.**

(3) Underground storage tank systems with impressed current cathodic protection systems shall be ~~inspected or~~ checked every 60 days to ensure the equipment is **running properly functioning as designed**. At a minimum, the operator or person conducting the 60-day check shall document the date checked, annotate the system's functioning status, and for systems equipped with a direct current readout meter, record the amount of current indicated on the meter.

(4) For underground storage tank systems using cathodic protection, records of the operation of the cathodic protection shall be maintained, in accordance with § 245.435 (relating to reporting and recordkeeping) to demonstrate compliance with the performance standards in this section. These records must provide the following:

(i) The results of the last three **inspections CHECKS** required in paragraph (3).

(ii) The results of testing from the last two **inspections SURVEYS** required in paragraph (2).

(b) Monitoring and observation wells shall be clearly identified using industry codes and standards, and caps shall be secured to prevent unauthorized or accidental access.

(c) **[Required equipment, including line leak detectors, product sensors and probes, dispenser pans] Underground storage tank systems and storage tank system components, including tanks, piping, line leak detectors, product sensors and probes,** containment sumps, measuring devices (including gauge sticks), gauges, corrosion protection, spill prevention, overflow prevention and other appurtenances whose failure could contribute to a release of product, shall be maintained in a good state of repair to ensure they function as designed.

(d) Tanks which have been lined and have not had corrosion protection added in accordance with § 245.422(b)(2) (relating to upgrading of existing underground storage tank systems) shall have the lining evaluated by, or under the direct onsite supervision of, a TL certified tank installer or by a professional engineer.

(1) Evaluations must adhere to an evaluation process developed by a National association identified in § 245.405 (relating to codes and standards) (See API 1631 and NLPA 631) as follows:

- (i) Ten years after lining installation.
- (ii) Every 5 years after the preceding evaluation.

(2) Each evaluation finding shall be documented on a form approved by the Department and shall be maintained at the facility for the duration of the tank's operating life.

(e) Lined tank systems that do not meet original design specifications or have not been evaluated as required in subsection (d)(1) and (2) shall be emptied, removed from service and permanently closed in accordance with [§§ 245.451 and 245.452 (relating to temporary closure; and permanent closure and changes-in-service)] § 245.451 (relating to temporary removal from service (out-of-service)) and § 245.452.

(f) **[Primary and secondary containment structure must be maintained in a leak free condition. If infiltration or a release is detected within the secondary containment, the defective component shall be repaired in accordance with § 245.434 (relating to repairs allowed). Repairs, including those performed to stop infiltration, shall be tested in accordance with § 245.434(5).] Primary and secondary containment structures, containment sumps and spill prevention equipment must be maintained in a leak-free condition. If any liquid or regulated substance is detected, the liquid or regulated substance shall be immediately removed and the defective component, if applicable, shall be repaired in accordance with § 245.434 (relating to repairs allowed). Repairs, including those performed to stop infiltration, shall be tested in accordance with § 245.434(4).**

(g) A check for water in petroleum tanks shall be performed monthly and excess water shall be promptly removed as necessary. Water may not exceed the tank manufacturer's recommendations, product supplier's guidelines, or 2 inches of accumulation in the bottom of the tank, whichever is less. No amount of water is desirable in gasoline containing ethanol. Therefore, water should not be allowed to accumulate in tanks containing ethanol. Excess water shall be properly managed in accordance with applicable State and Federal requirements, such as Chapter 299 (relating to storage and transportation of residual waste), 40 CFR Part 261, Subpart B (relating to **[hazardous waste identification] criteria for identifying the characteristics of hazardous waste and for listing hazardous waste**) and 29 CFR Part 1910 (relating to occupational safety and health standards).

#### § 245.433. Compatibility.

**(a)** Owners and operators shall use an underground storage tank system[, ] made of or lined with materials[, that is] **that are** compatible with the substance stored in the underground storage tank system. **[Owners and operators storing alcohol blends may use the following codes to comply with the requirements of this section:**

(1) American Petroleum Institute Publication 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations."

(2) American Petroleum Institute Publication 1627, "Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations."]

(b) UPON DEPARTMENT REQUEST, An AN owner and operator of an underground storage tank storing alternative fuel blends or biodiesel or biodiesel-blended fuel shall submit on a form provided by the Department information verifying compatibility of the underground storage tank system with the substance stored prior to storing the substance in the underground storage tank.

(c) Upon Department request, an AN owner and operator of an underground storage tank system shall demonstrate compatibility of the underground storage tank system with the substance stored by using one or more of the following:

(1) Certification or listing of the underground storage tank system equipment or component by a Nationally recognized, independent testing laboratory for use with the substance stored.

(2) Equipment or component manufacturer approval. The manufacturer's approval must be in writing, indicate an affirmative statement of compatibility, specify the range of alternative fuel blend or biodiesel blend with which the equipment or component is compatible WITH THE SUBSTANCE STORED, and be from the equipment or component manufacturer.

(3) Verification by a Pennsylvania-licensed professional engineer who has knowledge, experience and training in materials science that the equipment or component is compatible with the substance stored. The Department may request documentation supporting the professional engineer's verification.

(4) Another option that is determined by the Department to be at least as protective of human health and the environment as those in paragraphs (1)—(3).

#### § 245.434. Repairs allowed.

Owners and operators of underground storage tank systems shall ensure that repairs will prevent releases due to structural failure or corrosion as long as the underground storage tank system is used to store regulated substances. The repairs must meet the following requirements:

(1) Repairs involving a tank handling activity shall be performed by or under the direct, onsite supervision and control of a certified installer.

(2) Repairs to underground storage tank systems shall be properly conducted in accordance with a code of practice developed by a [Nationally-recognized] Nationally recognized association or an independent testing laboratory.

**[(3) Repairs to fiberglass reinforced plastic tanks may be made by the manufacturer's authorized representatives, and shall be made in accordance with a code of practice developed by a Nationally-recognized association or an independent testing laboratory.**

**(4) [(3) Metal pipe sections and fittings that have released product as a result of corrosion or other damage shall be replaced. [Fiberglass] Noncorrodible pipes and fittings may be repaired; repairs shall be made in accordance with the manufacturer's specifications.**

**[(5) Tanks, containment sumps, and piping repaired in response to a release shall be tightness tested in accordance with §§ 245.421(b)(4)(ii), 245.444(3) and 245.445(2) (relating to performance standards for underground storage tank systems; methods of release detection for tanks; and methods of release detection for piping), respectively, prior to placing the system back into service except as provided as follows:**

**(i) The repaired tank is internally inspected in accordance with a code of practice developed by a Nationally-recognized association or an independent testing laboratory.**

**(ii) The repaired portion of the underground storage tank system is monitored monthly for releases in accordance with a method specified in § 245.444(4)—(9).**

**(iii) Another test method is used that is determined by the Department to be at least as protective of human health and the environment as those listed in subparagraphs (i) and (ii).]**

**(4) Repairs to secondary containment areas of tanks and piping, containment sumps and spill prevention equipment shall be tested for tightness according to the manufacturer's instructions, a code of practice developed by a Nationally recognized association or independent testing laboratory prior to returning the underground storage tank system to operating status. All other repairs to tanks, containment sumps and piping shall be tightness tested in accordance with §§ 245.421(b)(4)(ii), 245.444(2) and 245.445(2) (relating to performance standards for underground storage tank systems; methods of release detection for tanks; and methods of release detection for piping), respectively, prior to placing the underground storage tank system back into service except as provided as follows:**

**(i) The repaired tank is internally inspected in accordance with a code of practice developed by a Nationally recognized association or an independent testing laboratory.**

**(ii) Another test method is used that is determined by the Department to be at least as protective of human health and the environment as listed in subparagraph (i).**

**[(6) (5) Within 6 months following the repair of a cathodically protected underground storage tank system, the cathodic protection system shall be tested in accordance with § 245.432(a)(2) and (3) (relating to operation and maintenance including corrosion protection) to ensure that it is operating properly.**

[(7)] **(6)** Underground storage tank system owners and operators shall maintain records of each repair, including those in response to a release, for the remaining operating life of the underground storage tank system.

**§ 245.435. Reporting and recordkeeping.**

(a) Owners and operators of underground storage tank systems shall **maintain records as required under this chapter and provide records, as requested, and** cooperate fully with inspections, monitoring and testing conducted by the Department, certified installers or certified inspectors[, as well as]. **Owners and operators shall provide records and cooperate fully in response to** requests for document submission, testing and monitoring by the owner or operator under section 107(c) of the act [(35 P.S. § 6201.107(c))] **(35 P.S. § 6021.107(c))**.

(b) Owners and operators shall maintain required records either onsite at the [**underground**] storage tank facility or at a readily available alternative site. Records maintained at the [**underground**] storage tank facility shall be immediately available for inspection by the Department and certified inspectors. If records are maintained offsite, the records shall be easily obtained and provided for inspection or for review by the Department upon request.

[(1)] **(c) Reporting.** Owners and operators shall submit the following applicable information to the Department:

[(i)] **(1)** Notification in accordance with § 245.41 (relating to tank registration requirements) for underground storage tank systems, including change of ownership, closure of [**a**] **an underground storage** tank system, change of substance stored and change of tank status, and certification of installation for new underground storage tank systems (§ 245.421(c) (relating to performance standards for underground storage tank systems)).

[(ii)] **Reports of confirmed, reportable releases (§ 245.305(d) (relating to reporting releases)).]**

**(2) Reports of confirmed, releases (§ 245.305(c) (relating to reporting releases)).**

[(iii)] **(3)** A site characterization report (§ 245.310 (relating to site characterization report)).

[(iv)] **(4)** Remedial action plans (§ 245.311 (relating to remedial action plan)), remedial action progress reports (§ 245.312 (relating to remedial action)) and remedial action completion reports [§ 245.313 (relating to remedial action completion report)).

[(v)] **(5)** A notification before installation, permanent closure or change-in-service of a storage tank or storage tank system (§ 245.421(a)(2) and § 245.452(a) (relating to permanent closure and changes-in-service)).

[(vi)] **(6)** In the case of permanent closure, closure records to the Department when requested.

**[(2) *Permanent recordkeeping.* Owners and operators shall maintain records for new systems and available records for existing systems for the operational life of the tank system and retain the records for a minimum of 1 year after the tank system has been removed. Permanent records include the following:]**

**[(d) *Recordkeeping.* Owners and operators shall maintain all of the following records for underground storage tank systems for the operational life of the system and retain the records for a minimum of 1 year after the underground storage tank system has been permanently closed:**

**[(i)] (1)** A corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used (§ 245.421(b)(1)(iv) and (2)(iii) and § 245.422(b)(2)(iv) and (c)(3) (relating to upgrading of existing underground storage tank systems)).

**[(ii)] (2)** The corrosion expert's design of an impressed current system or field-installed cathodic protection system or similar information that demonstrates compliance with §§ 245.421(b)(2)(ii)(B) and 245.422(b)(2) and (c)(2).

**[(iii) Documentation of tank system installation, system modification and tank upgrade activities.]**

**(3) Documentation of underground storage tank system installation, modification and upgrade activities.**

**[(iv) Tank] (4) Underground storage tank** system assessment records prior to upgrading in accordance with § 245.422(b).

**[(v)] (5)** Documentation of the installation testing and commissioning reports required for corrosion protection systems by manufacturers and National standards in accordance with § 245.432 (relating to operation and maintenance including corrosion protection).

**[(vi) Documentation of underground storage tank system repairs, including those in response to a release (§ 245.434(6) (relating to repairs allowed)).]**

**(6) Documentation of underground storage tank system repairs.**

**[(vii)] (7)** Tank lining evaluation reports (§ 245.432(d)).

**[(viii)] (8)** Documentation showing Department approval for a variance or alternate leak detection method (§§ 245.404 and 245.443 (relating to variances; and requirements for hazardous substance underground storage tank systems)).

**[(3) *Temporary recordkeeping.* Owners and operators shall retain current temporary records for a minimum of 1 year after the tank system has been removed. Temporary records shall be maintained as follows:**

(i) **The current Storage Tank Registration/Permit Certificate.**

(ii) **Tank and pipe release detection records for the past 12 months, including written certifications or performance claims for the release detections methods in use and documentation of investigations of suspected releases (§§ 245.304 and 245.446 (relating to investigation of suspected releases; and release detection recordkeeping)).]**

**(9) Documentation showing the owner or operator of an underground storage tank system is continuously participating in the USTIF.**

**(10) The current Storage Tank Registration/Permit Certificate.**

**(11) Tank and piping release detection records for the past 12 months, including written certifications or performance claims for the release detection methods in use (§ 245.446 (relating to release detection recordkeeping)).**

[(iii)] **(12) The last annual check/testing, and maintenance records of leak detection equipment including probes, monitors, line leak detectors and automatic tank gauges that verify they are working properly and tested as required by the equipment manufacturers and this chapter.**

[(iv)] **(13) Documentation of the last three impressed current cathodic protection system inspection checks for each 60-day test period in accordance with § 245.432.**

[(v)] **(14) The last two cathodic protection surveys, done at 3-year intervals, on impressed current and galvanic cathodic protection systems in accordance with § 245.432.**

[(vi)] **(15) Results of the site investigation conducted at permanent closure or change-in-service (§ 245.455 (relating to closure records)).**

[(vii)] **(16) A properly completed closure report required under § 245.452(f).**

[(viii)] **(17) Documentation of the last test that demonstrates each containment sump[, dispenser pan and spill containment bucket] and spill prevention equipment installed or repaired after November 10, 2007, were tested and verified to be liquid-tight in accordance with [§§] § 245.421(b)(4) and § ~~245.434(5)~~ 245.434(4) (relating to repairs allowed).**

[(ix)] **(18) Documentation of operator training, including verification of training for current Class A, Class B and Class C operators, current list of operators and written instructions or procedures for Class C operators in accordance with § 245.436 (relating to operator training).**

**(19) For owners and operators conducting periodic testing of containment sumps and spill prevention equipment and evaluations of overfill prevention under § 245.437 (relating to periodic testing), documentation of the last test for the containment sump and spill prevention equipment and evaluation of the overfill prevention equipment.**

**(20) For owners and operators conducting periodic testing of containment sumps and spill prevention equipment under § 245.437(a)(1)(i), documentation showing that the equipment is double-walled and the integrity of both walls is periodically monitored in accordance with § 245.438(a)(1)(i) (relating to periodic operation and maintenance walkthrough inspections) for as long as the equipment is monitored by walkthrough inspection.**

**(21) Records of walkthrough inspections as required under § 245.438 for the past 12 months. Records must include a list of each area checked, whether each area checked was acceptable or needed action taken, a description of actions taken to correct an issue and delivery records if spill prevention equipment is checked less frequently than every 30 days due to infrequent deliveries.**

**(22) Documentation of investigations of suspected releases in accordance with § 245.304 (relating to investigation of suspected releases).**

### **§ 245.436. Operator training.**

#### **(a) Requirement for trained operators.**

(1) An owner shall designate Class A, Class B and Class C operators for each underground storage tank system or **storage tank** facility that has underground storage tanks permitted to operate by the Department.

(2) A **storage tank** facility may not operate [after August 8, 2012,] unless operators have been designated and trained as required in this section, unless otherwise agreed upon by the Department.

(3) Trained operators shall be readily available to respond to suspected/confirmed releases, other unusual operating conditions and equipment shut-offs or failures.

(i) The Class A or Class B operator shall be available for immediate telephone consultation when a **storage tank** facility is in operation. A Class A or Class B operator must be able to be onsite at the storage tank facility within 24 hours.

(ii) [Facilities] **Storage tank facilities** that dispense motor fuel for retail sales to the general public shall be manned by an onsite Class C operator when open for business with the public in accordance with [37 Pa. Code §§ 13.115 and 13.117] **34 Pa. Code §§ 14a.115 and 14a.117** (relating to attended self-service stations; and supervision of dispensing). During an unexpected absence of a Class C operator, such as employee no-shows or call-offs, an onsite Class A or Class B operator may fill-in or temporarily substitute for the Class C operator. [Facilities] **Storage tank facilities** that do not dispense motor fuel to the general public may be manned based on the facility owner's requirements and routine operational needs. **Emergency contact information and written instructions and procedures in the event of an emergency shall be immediately available upon request.**

(iii) [For unmanned facilities, a Class C operator shall be available for immediate telephone consultation and shall be able to be onsite within 2 hours of being contacted. Emergency contact information shall be prominently displayed at the site. Emergency procedures for users of unmanned facilities shall also be prominently posted at the site.] For storage tank facilities that do not dispense motor fuel for retail sales to the general public, a Class C operator shall be available for immediate telephone consultation and shall be able to be onsite within 2 hours of being contacted. Emergency contact information and written instructions and procedures in the event of an emergency must be prominently displayed at the site and visible to the storage tank user.

[(4) Designated operators shall successfully complete required training under subsection (c) by August 8, 2012.

(5) (4) A person may be designated for more than one class of operator.

(b) *Operator classes.*

(1) *Class A operator.* A Class A operator has primary responsibility to operate and maintain the underground storage tank system and facility. The Class A operator's responsibilities typically include managing resources and personnel, such as establishing work assignments, to achieve and maintain compliance with regulatory requirements. In general, this person focuses on the broader aspects of the statutory and regulatory requirements and standards necessary to properly operate and maintain the underground storage tank system and facility.

(i) A Class A operator assists the owner by ensuring that underground storage tank systems are properly installed and expeditiously repaired, and records of system installation, modification and repair are retained and made available to the Department and certified IUM inspectors.

(ii) A Class A operator shall be familiar with training requirements for each class of operator and may provide required training for Class C operators.

(iii) A Class A operator may prepare site drawings that indicate equipment locations for Class C operators and routine maintenance checklists for Class B operators. [(See PEI RP 900— "Recommended Practices for the Inspection and Maintenance of UST Systems.")]

(iv) Department-certified [companies,] installers and inspectors with current underground storage tank UMX, UMI or IUM certification categories may perform Class A operator duties when employed or contracted by the tank owner to perform these functions.

(A) Department-certified installers[, inspectors and companies] and inspectors identified in this subparagraph are excluded from required training under subsection (c), unless required by the Department to successfully complete mandatory operator training under § 245.411(d) (relating to inspection frequency).

(B) A certified IUM inspector may not perform **[a facility operation inspection] an inspection as required in § 245.411** for a facility where the inspector is also the designated Class A operator. (See § 245.106 (relating to conflict of interest).)

(2) *Class B operator.* A Class B operator implements applicable underground storage tank regulatory requirements and standards in the field or at the storage tank facility. This person oversees and implements the day-to-day aspects of operations, maintenance and recordkeeping for the underground storage **[tanks] tank systems** at one or more facilities. For example, the **Class B** operator ensures that release detection methods, release prevention equipment and related recordkeeping and reporting requirements are met, relevant equipment manufacturer's or third-party performance standards are available and followed, and appropriate persons are trained to properly respond to potential emergencies caused by releases or spills from underground storage tank systems at the facility.

(i) A Class B operator checks spill **[prevention and overfill control] and overfill prevention** equipment and corrosion protection equipment to ensure that they are functioning properly and that any required system tests are performed at required intervals.

(ii) A Class B operator assists the owner by ensuring that release detection equipment is operational, release detection is performed at the proper intervals and release detection records are retained and made available to the Department and certified IUM inspectors.

(iii) A Class B operator shall be totally familiar with Class B and Class C operator responsibilities, and may provide required training for Class C operators.

(iv) Department-certified **[companies,] installers and inspectors** with current underground storage tank UMX, **UMI** or IUM certification categories may perform Class B operator duties when employed or contracted by the tank owner to perform these functions.

(A) Department-certified installers**[, inspectors and companies] and inspectors** identified in this subparagraph are excluded from required training under subsection (c), unless required by the Department to successfully complete mandatory operator training under § 245.411(d).

(B) A certified IUM inspector may not perform **[a facility operation inspection] an inspection as required in § 245.411** for a facility where the inspector is also the designated Class B operator. (See § 245.106.)

(3) *Class C operator.* A Class C operator is the first line of response to events indicating emergency conditions **and may control or monitor the dispensing or sale of regulated substances**. This person is responsible for responding to alarms or other indications of emergencies caused by spills or releases from underground storage tank systems and **associated** equipment failures. The Class C operator shall notify the Class A or Class B operator and appropriate emergency responders when necessary, based on the nature or type of emergency.

**[(i) A Class C operator may control or monitor the dispensing or sale of regulated substances.**

**(ii) After June 28, 2010, written instructions or procedures shall be provided and visible at manned storage tank facilities, and be readily available for unmanned facilities for persons performing duties of the Class C operator to follow and to provide notification necessary in the event of emergency conditions.**

**(iii) There may be more than one Class C operator at a storage tank facility, but not all employees of a facility are necessarily Class C operators.]**

*(c) Required training.*

(1) *Class A operators.* A Class A operator shall successfully complete a training course approved under § 245.141 (relating to training approval) **[or recognized by the Department under paragraph (5)]** that includes a general knowledge of underground storage tank system requirements. Training must provide information that should enable the operator to make informed decisions regarding compliance and to ensure that appropriate persons are fulfilling operation, maintenance and recordkeeping requirements and standards of this chapter or Federal underground storage tank requirements in 40 CFR Part 280 (relating to technical standards and corrective action requirements for owners and operators of underground storage tanks (UST)), or both, including the following:

- (i) Spill and overfill prevention.
- (ii) Release detection and related reporting requirements.
- (iii) Corrosion protection.
- (iv) Emergency response.
- (v) Product and equipment compatibility.
- (vi) Financial responsibility.
- (vii) Notification and storage tank registration requirements.
- (viii) Temporary and permanent closure requirements.
- (ix) Operator training requirements.

(2) *Class B operators.* A Class B operator shall successfully complete a training course approved under § 245.141 **[or recognized by the Department under paragraph (5)]** that includes an in-depth understanding of operation and maintenance aspects of underground storage tank systems and related regulatory requirements. Training must provide specific information on the components of underground storage tank systems, materials of construction, methods of release detection and release prevention applied to underground storage tank systems and components. Training must address operation and maintenance requirements **[of] in** this chapter

or Federal underground storage tank requirements in 40 CFR Part 280, or both, including the following:

- (i) Spill and overfill prevention.
- (ii) Release detection and related reporting requirements.
- (iii) Corrosion protection and related testing.
- (iv) Emergency response.
- (v) Product and equipment compatibility.
- (vi) Reporting and recordkeeping requirements.
- (vii) Class C operator training requirements.

(3) *Class C operators.* At a minimum, training provided by the tank owner or Class A or Class B operator must **be site-specific and** enable the Class C operator to take action in response to emergencies, such as situations posing an immediate danger or threat to the public or to the environment and that require immediate action, caused by spills or releases and alarms from an underground storage tank system. Training must include written instructions or procedures for the Class C operator to follow and to provide notification necessary in the event of emergency conditions.

(4) *Class A and Class B operators.* Successful completion for Class A and Class B operators means attendance for the entire training course and demonstration of knowledge of the course material as follows:

(i) Receipt of a passing grade under § 245.141(b)(4), on an examination of material presented in the training course, or demonstration through practical (hands-on) application to the trainer, operation and maintenance checks of underground storage tank equipment, including performance of release detection at the [**underground**] storage tank facility, at the conclusion of onsite training.

(ii) Receipt of a training certificate by an approved trainer upon verification of successful completion of training under this paragraph.

**[(5) *Reciprocity.* The Department may also recognize successful completion of Class A and Class B operator training on regulatory standards consistent with 40 CFR Part 280, which is recognized by other states or implementing agencies and which is approved by the EPA as meeting operator training grant guidelines published by the EPA.**

**(6)] (5) *Costs of training.* The tank owner or operator shall incur the costs of the training.**

(d) *Timing of training.*

(1) An owner shall ensure that Class A, Class B and Class C operators are trained **[as soon as practicable after December 26, 2009, contingent upon availability of approved training providers, but by August 8, 2012] and identified on a form provided by the Department prior to placing the underground storage tank system into use.**

(2) When a Class A or Class B operator is replaced[, after August 8, 2012], a new operator shall be trained within 30 days of assuming duties for that class of operator.

(3) Class C operators shall be trained before assuming duties of a Class C operator. **[After June 28, 2010, written] Written** instructions or procedures shall be provided to Class C operators to follow and to provide notification necessary in the event of emergency conditions. Class C operators shall be briefed on these instructions or procedures at least annually (every 12 months), which may be concurrent with annual safety training required by the Occupational Safety and Health Administration, under 29 CFR Part 1910 (relating to Occupational Safety and Health Standards).

(e) *Documentation.*

(1) The owner of **[an underground] a** storage tank facility shall prepare a list of designated operators. The list must represent the current Class A, Class B and Class C operators for the **[underground]** storage tank facility and include:

(i) The name of each operator, class of operation trained for and the date each operator successfully completed initial training and refresher training, if any.

(ii) For Class A and Class B operators that are not permanently onsite or assigned to more than one facility, telephone numbers to contact the operators.

(2) A copy of the certificates of training for Class A and Class B operators shall be on file and readily available and a copy of the facility list of Class A, Class B and Class C operators and Class C operator instructions or procedures shall be kept onsite and immediately available for **[manned storage tank facilities and readily available for unmanned facilities. See § 245.435(b)(3)(ix) (relating to reporting and record-keeping).] storage tank facilities that dispense motor fuel for retail sales to the general public. Storage tank facilities that do not dispense motor fuel for retail sales to the general public shall have this information readily available. (See § 245.435(d)(18) (relating to reporting and recordkeeping).)**

(3) Class C operator or owner contact information, including names and telephone numbers, and emergency procedures[, ] shall be conspicuously posted at **[unmanned facilities] storage tank facilities that do not dispense motor fuel for retail sales to the general public.**

*(Editor's Note: Sections 245.437 and 245.438 are proposed to be added and printed in regular type to enhance readability.)*

**§ 245.437. Periodic testing.**

(a) Owners and operators of underground storage tank systems shall ensure installed equipment for release detection and prevention is operating properly by meeting all of the following requirements:

(1) Containment sumps used for interstitial monitoring of piping in accordance with § 245.444(6) (relating to methods of release detection for tanks) and spill prevention equipment must meet one of the following:

(i) When the containment sump or spill prevention equipment is double-walled, the integrity of both walls shall be periodically monitored by maintenance walkthrough inspections as required under § 245.438 (relating to periodic operation and maintenance walkthrough inspections). If walkthrough inspections are discontinued, the owner and operator shall comply with subparagraph (ii) and conduct a test within 30 days of the last inspection.

(ii) Containment sumps and spill prevention equipment shall be tested at least once every 3 years to ensure the equipment is liquid-tight by using vacuum, pressure or liquid.

(2) Overfill prevention equipment shall be evaluated at least once every 3 years. At a minimum, the evaluation shall ensure that overfill prevention equipment is set to activate at the correct level specified in § 245.421(b)(3) (relating to performance standards for underground storage tank systems) and must activate when the regulated substance stored reaches that level.

(3) Electronic and mechanical components of release detection equipment shall be tested for proper operation at least annually. At a minimum, required tests, as applicable to the facility, shall cover all of the following components and criteria:

(i) Automatic tank gauges and other controllers must be tested by:

(A) Testing alarm.

(B) Verifying system configuration.

(C) Testing battery backup.

(ii) Probes and sensors shall be tested **BY**:

(A) Inspecting for residual buildup.

(B) Ensuring that floats move freely.

(C) Ensuring the shaft is not damaged.

(D) Ensuring cables are free of kinks and breaks.

(E) Testing alarm operability or running condition and communication with controller.

(iii) Automatic line leak detectors shall be tested to meet criteria in § 245.445 (relating to methods of release detection for piping) by simulating a leak.

(iv) Vacuum pumps and pressure gauges shall be tested to ensure proper communication with sensors and controller.

(v) Handheld electronic sampling equipment associated with groundwater and vapor monitoring shall be tested to ensure proper operation.

(b) Owners and operators of underground storage tank systems shall ensure tests and evaluations required under this section are performed in accordance with one of the following criteria:

(1) Requirements developed by the manufacturer.

(2) Code of practice developed by a Nationally recognized association or independent testing laboratory.

(3) Requirements determined by the Department to be no less protective of human health and the environment than the requirements in paragraphs (1) and (2).

(c) Owners and operators shall comply with the periodic testing requirements in this section as follows:

(1) For underground storage tank systems installed on or before \_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this ~~proposed~~ FINAL rulemaking.*), owners and operators shall ensure tests and inspections as required under this section are performed prior to the next required underground storage tank inspection occurring after \_\_\_\_ (*Editor's Note: The blank refers to 365 days after the effective date of adoption of this ~~proposed~~ FINAL rulemaking.*), or not later than \_\_\_\_ (*Editor's Note: The blank refers to 1,095 days after the effective date of adoption of this ~~proposed~~ FINAL rulemaking.*), whichever occurs first.

(2) For underground storage tank systems installed after \_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this ~~proposed~~ FINAL rulemaking.*), these requirements apply at installation.

(d) Test liquids used to perform tests as required in this chapter shall be reused, treated or disposed in accordance with applicable requirements in Chapters 91, 92a, 260a—270a and 287—299.

#### § 245.438 Periodic operation and maintenance walkthrough inspections.

(a) To properly operate and maintain spill prevention and release detection equipment part of underground storage tank systems, no later than \_\_\_\_ (*Editor's Note: The blank refers to 365 days after the effective date of adoption of this ~~proposed~~ FINAL rulemaking.*), owners and operators shall conduct walkthrough inspections at a minimum of every 30 days, with the

exception of spill prevention equipment at underground storage tank systems receiving deliveries at intervals greater than every 30 days, which may be checked prior to each delivery. The walkthrough inspection shall include, at a minimum, all of the following:

(1) For spill prevention equipment:

(i) Visually check for damage.

(ii) Remove liquid or debris.

(iii) Check for and remove obstructions in the fill pipe.

(iv) Check the fill cap to make sure it is securely on the fill pipe.

(v) For double-walled spill prevention equipment with interstitial monitoring, check for a leak in the interstitial area.

(2) For release detection equipment:

(i) Check to make sure the release detection equipment is operating with no alarms or other unusual operating conditions present.

(ii) Ensure records of release detection testing are reviewed and current.

(b) To properly operate and maintain containment sumps and handheld release detection equipment part of underground storage tank systems, no later than \_\_\_\_\_ (*Editor's Note: The blank refers to 365 days after the effective date of adoption of this proposed FINAL rulemaking.*), owners and operators shall conduct walkthrough inspections at a minimum of every 12 months that include, at a minimum, all of the following:

(1) For containment sumps:

(i) Visually check for damage and the presence of liquid or debris.

(ii) Remove liquid or debris.

(iii) For double-walled sumps with interstitial monitoring, check for a leak in the interstitial area.

(2) For handheld release detection equipment, check devices such as tank gauge sticks or groundwater bailers for operability and serviceability.

(c) Owners and operators of underground storage tank systems shall ensure operation and maintenance walkthrough inspections required under this section are performed in accordance with one of the following criteria, unless the Department determines that a more stringent

requirement is necessary to avoid releases of regulated substances from underground storage tank systems:

(1) Requirements developed by the manufacturer.

(2) Code of practice developed by a Nationally recognized association or independent testing laboratory.

(3) Requirements determined by the Department to be no less protective of human health and the environment than the requirements in paragraphs (1) and (2).

### RELEASE DETECTION

#### § 245.441. General requirements for underground storage tank systems.

(a) Owners and operators of new and existing underground storage tank systems shall provide a method, or combination of methods, of release detection that:

(1) Can detect a release from any portion of the tank and the connected underground piping that routinely contains product.

(2) Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition.

(3) Meets the performance requirements in § 245.444 or § 245.445 (relating to methods of release detection for tanks; and methods of release detection for piping), with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. In addition, methods **[used after the date shown in the following table corresponding with the specified method except for methods permanently installed prior to that date, shall] in §§ 245.444 and 245.445 must** be capable of detecting the leak rate or quantity specified for that method in the corresponding section of this subchapter, **also shown in the table,** with a probability of detection (Pd) of 0.95 and a probability of false alarm (Pfa) of 0.05.

<i>[Method</i>	<i>Section</i>	<i>Date After Which Pd/Pfa Must be Characterized</i>
Manual Tank Gauging	245.444(2)	December 22, 1990
Tank Tightness Testing	245.444(3)	December 22, 1990
Automatic Tank Gauging	245.444(4)	December 22, 1990
Statistical Inventory Reconciliation	245.444(8)	December 22, 1990
Automatic Line Leak Detectors	245.445(1)	September 22, 1991
Line Tightness Testing	245.445(2)	December 22, 1990]

(i) Test method performance claims shall be verified by an independent third party using leak rates that are unknown to the tester.

(ii) When the EPA evaluation protocol for a method changes, the manufacturer shall reevaluate the method within 24 months of the new protocol's effective date for its continued use in this Commonwealth.

(b) When a release detection method operated in accordance with the performance standards in §§ 245.444 and [§] 245.445 indicates a release may have occurred, owners and operators shall investigate the suspected release in accordance with Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties).

(c) Owners and operators of underground storage tank systems shall comply with the release detection requirements [of] in this subchapter.

(d) An existing tank system that cannot apply a method of release detection that complies with this subchapter must immediately empty the tank and complete the closure procedures in §§ 245.451—245.455 (relating to out-of-service underground storage tank systems and closure).

**[(e) For existing tank systems equipped with double-walled pressurized piping that routinely contains regulated substance, and containment sumps at the piping junctures and dispensers, the containment sumps and dispenser pan sumps of these systems shall be monitored monthly beginning November 10, 2009, and monthly monitoring records maintained for the last 12 months of monitoring. Monitoring shall be accomplished by one of the following methods:**

**(1) Monthly visual check of the sumps.**

**(2) Interstitial monitoring under § 245.444(7) (relating to methods of release detection for tanks) (also see secondary containment—liquid sump sensors in PEI RP 100).]**

§ 245.442. [Requirements] Periodic monitoring requirements for petroleum underground storage tank systems.

**(a) [Owners and operators of underground storage tank systems installed after November 10, 2007, shall perform interstitial monitoring, at least once every 30 days, in accordance with § 245.444(7) (relating to methods of release detection for tanks) of both the tank and underground piping that routinely contains a product (regulated substance). In addition, pressurized piping for these systems must be equipped and operated with an automatic line leak detector with an automatic pump shut off device in accordance with § 245.445(1) (relating to methods of release detection for piping).] Owners and operators of underground storage tank systems that store petroleum installed after November 10, 2007, and underground piping installed after November 10, 2007, that routinely contain**

**regulated substances shall perform interstitial monitoring in accordance with § 245.444(6) (relating to methods of release detection for tanks) at least once every 30 days. Underground piping installed after November 10, 2007, that conveys regulated substances under pressure must be equipped and operated with an automatic line leak detector with an automatic pump shut off device in accordance with § 245.445(1) (relating to methods of release detection for piping). Release detection is not required for suction piping that meets the requirements in subsection (b)(2)(ii)(A)—(E).**

(b) Owners and operators of petroleum underground storage tank systems installed on or before November 10, 2007, shall provide release detection for tanks and piping as follows:

(1) *Tanks.* Tanks shall be monitored at least every 30 days for releases using one of the methods [listed in § 245.444(4)—(9) except that:] **in § 245.444(1)—(8).**

(i) Underground storage tank systems that meet the performance standards in § 245.421 (relating to performance standards for underground storage tank systems), may use monthly inventory control requirements in § 245.444(1) or (2), and tank tightness testing (conducted in accordance with § 245.444(3)) until 10 years after the tank was first installed or upgraded under § 245.422(b), but not later than December 22, 2008.

(ii) Underground storage tank systems with a capacity of 1,001 to 2,000 gallons may use manual tank gauging, conducted in accordance with § 245.444(2) and a tank tightness test at least every 5 years until November 10, 2017.

(iii) Tanks with a capacity of 550 gallons or less may use manual tank gauging, conducted in accordance with § 245.444(2) as long as they continue to meet requirements of this subchapter.

(iv) Tanks with a capacity of 551 to 1,000 gallons using the longer test times specified may use manual tank gauging, conducted in accordance with § 245.444(2) as long as they continue to meet requirements of this subchapter.]

(2) *Piping.* Underground piping that routinely contains regulated substances shall be monitored for releases in a manner that meets one of the following requirements:

\* \* \* \* \*

**§ 245.443. Requirements for hazardous substance underground storage tank systems.**

Owners and operators of hazardous substance underground storage tank systems shall provide release detection that meets the following requirements:

(1) [Release detection at existing underground storage tank systems shall meet the requirements for petroleum underground storage tank systems in § 245.442 (relating to requirements for petroleum underground storage tank systems). By December 22, 1998, all existing hazardous substance underground storage tank systems shall meet the release

**detection requirements for new systems in paragraph (2).] Hazardous substance underground storage tank systems installed after November 10, 2007, shall perform interstitial monitoring in accordance with § 245.444(6) (relating to methods of release detection for tanks).**

(2) Release detection at [new] hazardous substance underground storage tank systems [shall] **installed on or before November 10, 2007, must** meet the following requirements:

(i) Secondary containment systems.

(A) Secondary containment systems shall be designed, constructed and installed to:

(I) Contain regulated substances released from the tank system until they are detected and removed.

(II) Prevent the release of regulated substances to the environment at any time during the operational life of the underground storage tank system.

(III) Be checked for evidence of a release at least every 30 days.

**[(B) The provisions of § 264.193 (relating to secondary containment) may be used to comply with the requirements of this paragraph.]**

**(3) The provisions of 40 CFR 264.193 (relating to containment and detection of releases) may be used to comply with the requirements in this paragraph.**

[(ii)] (i) Double walled tanks shall be designed, constructed and installed to:

(A) Contain a release from any portion of the inner tank within the outer wall.

(B) Detect the failure of the inner wall.

[(iii)] (ii) External liners, including vaults, shall be designed, constructed and installed to:

(A) Contain 100% of the capacity of the largest tank within its boundary.

(B) Prevent the interference of precipitation or ground-water intrusion with the ability to contain or detect a release of regulated substances.

(C) Surround the tank completely making it capable of preventing lateral as well as vertical migration of regulated substances.

[(iv)] (4) Underground piping shall be equipped with secondary containment that satisfies the requirements [of] **in** subparagraph (i) for example, trench liners, jacketing or double-walled pipe. In addition, underground piping that conveys regulated substances under pressure shall be

equipped with an automatic line leak detector in accordance with § 245.445(1) (relating to methods of release detection for piping).

[(v)] **(5)** Other methods of release detection may be used if owners and operators:

[(A)] **(1)** Demonstrate to the Department that an alternate method can detect a release of the stored substance as effectively as any of the methods allowed in [§ 245.444(2)—(9) (relating to methods of release detection for tanks)] **§ 245.444(1)—(8)** can detect a release of petroleum.

[(B)] **(ii)** Provide information to the Department on effective corrective action technologies, health risks and chemical and physical properties of the stored substance, and the characteristics of the underground storage tank site.

[(C)] **(iii)** Obtain approval from the Department to use the alternate release detection method before the installation and operation of the new underground storage tank system.

#### **§ 245.444. Methods of release detection for tanks.**

**[Each method of release detection for tanks used to meet the requirements of § 245.442 (relating to requirements for petroleum underground storage tank systems) shall be conducted in accordance with the following:**

**(1) *Inventory control.* Product inventory control, or another test of equivalent performance, shall be conducted monthly to detect a release of at least 1.0% of flow-through plus 130 gallons on a monthly basis in the following manner:**

**(i) Inventory volume measurements for regulated substance inputs, withdrawals and the amount still remaining in the tank are recorded each operating day.**

**(ii) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest 1/8 of an inch.**

**(iii) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery.**

**(iv) Deliveries are made through a drop tube that extends to within 1 foot of the tank bottom.**

**(v) Product dispensing is metered and recorded within an accuracy of at least 6 cubic inches for every 5 gallons of product withdrawn.**

**(vi) Dispenser meters shall be calibrated.**

**(vii) The measurement of any water level in the bottom of the tank is made to the nearest 1/8 of an inch at least once a month.**

**(2) Manual tank gauging. Manual tank gauging shall meet the following requirements:]**

**Each method of release detection for tanks used to meet the requirements in §§ 245.441 and 245.442 (relating to general requirements for underground storage tank systems; and periodic monitoring requirements for petroleum underground storage tank systems) shall be conducted in accordance with all of the following:**

**(1) Manual tank gauging. Manual tank gauging shall meet the following requirements:**

(i) Tank liquid level measurements are taken at the beginning and ending of a period of at least 36 hours during which no liquid is added to or removed from the tank.

(ii) Level measurements are based on an average of two consecutive stick readings at both the beginning and ending of the period.

(iii) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest 1/8 of an inch.

(iv) A leak is suspected and subject to Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) if the variation between beginning and ending measurements exceeds the weekly or monthly standards in the following table:

<b>Nominal Tank Capacity</b>	<b>Minimum Duration of Test</b>	<b>Weekly Standard (one test)</b>	<b>Monthly Standard (average of) four tests</b>	<b>Periodic Tightness Test Required</b>
550 gallons or less	36 hours	10 gallons	5 gallons	No
551—1,000 gallons: 64" diameter tank	44 hours	9 gallons	4 gallons	No
551—1,000 gallons: 48" diameter tank	58 hours	12 gallons	6 gallons	No
551—1,000 gallons	36 hours	13 gallons	7 gallons	Yes
[1,001—2,000 gallons	36 hours	26 gallons	13 gallons	Yes]

(v) [Only tanks of 550 gallons or less nominal capacity may use this as the sole method of release detection. Tanks of 551 to 2,000 gallons may use the method in place of manual inventory control in paragraph (1). Tanks of greater than 2,000 gallons nominal capacity may not use this method to meet the requirements of this section.] **Owners and operators of underground storage tanks of greater than 1,000 gallons nominal capacity may not use this method to meet the requirements in this section.**

[(3)] (2) *Tank tightness testing.* Tank tightness testing, or another test of equivalent performance, must be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table.

[(4)] (3) *Automatic tank gauging.* Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet one of the following requirements:

(i) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product.

(ii) [For tank gauges installed prior to December 22, 1990, that do not meet the requirements of subparagraph (i), inventory control, or another test of equivalent performance, shall also be conducted in accordance with paragraph (1). Tank gauges shall be replaced or be certified by an independent third party verifying the gauge's ability to detect the leak rate in subparagraph (i) following EPA evaluation protocol by November 10, 2008.] Tank gauges shall be certified by an independent third party verifying the gauge's ability to detect the leak rate in subparagraph (i) following EPA evaluation protocol.

[(5)] (4) *Vapor monitoring.* Testing or monitoring for vapors within the soil gas of the excavation zone must meet the following requirements:

\* \* \* \* \*

[(6)] (5) *Groundwater monitoring.* Testing or monitoring for liquids on the groundwater must meet the following requirements:

\* \* \* \* \*

[(7)] (6) *Interstitial monitoring.* Interstitial monitoring between the underground storage tank system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that routinely contains product and also meets one of the following requirements:

(i) For double-walled underground storage tank systems, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains product.

(ii) For underground storage tank systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the underground storage tank system and the secondary barrier.

\* \* \* \* \*

(F) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering in accordance with [§ 245.432(5)] § 245.432(b).

(iii) For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner, and the liner is compatible with the substance stored.

[(8)] (7) *Statistical Inventory Reconciliation (SIR)*. SIR shall meet the performance standards of paragraph [(9)(i)] (8)(i) for monthly monitoring.

(i) The owner or operator shall follow the instructions of the SIR manufacturer's protocol.

(ii) A separate report for each tank monitored shall be maintained by the [owner/operator] owner or operator in accordance with § 245.446(2) (relating to release detection recordkeeping). Each report shall meet the following requirements:

**[(A) Owners and operators shall have reports available within 20 days of the end of the monitored period.**

**(B)] (A)** A valid report shall include the calculated leak rate, positive for out of tank and negative for into tank, minimum detectable leak rate (MDL), leak detection threshold, probability of detection (Pd) and probability of false alarm (Pfa) which the supplied data supports.

**[(C)] (B)** A valid report shall also include one of the following test results:

(I) If the calculated leak rate, absolute value, is less than the leak threshold and the MDL is less than or equal to the certified performance standard [(paragraph (3), paragraph (9)(i) or § 245.445(2) (relating to methods of release detection for piping))], the test result is "pass."

(II) If the calculated leak rate, absolute value, is greater than the leak threshold, the test result is "fail."

(III) If the MDL exceeds the certified performance standard and the calculated leak rate is less than the leak threshold, the test result is "inconclusive." An inconclusive result is considered a suspected leak and shall be investigated in accordance with § 245.304 (relating to investigation of suspected releases).

[(9)] (8) *Other methods*. Other types of release detection methods, or a combination of methods, may be used if the owner or operator can demonstrate to the Department that one of the following exists:

(i) It can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05.

(ii) It can detect a release as effectively as any of the methods allowed in paragraphs [(3)—(8)] (2)—(7). In comparing methods, the Department will consider the size of release that the

method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator shall comply with conditions imposed by the Department on its use to ensure the protection of human health and the environment.

#### § 245.445. Methods of release detection for piping.

Each method of release detection for piping used to meet the requirements [of] in § 245.442 (relating to periodic monitoring requirements for petroleum underground storage tank systems) shall be conducted in accordance with the following:

(1) *Automatic line leak detectors.* Methods which alert the operator to the presence of a leak by restricting or automatically shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if they detect leaks of 3 [gallons per hour] gallons-per-hour at 10 pounds per square inch line pressure within 1 hour. An annual test of the operation of the automatic line leak detector shall be conducted in accordance with the manufacturer's requirements. [Underground]

(i) Except as provided in subparagraph (ii), underground storage tank systems installed or replaced after November 10, 2007, must have automatic line leak detectors with an automatic pump shut-off device that shuts off the flow of regulated substances through pressurized piping that routinely contains and conveys product from the tank (See § 245.421(a)(1) (relating to performance standards for underground storage tank systems)).

(ii) Owners and operators of underground storage tank systems that store fuel solely for use by emergency power generators shall install methods that trigger an audible or visual alarm to meet the requirements in this subsection.

(iii) Except as provided in subparagraph (ii), pressurized piping installed on or before November 10, 2007, that conveys regulated substances must be equipped with a method that restricts or automatically shuts off the flow of regulated substances and meets the requirements in this section if the storage tank facility is unattended while open for business.

(2) *Line tightness testing.* A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at 1 1/2 times the operating pressure.

(3) *Applicable tank methods.* The methods in [§ 245.444(5)—(9)] § 245.444(4)—(8) (relating to methods of release detection for tanks) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances.

#### § 245.446. Release detection recordkeeping.

Underground storage tank system owners and operators shall maintain records in accordance with § 245.435 (relating to reporting and recordkeeping) demonstrating compliance with the applicable requirements of § § 245.441—245.446 (relating to release detection). These records shall include the following:

(1) Written performance claims pertaining to a release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, shall be maintained for the entire time the release detection system is in use at the facility.

(2) The results of any sampling, testing or monitoring shall be maintained for at least 1 year, except that the results of tank tightness testing conducted in accordance with ~~§ 245.444(3)~~ § 245.444(2) (relating to methods of release detection for tanks) shall be retained until the next test is conducted.

(3) Written documentation of all calibration, maintenance and repair of release detection equipment permanently located onsite shall be maintained for at least 1 year after the servicing work is completed. Schedules of required calibration and maintenance provided by the release detection equipment manufacturer shall be retained for the entire time the equipment is in use at the facility.

### **OUT-OF-SERVICE UNDERGROUND STORAGE TANK SYSTEMS AND CLOSURE**

§ 245.451. Temporary [~~closure~~] removal from service (out-of-service).

(a) When an underground storage tank system is temporarily [~~closed~~] removed from service (out-of-service), the owner shall complete and submit an amended registration form to the Department within 30 days in accordance with § 245.41 (relating to tank registration requirements).

(b) Owners and operators shall continue operation and maintenance of corrosion protection in accordance with § 245.432 (relating to operation and maintenance including corrosion protection), while the tank is temporarily out-of-service[, and release detection in accordance with §§ 245.441—245.446 (relating to release detection) until the tank is empty]. Records shall continue to be kept in accordance with § 245.435 (relating to reporting and recordkeeping).

(c) Owners and operators shall empty a tank being placed temporarily out-of-service [**within 30 days or**] prior to submission of the registration form to the Department[, **whichever occurs first,**] unless directed otherwise by the Department. Removed contents shall be reused, treated or disposed of in accordance with State and Federal requirements, such as Chapter 299 (relating to storage and transportation of residual waste) and 29 CFR **Part** 1910 (relating to occupational safety and health standards). Release detection is not required as long as the underground storage tank system is empty. The underground storage tank system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (1 inch) of residue, or 0.3% by weight of the total capacity of the underground storage tank system, remain in the system. Owners and operators shall maintain release detection records required under § 245.446(2) (relating to release detection recordkeeping) for the most recent 12-month period of active operation.

(d) Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) shall be complied with if a release is suspected or confirmed.

(e) [Routine facility inspection requirements at 3-year intervals in § 245.411(c) (relating to inspection frequency) may be delayed for a storage tank facility with all tank systems temporarily closed, unless notified otherwise by the Department under § 245.21(c) and (d) (relating to tank handling and inspection requirements). A delayed inspection shall be performed on a storage tank system or facility in temporary closure when returning the tank system to operating status.] **Inspection requirements at 3-year intervals in § 245.411(c) (relating to inspection frequency) shall be performed on an underground storage tank system in temporary out-of-service status.**

(f) When an underground storage tank system is temporarily [closed] **removed from service** for 3 months or more, owners and operators shall also comply with the following requirements:

- (1) Vent lines shall be open and functioning.
- (2) All other lines, pumps, manways and ancillary equipment shall be capped and secure.

(g) When an underground storage tank system is temporarily [closed] **removed from service** for more than 12 months, owners and operators shall:

(1) Permanently close the underground storage tank system if it does not meet either performance standards in § 245.421 (relating to performance standards for underground storage tank systems) for new underground storage tank systems or the upgrading requirements in § 245.422 (relating to upgrading of existing underground storage tank systems), except that the spill and overfill equipment requirements do not have to be met.

(2) Permanently close the substandard underground storage tank systems at the end of this 12-month period in accordance with §§ 245.452—245.455, unless the Department provides an extension of the 12-month temporary [closure] **out-of-service** period.

(3) Complete a site assessment in accordance with § 245.453 (relating to assessing the site at closure or change-in-service) before an extension may be applied for.

(h) Underground storage tank systems that meet performance standards in § 245.421 or the upgrading requirements in § 245.422 shall be permanently closed within 3 years of being placed temporarily out-of-service or by November 10, 2010, whichever is later, unless the Department grants an extension to this temporary [closure] **out-of-service** period. The Department may establish conditions and require submission of documentation associated with extension of the temporary [closure] **out-of-service** period, such as the following:

(1) Requirements for inspection under [§§ 245.21 and 245.411] **§ 245.21 (relating to tank handling and inspection requirements) and § 245.111.**

- (2) Verification and testing of cathodic protection systems under § 245.432.
- (3) Site assessment under § 245.453.

(4) Other considerations determined by the Department.

**(i) The Department may require tests to be performed of the underground storage tank system in temporary out-of-service status when returning the storage tank system to currently-in-use status. These tests may include tank and line tightness testing, verification of compatibility, operability testing as required under § 245.437 (relating to periodic testing), internal inspection of the tank or other tests to ensure proper operation.**

**§ 245.452. Permanent closure and changes-in-service.**

(a) At least 30 days before beginning either permanent closure or a change-in-service under subsections (b) (d), or within another reasonable time determined by the Department, owners and operators shall notify the Department on a form provided by the Department of their intent to permanently close or make the change-in-service, unless the action is in response to corrective action. The required assessment of the excavation zone under § 245.453 (relating to assessing the site at closure or change-in-service) shall be performed after notifying the Department but before completion of the permanent closure or a change-in-service.

(b) To permanently close a tank, owners and operators shall ensure that the tank is empty and clean in accordance with a Nationally recognized code of practice [such as API 2015] by removing the liquids and accumulated sludges. Tanks [taken out of service permanently] **being permanently closed** shall also be either removed from the ground or filled with a nonshrinking, inert solid material.

(c) [Replacement of the underground piping connected to a storage tank shall be considered a permanent closure of that part of the underground storage tank system. The requirements applicable to permanent closure of an underground storage tank system also apply to the permanent closure of system piping.] **Replacement, removal or closure-in-place of underground product piping or remote fill lines connected to a storage tank shall be considered a permanent closure of that part of the underground storage tank system. A major modification to the dispenser involving excavation beneath the dispenser and removal of the dispenser shall also be considered permanent closure of that part of the tank system. The requirements applicable to permanent closure of an underground storage tank system also apply to the permanent closure of system piping, remote fill lines, and dispensers.**

(d) Before a change-in-service, owners and operators shall ensure that the tank is empty and clean in accordance with a Nationally recognized code of practice ~~such as API 2015~~ by removing the liquid and accumulated sludge, and conduct a site assessment in accordance with § 245.453.

(e) [An amended registration shall be submitted by the owner to the Department.] **The owner shall complete and submit an amended tank registration form, signed by the owner and the certified installer that provided direct onsite supervision of the tank handling activity, to the Department within 30 days of either of the following:**

**(1) The completion of permanent closure.**

**(2) Change-in-service of the tank.**

(f) A properly completed closure report is required to permanently close a site, including a change-in-service. A copy of the completed closure report shall be submitted to the Department when requested.

**Subchapter F. TECHNICAL STANDARDS FOR ABOVEGROUND STORAGE TANKS AND FACILITIES**

**GENERAL**

**§ 245.501. Purpose.**

This subchapter establishes technical standards and requirements for operations and maintenance, design, construction and installation, corrosion and deterioration prevention, release prevention and leak detection, inspection, and closure and removal from service requirements for large aboveground storage tanks and facilities **and aboveground storage tanks in underground vaults** regulated under the act. Regulated aboveground storage tanks are defined in § 245.1 (relating to definitions).

**§ 245.503. Variances.**

When unique or peculiar circumstances make compliance with this subchapter technically impractical, infeasible or unsafe, the Department may, upon written application from the [owner/operator] **owner** of a storage tank system subject to this subchapter, grant a variance from one or more specific provisions of this subchapter.

\* \* \* \* \*

(4) The Department will not grant a variance which would result in regulatory controls less stringent than other applicable Federal or State regulations, such as [37 Pa. Code Chapter 11] **34 Pa. Code Chapter 14** (relating to flammable and combustible liquids; preliminary provisions) and 40 CFR Part 112 (relating to oil pollution prevention).

(5) When granting the variance, the Department may impose specific conditions necessary to assure that the variance will adequately protect the public health, safety or welfare and the environment.

(6) The Department will provide to the applicant a written notice of approval, approval with conditions or denial. **The Department will publish notice of approved variances in the Pennsylvania Bulletin.**

**§ 245.505. Applicability.**

Existing tanks that become regulated due to the addition of new regulated substances as defined in § 245.1 ((relating to definitions) [(See definition of "regulated substance" (i)(C)(I) and (II))]) (see subparagraph (iii)(A) and (B)), and the regulation of aboveground storage tanks greater than 30,000 gallons capacity, storing heating oil that is consumed on the premises (See definition of "consumptive use" in § 245.1) are subject to the requirements [of] in this chapter and shall be registered with the Department [by January 9, 2008]. [In addition, these tanks are temporarily excluded from the following requirements:

(1) **Monitoring requirements in § 245.541(c) (relating to overfill prevention requirements) until November 10, 2010.**

(2) **In-service inspection requirements in § 245.552 (relating to in-service inspections) until within 5 years of the date of construction or the date of the last inspection or by November 10, 2010, whichever is greater.**

(3) **Out-of-service inspection requirements in § 245.553 (relating to out-of-service inspections) until November 10, 2010, for tanks not previously inspected or 10 years after construction for tanks without known corrosion rates, whichever is greater, or within projected inspection intervals based on corrosion rates determined at the last out-of-service inspection, but not to exceed 20 years from the date of the last inspection.]**

## **OPERATIONS AND MAINTENANCE**

### **§ 245.511. General operations and maintenance.**

[An aboveground storage tank facility owner/operator] A storage tank facility owner and operator shall implement and have onsite a written operations and maintenance plan which assures conformance with applicable safety and operational standards, compliance with applicable Federal and State regulations, and shall use appropriate work practices and procedures.

### **§ 245.512. Facility operations and spill response plan.**

[An initial Spill Prevention Response Plan (Plan) and any future updates, which address the requirements described in Chapter 9 of the act (35 P.S. §§ 6021.901—6021.904) and this chapter, shall be submitted to the Department for aboveground storage tank facilities with an aggregate aboveground storage capacity greater than 21,000 gallons.] An initial Spill Prevention Response Plan (Plan), which addresses the requirements in sections 901—904 of the act (35 P.S. §§ 6021.901—6021.904) and this chapter, shall be submitted to the Department for a storage tank facility with an aggregate aboveground storage capacity greater than 21,000 gallons. Plan revisions OR ANY ADDENDUM TO THE INITIAL PLAN shall be submitted to the Department IN WRITING OR ELECTRONICALLY within ~~120~~ 180 days of any occurrences as described in section 901(b) of the act. A current copy of the Plan shall be readily available at the facility at all times.

**§ 245.513. Preventive maintenance and housekeeping requirements.**

(a) ~~[An aboveground storage tank facility owner/operator]~~ **A storage tank facility owner and operator** shall establish and implement a preventive maintenance and housekeeping program which protects the integrity of the system from degradation and protects the public health and the environment.

(b) ~~[Routine maintenance inspection procedures shall be established and implemented at each storage tank facility.]~~ **The storage tank facility owner and operator shall establish and implement routine maintenance inspection procedures at each storage tank facility.**

(1) ~~[An owner/operator is]~~ **The facility owner and operator are** responsible to assure that a visual inspection is performed once every 72 hours. The visual inspection may be accomplished by or supplemented with electronic surveillance and shall include:

(i) A check of the facility to ensure that no potential hazardous environmental conditions exist. This includes a check for evidence of a release for example, spill, overflow or leakage.

(ii) A check of the containment areas for accumulation of water and a confirmation that containment drain valves are secured in a closed position when not in use. If excessive water has accumulated, it shall be drained off and disposed of in accordance with applicable State and Federal requirements.

**(iii) In the case of aboveground storage tanks in underground vaults, a check of the continuous leak detection system, as required under § 245.523(7) (relating to aboveground storage tanks in underground vaults), to ensure the equipment is functioning as designed.**

(2) ~~[An owner/operator is responsible to assure that a maintenance inspection of the facility and equipment is performed each month. The maintenance inspection shall include:]~~ **The facility owner and operator are responsible to assure that a maintenance inspection of each aboveground storage tank system is performed each month. The maintenance inspection shall include all of the following:**

(i) An inspection of the tank system exterior surfaces for deterioration and maintenance deficiencies including a visual check for cracks, areas of wear, excessive settlement and deterioration of the foundation and supports.

(ii) Ancillary equipment and appurtenances shall be visually checked for operational malfunctions.

(iii) An inspection of containment and transfer areas for cracks, defects and fire hazards.

(iv) A check of overfill prevention equipment and monitoring of the leak detection system.

~~**(v) A check of the cathodic protection system, if installed, to ensure the equipment is functioning as designed.**~~

~~{(v)}~~ ~~(vi)~~ The monthly maintenance inspection report shall be completed and signed by the individual who conducted the inspections and maintained for 1 year.

(3) ~~[An owner/operator is]~~ The facility owner and operator are responsible to establish a process to assure that storage tank vents are operational and free of restrictions.

(c) ~~[Housekeeping practices shall be established and implemented in a manner that reduces the possibility of accidental spills and safety hazards to plant or facility personnel.]~~ The storage tank facility owner and operator shall immediately initiate the actions necessary to correct deficiencies noted during the 72-hour visual and monthly maintenance inspections.

(d) Repairs to aboveground storage tank systems shall be properly conducted in accordance with the manufacturer's instructions, a code of practice developed by a Nationally recognized association or an independent testing laboratory.

#### § 245.514. Security.

~~[An owner/operator is]~~ (a) The storage tank facility owner and operator are responsible to assure that appropriate security measures and procedures based on the facility location are established and implemented to protect the environment and the public. These security measures and procedures may include, but are not limited to monitoring, fencing, lighting, access control, locked entrances and securing of valves and dispensers.

(b) The owner and operator of an aboveground storage tank facility with an aggregate above-ground ABOVEGROUND storage capacity greater than 21,000 gallons are responsible for maintaining SHALL MAINTAIN a written OR ELECTRONIC logbook. At a minimum, each log book entry must identify the name of the individual performing tank handling and inspection activities, the individual's signature OR EQUIVALENT VERIFICATION OF PRESENCE ONSITE, the company name, the date of work, start and end times, and a brief description of work performed, including tank identification.

#### § 245.515. Labeling/markings of aboveground storage tank systems.

(a) ~~[An owner/operator is]~~ The storage tank facility owner and operator are responsible to assure aboveground storage tank systems are labeled/marked in accordance with industry standards and in compliance with Federal and State requirements. Tank labels/marks shall be easily legible from outside the containment area and shall be capable of readily identifying the regulated substance stored.

(b) The ~~[owner/operator]~~ storage tank facility owner and operator shall be capable of readily identifying the substances transferred in the regulated piping system and be able to determine flow control points, including pumps, valves and dispensers through labeling or other suitable means.

**§ 245.516. Recordkeeping requirements.**

**[(a) Owners and operators of aboveground tank facilities shall maintain required records. If records are maintained offsite, the records shall be easily obtained and provided to the Department upon request.**

**(b) Permanent records for new systems and available records for existing systems shall be maintained for the operational life of the tank system and retained for a minimum of 1 year after the tank system has been removed. Permanent records include the following:]**

**(a) Owners and operators of aboveground storage tank systems shall maintain records as required under this chapter and provide records, as requested, and cooperate fully with inspections, monitoring and testing conducted by the Department, certified installers or certified inspectors. Owners and operators shall provide records and cooperate fully in response to requests for document submission, testing and monitoring by the owner or operator under section 107(c) of the act (35 P.S. § 6021.107(c)).**

**(b) Owners and operators shall maintain required records either onsite at the storage tank facility or at a readily available alternative site. Records maintained at the storage tank facility shall be immediately available for inspection by the Department and certified inspectors. If records are maintained offsite, the records shall be easily obtained and provided for inspection or for review by the Department upon request.**

**(c) Recordkeeping. Owners and operators shall maintain all of the following records for ~~above-ground~~ ABOVEGROUND storage tank systems for the operational life of the tank system and retain the records for a minimum of 1 year after the tank system has been permanently closed:**

- (1) Original installation and modification of aboveground storage tank system design specifications.**
- (2) Any variance issued for the aboveground storage tank system under § 245.503 (relating to variances).**
- (3) The permits issued under Subchapter C (relating to permitting of underground and aboveground storage tank systems and facilities).**
- (4) Tank handling activity installation, relocation, reconstruction and major modification inspection results.**
- (5) The notices of [**reportable**] releases submitted under § 245.305 (relating to reporting releases).**
- (6) Applicable manufacturer's documentation for the aboveground storage tank system and any ancillary equipment.**

(7) Third party out-of-service inspection reports.

**[(c) Temporary records shall be maintained as follows:]**

**(8) Written OR ELECTRONIC logbooks ENTRY INFORMATION AS required under § 245.514(b) (relating to security).**

**[(1)] (9) The current registration certificate.**

**[(2)] (10) The leak detection records for the past 12 months.**

**[(3)] (11) The last two results of cathodic protection monitoring, when a cathodic protection system is in use UNDER § 245.532 (RELATING TO CATHODIC PROTECTION SYSTEMS).**

**[(4) The routine] (12) The routine 72-hour visual and monthly maintenance inspections for the past 12 months.**

**[(5)] (13) The last third party in-service inspection report.**

**[(6)] (14) A properly completed closure report and results of the site assessment conducted at permanent closure or change-in-service under § 245.561 (relating to permanent closure or change-in-service).**

**(15) Documentation of investigations of suspected releases in accordance with § 245.304 (relating to investigation of suspected releases).**

**(16) DOCUMENTATION OF THE LAST THREE IMPRESSED CURRENT CATHODIC PROTECTION SYSTEM CHECKS FOR EACH 60-DAY PERIOD UNDER § 245.532.**

## **DESIGN, CONSTRUCTION AND INSTALLATION**

**§ 245.521. Performance standards for aboveground storage tanks.**

(a) **[Tank] Aboveground storage tank** construction shall meet or exceed Nationally recognized industry association codes of practice. New **[tanks] aboveground storage tank systems** shall be installed in accordance with applicable codes of practice and consistent with manufacturer's or fabricator's specifications as specified in § 245.522 (relating to new aboveground storage tank installations and reconstructions).

(b) **[Tank] Aboveground storage tank** modifications shall be in accordance with industry codes of practice as specified in § 245.524 (relating to aboveground tank modifications).

(c) **[Tanks] Aboveground storage tanks** shall be protected from corrosion and deterioration as specified in §§ 245.531—245.534 (relating to corrosion and deterioration prevention).

(d) A leak monitoring system shall be installed as specified in § 245.543 (relating to leak detection requirements).

(e) A release prevention system shall be installed as specified in §§ 245.541 and 245.542 (relating to overfill prevention requirements; and containment requirements for aboveground storage tank systems).

(f) [Tanks] **Aboveground storage tanks** shall be tested according to industry standards before being placed in service as specified in §§ 245.522 and 245.524 [(relating to new aboveground tank installations and reconstructions; and aboveground tank modifications)].

(g) [Tanks] **Aboveground storage tanks** shall be inspected at installation, reconstruction or relocation and when a major modification is performed on a tank as specified in § 245.554 (relating to installation and modification inspections).

§ 245.522. New aboveground **storage** tank installations and reconstructions.

(a) [Tanks must] **Aboveground storage tanks shall** be designed and constructed in accordance with an appropriate current code of practice developed by [Nationally-recognized] **Nationally recognized** associations such as UL, ACI, API, ASME, ASTM, STI or NACE and will follow applicable engineering specifications.

(b) [Tanks] **Aboveground storage tanks** must have a stable foundation, capable of supporting the total weight of the tank when full of product without movement, rolling or unacceptable settling. The foundation must minimize corrosion of the tank bottom and meet or exceed the specifications of the tank manufacturer. The foundation design and construction must be based on sound engineering practices.

(c) [Tanks] **Aboveground storage tanks** shall be tested for tightness in accordance with current codes of practice developed by [Nationally-recognized] **Nationally recognized** associations and manufacturer's specifications. If a pneumatic test is used for manufactured (shop built) tanks, the fittings, welds, joints and connections shall be coated with a soap solution and checked for leaks. Aboveground field constructed storage tanks shall be hydrostatically tested. Deficiencies shall be remedied prior to tanks being placed into service. Hydrostatic test fluids shall be discharged or disposed of in accordance with State and Federal requirements.

(d) Reconstruction of **aboveground storage** tanks must follow the current codes of practice developed by [Nationally-recognized] **Nationally recognized** associations and be accomplished in accordance with sound engineering practices. Reconstructed **aboveground storage** tanks must be inspected and hydrostatically tested before being placed into service. Reconstructed **aboveground storage** tanks must meet or exceed requirements specified in § 245.521 (relating to performance standards for aboveground storage tanks). Hydrostatic test fluids shall be discharged or disposed of in accordance with State and Federal requirements.

(e) Aboveground manufactured storage tanks that are relocated to another service site must meet the performance requirements for aboveground storage tanks and shall be tested according to industry standards and inspected before being put back in service.

(f) The Department may require the tank owner to submit documentation of construction design criteria and engineering specifications for review.

~~—(g) Aboveground storage tanks previously regulated by the Department must meet performance requirements for new aboveground storage tank systems prior to returning to regulated tank status.~~

### § 245.523. Aboveground storage tanks in underground vaults.

The following requirements shall be met when an owner or operator chooses to install an aboveground storage tank in an underground vault:

(1) The vault shall completely enclose the **aboveground storage** tank. There may be no openings in the vault enclosure except those necessary for access to, inspection of, and filling, emptying and venting of the tank. The walls and floor of the vault must be constructed of reinforced concrete at least 6 inches thick. The top, walls and floor shall be designed to withstand the anticipated loading, including loading from traffic, soil and groundwater.

(2) The vault must be compatible with the stored substance and have a permeability of less than  $1 \times 10^{-7}$  cm/sec for substance stored and be water tight.

(3) [A] **An aboveground storage** tank must be in its own vault. Adjacent vaults may share a common wall.

(4) There may be no backfill around the **aboveground storage** tank and there shall be sufficient space between the tank and the vault to allow inspection of the tank and ancillary equipment.

(5) [A vault and its tank] **Vaults and above-ground ABOVEGROUND storage tanks** must be suitably anchored to withstand uplifting by either water or released substance, including when the tank is empty.

(6) Connections shall be provided to permit venting of each vault to dilute, disperse and remove vapors prior to personnel entering the vault.

(7) A vault must be equipped with a continuous leak detection system capable of detecting vapors and liquids including water. The detection system must activate an alarm that automatically shuts down the dispensing system if [a release occurs] **vapors or liquids are detected**.

(8) A vault must have a means for personnel entry. The entry point must have a warning sign indicating the need for procedures for safe entry into a confined space. An entry point must be secured against unauthorized entry and vandalism.

(9) A suitable means to admit a fire suppression agent shall be provided for each vault.

(10) **[Tanks] Aboveground storage tanks** and ancillary equipment shall be installed, maintained and inspected in accordance with the requirements for aboveground storage tanks in this subchapter.

(11) Underground piping distribution systems for each **aboveground storage tank** system used to dispense class I or class II motor fuels for resale must be provided with release detection equivalent to underground piping release detection addressed in § 245.445 (relating to methods of release detection for piping) and monitored as required in paragraph (7) with monitoring records retained for 12 months as required under § 245.516 [or § 245.615 (relating to recordkeeping requirements)] (relating to recordkeeping requirements).

#### § 245.524. Aboveground tank modifications.

(a) Modifications **performed on aboveground storage tank systems** shall be designed and implemented in accordance with current codes of practice developed by **[Nationally-recognized] Nationally recognized** associations such as API, ACI, ASME, ASTM, NACE, STI or UL.

(b) Modifications shall be performed in accordance with **[Nationally-recognized] Nationally recognized** codes and manufacturer's specifications or a professional engineer's design requirements.

(c) Aboveground **[tanks] storage tank systems** which are modified shall be inspected and tested according to industry standards before being put in service when a major modification has been performed on the **[tank shell, tank roof or tank bottom] storage tank system**. Deficiencies shall be remedied before being returned to service.

(d) The Department may require the tank owner to submit documentation of construction modification design criteria and engineering specifications for review.

#### § 245.525. Ancillary equipment for aboveground storage tanks.

(a) Ancillary equipment shall be designed and installed in accordance with Nationally recognized codes of practice and manufacturer's specifications such as API, ASME, ASTM, UL, PEI or ANSI. Ancillary equipment shall be in good working order and maintained according to manufacturer's specifications and accepted industry practices. Ancillary equipment shall be compatible with the stored substance.

(b) **[Tanks shall] Aboveground storage tanks must** be appropriately vented to protect the tank from over pressurization and excessive vacuums. Vents shall meet or exceed the appropriate

codes of practice developed by Nationally recognized associations such as API and NFPA. Normal venting **[shall] must** allow the tank to breath when transferring the stored product. Emergency venting **[shall] must** ensure that the safe pressure for the tank is not exceeded.

(c) **[Tank] Aboveground storage tank** connections through which regulated substance can flow **[shall] must** be equipped with an operating valve adjacent to the tank to control flow of substance. Appropriate valves **[shall] must** be installed to meet or exceed current codes of practice and jurisdictional requirements. Valves shall be designed, installed and maintained according to current codes of practice.

**§ 245.526. Piping for aboveground storage tanks.**

\* \* \* \* \*

(c) Piping **[installed after October 11, 1997, and]** in contact with the soil or an electrolyte shall be adequately protected from corrosion in accordance with current codes of practice developed by Nationally recognized associations such as NACE or API.

\* \* \* \* \*

**CORROSION AND DETERIORATION PREVENTION**

**§ 245.531. General corrosion and deterioration requirements.**

(a) **[The tank system shall be maintained with corrosion and deterioration prevention measures.] Aboveground storage tank systems must be continuously protected from corrosion and deterioration.**

(b) Metallic tank **[systems] bottoms** in direct contact with the soil or other electrolyte shall be evaluated by a corrosion expert to determine if cathodic protection is necessary or appropriate.

(c) **[Existing tank bottoms that do not meet the standards in subsection (b) shall be upgraded when the tank bottom is replaced.] Tank bottoms that are not adequately protected from corrosion and deterioration shall be upgraded to meet §§ 245.532 and 245.534 (relating to cathodic protection systems; and interior linings and coatings).**

**§ 245.532. Cathodic protection systems.**

(a) **[When required for corrosion prevention, on new, reconstructed or relocated tanks or the replacement of the tank bottom the cathodic protection system shall consist of one or more of the following:] When required for corrosion prevention, cathodic protection systems must consist of one or more of the following:**

- (1) Sacrificial anodes and **[dielectrical] dielectric** coating.
- (2) Impressed current.

(3) Another method specified in an appropriate Nationally recognized association code of practice [such as API 651 or associations such as NACE].

(b) Cathodic protection systems shall be designed by a corrosion expert and maintained to provide protection against external corrosion for the operational life of the tank system.

(c) Each cathodic protection system shall have an access point which enables the owner or operator to check on the adequacy of cathodic protection. The cathodic protection systems shall be ~~monitored periodically as determined by the corrosion system design.~~ **TESTED FOR PROPER OPERATION BY A QUALIFIED CATHODIC PROTECTION TESTER IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:**

**(1) IMPRESSED CURRENT CATHODIC PROTECTION SYSTEMS MUST BE TESTED AT LEAST ANNUALLY.**

**(2) GALVANIC CATHODIC PROTECTION SYSTEMS MUST BE TESTED AT LEAST EVERY 3 YEARS.**

**(3) CATHODIC PROTECTION SYSTEMS MUST BE TESTED WITHIN 6 MONTHS FOLLOWING INSTALLATION AND 6 MONTHS FOLLOWING REPAIR OF THE CATHODIC PROTECTION SYSTEM.**

**(4) THE CRITERIA THAT ARE USED TO DETERMINE THAT CATHODIC PROTECTION IS ADEQUATE UNDER THIS SECTION MUST BE IN ACCORDANCE WITH A CODE OF PRACTICE DEVELOPED BY A NATIONALLY-RECOGNIZED ASSOCIATION.**

**(D) ABOVEGROUND STORAGE TANK SYSTEMS WITH IMPRESSED CURRENT CATHODIC PROTECTION SYSTEMS MUST BE CHECKED EVERY 60 DAYS TO ENSURE THE EQUIPMENT IS RUNNING PROPERLY. AT A MINIMUM, THE OPERATOR OR PERSON CONDUCTING THE 60-DAY CHECK MUST DOCUMENT THE DATE CHECKED, ANNOTATE THE SYSTEM'S FUNCTIONING STATUS, AND FOR SYSTEMS EQUIPPED WITH A DIRECT CURRENT READOUT METER, RECORD THE AMOUNT OF CURRENT INDICATED ON THE METER.**

**(E) FOR ABOVEGROUND STORAGE TANK SYSTEMS USING CATHODIC PROTECTION, RECORDS OF THE OPERATION OF THE CATHODIC PROTECTION MUST BE MAINTAINED UNDER § 245.516 (RELATING TO RECORDKEEPING REQUIREMENTS) TO DEMONSTRATE COMPLIANCE WITH THE PERFORMANCE STANDARDS IN THIS SECTION. THE RECORDS MUST INCLUDE THE FOLLOWING:**

**(1) THE RESULTS OF THE LAST THREE CHECKS REQUIRED IN PARAGRAPH (D).**

**(2) THE RESULTS OF TESTING FROM THE LAST TWO CATHODIC PROTECTION SURVEYS REQUIRED IN PARAGRAPH (C).**

**(d) (F)** Tank and piping connections of two dissimilar metals which create a galvanic cell are prohibited.

\* \* \* \* \*

**§ 245.533. Coating exterior tank and piping surfaces.**

The exterior surfaces of aboveground storage tanks and piping shall be protected by a suitable coating which prevents corrosion and deterioration. The coating system shall be maintained throughout the entire operational life of the tank.

**§ 245.534. Interior linings and coatings.**

(a) [Coating or lining systems may be used to protect tank interiors from corrosion. The coating or lining system shall be designed in accordance with current codes of practices such as API 652 or associations such as NACE. Any appropriate coating which is bonded firmly to the interior surfaces may be used to protect a tank from corrosion.] Coating or lining systems may be used to protect aboveground storage tank interiors from corrosion and deterioration. The coating or lining system shall be designed in accordance with current codes of practice. Coating or lining systems must be bonded firmly to the interior surfaces of the tank.

\* \* \* \* \*

(c) Interior linings or coatings shall be inspected by a third-party, Department-certified, aboveground storage tank inspector at installation, when undergoing a major modification, and at least every 10 years or as warranted or recommended by the manufacturer or design engineer and agreed upon by the Department.

**RELEASE PREVENTION AND LEAK DETECTION**

**§ 245.541. Overfill prevention requirements.**

(a) [An owner/operator shall ensure that releases from overfills do not occur. Transfer of stored substance may not exceed the volume available in the receiving tank and the transfer shall be adequately monitored.] Owners and operators shall ensure that releases due to spilling or overfilling do not occur. The owner and operator shall ensure that the volume available in the aboveground storage tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling. Immediate action shall be taken to stop the flow of regulated substance prior to exceeding tank capacity or in the event that an equipment failure occurs.

(b) [Tanks must] **Aboveground storage tanks shall** be installed with the following:

(1) A gauge or monitoring device which accurately indicates the level or volume in the tank and is visible to the individual responsible for the transfer of product. The monitoring device shall be installed, calibrated and maintained in accordance with manufacturer's specifications.

(2) A high-level alarm with an automatic high-level cut-off device or a high-level alarm with a manned operator shutdown procedure in operation. **The shutdown procedure must be in writing and shall be provided to the Department upon request.**

(c) Existing **aboveground storage** tanks must have a gauge or monitoring device installed by October 11, 2000.

(d) An existing **aboveground storage** tank [system] which is taken out of service to perform a scheduled out-of-service inspection or a major modification to the tank shall be upgraded with a high-level alarm with a cut-off device or a high-level alarm with a manned operator shutdown procedure prior to being put back in service.

(e) An existing **aboveground storage** tank system which has not been required to be taken out of service to perform a scheduled inspection or modification must have overfill protection consistent with National industry standards[, such as API 2350, NFPA 30 or PEI RP 200 by November 10, 2010].

§ 245.542. Containment requirements for [above-ground] **aboveground** storage tank systems.

(a) Containment structures must be compatible with the substance stored and minimize deterioration to the **aboveground** storage tank system.

(b) Containment areas shall be designed, maintained and constructed in accordance with sound engineering practices adhering to [Nationally-recognized codes of practice such as NFPA, NACE, ACI or API] **Nationally recognized codes of practice** and in compliance with State and Federal requirements.

(c) Secondary containment under the **aboveground storage** tank bottom and around underground piping must be designed to direct any release to a monitoring point to meet leak detection requirements. Secondary containment shall be provided on a new tank at installation, and shall be provided on an existing tank at reconstruction or relocation of the tank or when the tank floor is replaced (See API 650 Appendix I). Permeability of the secondary containment must be less than  $1 \times 10^{-7}$  cm/sec at anticipated hydrostatic head and shall be verified at the time of installation.

(d) Aboveground **storage** tanks must have emergency containment structures, such as dike fields, curbing and containment collection systems, which contain releases from overfills, leaks and spills[, when a new tank system is installed or at the next out-of-service inspection for existing tank systems as established in § 245.553(d) (relating to out-of-service inspections) or by November 10, 2010, whichever occurs first].

(1) Permeability of newly installed or replacement emergency containment structures **OR EMERGENCY CONTAINMENT STRUCTURES FOR ABOVEGROUND STORAGE TANKS INSTALLED AFTER OCTOBER 11, 1997**, must be less than  $1 \times 10^{-6}$  cm/sec at anticipated hydrostatic head and be of sufficient thickness to prevent the released substance from penetrating the containment structure for a minimum of 72 hours, and until the release can be detected and recovered.

(2) Emergency containment structures for **existing** aboveground storage tanks **INSTALLED ON OR BEFORE OCTOBER 11, 1997**, must meet one of the following standards [by November 10, 2010, or at the next out-of-service inspection, prior to the tank being placed back into service, whichever occurs first]:

(i) The standards for new emergency containment structures for aboveground storage tanks in paragraph (1).

(ii) Verification by a professional engineer that the emergency containment structure, coupled with the tank monitoring program and response plan, is capable of detecting and recovering a release and is designed to prevent contamination of the waters of this Commonwealth. Verification may be conducted in a manner consistent with the Department's technical document entitled "Verification of Emergency Containment Structures for Aboveground Storage Tanks" or in a manner at least as protective of public health and safety and the environment and which meets all statutory and regulatory requirements. Verification of earthen structures should include determination of the containment structure permeability following [Nationally-recognized testing methods such as ASTM Methods and Engineering Standards Listed in API Publication 351] Nationally recognized testing methods.

(3) Verification of the containment structure is valid until conditions at the site, monitoring program, response plan or procedures change.

(4) Transfers of regulated substances to [a] an aboveground storage tank within the emergency containment shall be monitored by designated personnel for the duration of the transfer.

(e) Emergency containment areas, such as dike fields, must be able to contain 110% of the capacity of the largest aboveground storage tank in the containment area.

(f) [Stormwater shall be removed from the emergency containment area as soon as possible or when the water is in contact with the tank or piping and prior to the capacity of containment being reduced by 10% or more.] Water shall be removed from the emergency containment area as soon as possible. Water shall be removed from the containment before it comes in contact with the aboveground storage tank or piping and before it reduces the capacity of containment by 10% or more. Manually operated pumps or siphons and manually operated gravity drains may be used to empty the containment. If drain valves are used they shall be secured in the closed position when not in use. Discharge or disposal of substances from the containment structure must comply with applicable State and Federal requirements.

§ 245.543. Leak detection requirements.

(a) Aboveground **storage** tank systems shall be provided **with** a method of leak detection at installation that is capable of detecting a release. The leak detection method shall be monitored at least monthly and shall be installed, calibrated, operated and maintained in accordance with industry practices and manufacturer's specifications.

(1) The area beneath the **aboveground storage** tank bottom shall be monitored for leakage by visual, mechanical or electronic leak detection methods.

(2) Observation wells outside of the secondary containment structure do not satisfy the leak detection requirements.

(b) Existing aboveground storage tank systems with secondary containment shall implement a monthly leak detection method as required by subsection (a). Monthly visual inspections shall be an acceptable method of leak detection.

(c) Existing aboveground storage tanks without secondary containment under the bottom of the tank that are in contact with the soil, such as vertical flat bottom tanks, **[and] that** do not have cathodic protection or an internal lining shall be leak tested at the next scheduled in-service inspection consistent with subsection (d) and continue to be leak tested at each in-service inspection thereafter, until the tank is upgraded.

(d) Tank leak test must follow a **[Nationally-recognized] Nationally recognized** procedure that is based on a volumetric/mass measurement, an acoustic measurement, or a soil-vapor monitoring method, **such as those addressed in API Publication 334 "Guide to Leak Detection in Aboveground Storage Tanks."** The test shall be performed by a third-party inspector or a technician who has experience with the selected method and is qualified by the test equipment manufacturer or certified by the relevant industry association **[such as ASNT (See Recommended Practice No. SNT-TC-1A)]** and is not an employee of the tank owner.

(e) Aboveground piping shall be visually checked for leaks in accordance with the facility operations and maintenance plan.

**ABOVEGROUND STORAGE TANK INSPECTIONS**

§ 245.551. General requirements for **[third party] third-party** inspections.

(a) Aboveground storage tank owners and operators shall have their **aboveground** storage tank systems inspected by a Department certified aboveground storage tank inspector at frequencies **[established]** in this subchapter. Inspections will check for compliance with State and Federal requirements and adherence to current codes of practice developed by Nationally recognized associations, tank manufacturer's instructions and design engineer's specifications.

(b) Only Department certified inspectors, **certified for the applicable inspector certification category**, shall be used to satisfy requirements for:

- (1) In-service inspections.
- (2) Out-of-service inspections.
- (3) Installation and modification inspections.

**§ 245.552. In-service inspections.**

(a) The in-service inspection must follow the guidelines of a **[Nationally-recognized]** **Nationally recognized** association such as API 653, API 570 and applicable engineering criteria (See §§ 245.524(b), 245.542(d)(2) and 245.543(d) (relating to aboveground tank modifications; containment requirements for aboveground storage tank systems; and leak detection requirements)).

\* \* \* \* \*

(d) **[Inspection]** **Except as provided in paragraphs (5) and (6), inspection** intervals for in-service inspections are as follows:

(1) Aboveground **[tanks installed after October 11, 1997,]** **storage tanks** shall be initially inspected within 5 years of installation.

**[(2) Existing tanks shall be initially inspected as follows:**

**(i) Tanks over 5 years old without a previous inspection shall be inspected by October 11, 1999.**

**(ii) Tanks with an inspection more than 3 years prior to October 11, 1997, shall be inspected by October 11, 2000.**

**(iii) Tanks with an inspection within 3 years prior to October 11, 1997, shall be inspected within 6 years of the previous inspection.**

**(3) Tanks]** **(2) Aboveground storage tanks** shall have an in-service inspection within 1/4 of the corrosion rate life with a maximum of 5 years from the previous inspection or installation.

**[(4)] (3) An out-of-service inspection may replace an in-service inspection.**

**[(5) An in-service inspection interval may be delayed under § 245.562 (relating to temporary removal-from-service) for a tank that is temporarily removed from service. The delayed inspection shall be conducted prior to placing regulated substance in a tank and returning the tank to operating status. Deficiencies noted during inspection shall be addressed and remedied and an amended registration form submitted to the Department prior to returning the tank to operating status.]**

**(4) An in-service inspection interval, if agreed upon by the Department, may be delayed under § 245.562 (relating to temporary removal from service (out-of-service)) for an aboveground storage tank that is temporarily removed from service. Prior to placing product in the aboveground storage tank, the delayed inspection shall be conducted, deficiencies noted during inspection shall be addressed and remedied, and an amended registration form shall be completed and submitted to the Department.**

**(5) Aboveground storage tanks in underground vaults shall have in-service inspections conducted as follows:**

**(i) Aboveground storage tanks with a capacity greater than 5,000 gallons shall have in-service inspections conducted within 6 and 12 months of installation and at least every 3 years thereafter.**

**(ii) Aboveground storage tanks storing highly hazardous substances with a capacity greater than 1,100 gallons shall have in-service inspections conducted within 6 and 12 months of installation and at least every 3 years thereafter.**

**(iii) More frequent in-service inspections may be required by the Department when a prior inspection identifies corrosion, deterioration or other violations of this subchapter.**

**(6) Existing aboveground storage tanks in underground vaults with scheduled in-service inspections after \_\_\_\_\_ (*Editor's Note: The blank refers to 1,095 days after the effective date of adoption of this proposed FINAL rulemaking.*) shall be inspected by the next currently scheduled in-service inspection date, unless notified otherwise by the Department. Subsequent in-service inspections shall be conducted in accordance with this section.**

(e) Inspection recommendations shall be addressed and deficiencies remedied. When [substantial] modifications **or repairs** are necessary to correct deficiencies, they shall be made in accordance with manufacturer's specifications and engineering design criteria ([See] **see** §§ 245.522(a) and (b), 245.524(b)(2), 245.532(b) and (c) and 245.534(c)). The Department may require submission and review of all documentation relating to these remedies. Required tank handling activities are reported to the Department by the certified installer. Tank handling activities involving major modifications shall also be inspected by a certified aboveground storage tank inspector and reported to the Department.

(f) The complete inspection report shall be kept at the facility until the next out-of-service inspection is completed.

#### **§ 245.553. Out-of-service inspections.**

(a) Inspections must follow the guidelines of a [Nationally-recognized] **Nationally recognized** association such as API 653, API 570 or ASME and applicable engineering criteria (See §§ 245.524(b), 245.534(c), 245.542(d)(2) and 245.543(d)).

(b) The out-of-service inspection [must] **shall** evaluate the following:

- (1) Containment areas.
- (2) Foundation and supports.
- (3) Tank shell.
- (4) Tank roof.
- (5) Tank bottom.
- (6) Appurtenances.
- (7) Ancillary equipment including piping.
- (8) Leak detection method.
- (9) Cathodic protection system, if installed.
- (10) Internal linings and coatings, if installed.
- (11) **[Tank] Aboveground storage tank** system integrity and suitability for service.

(c) The **aboveground storage** tank bottom evaluation of metallic floors must be based on ultrasonic testing and visual examination and include at least one other method of nondestructive examination such as magnetic flux tests or vacuum tests of bottom lap welds (See API 653 and ASTM metallography—nondestructive testing Vol. 03.03). The ultrasonic evaluation must be statistically representative of the whole floor, excluding the release prevention barrier or secondary containment on double bottom tanks.

(d) Inspection information shall be submitted to the Department on a form provided by the Department and include the results of subsection (b) and the following:

- (1) A determination of the corrosion rate for tank shell, bottom plates and piping.
- (2) A calculation of the tank life and piping life based on the corrosion rate.
- (3) The schedule for next out-of-service inspection, based on the API 653 calculated service life method or 1/2 of the corrosion rate life, with a maximum of 20 years between inspections. Other site-specific conditions, for example, maintenance practices, previous repairs, internal linings, the nature of the substance stored or soil conditions that may affect corrosion rate life and should be considered when projecting tank service life and the next inspection interval.
- (4) The recommendations for maintaining **above-ground ABOVEGROUND storage** tank system integrity and meeting performance standards.

(e) Inspection intervals for out-of-service inspections are as follows:

(1) [Tanks installed after October 11, 1997,] **Aboveground storage tanks** shall be initially inspected based on measured [or similar service] corrosion rates. When the corrosion rate is unknown, such as with new tank bottoms, the tank's actual bottom thickness shall be determined by inspection within 10 years of installation to determine the corrosion rate.

[(2) Existing tanks shall be initially inspected as follows:

(i) If corrosion rates are not known, tanks shall be inspected within 10 years of installation or by October 11, 2000, whichever is later.

(ii) If corrosion rates can be determined or are known, tanks shall be inspected at their API 653 calculated service life method or 1/2 the corrosion rate life, from installation or previous out-of-service inspection or by October 11, 2000, whichever is later.

(3) Tanks] (2) **Aboveground storage tanks** shall have an out-of-service inspection at their API 653 calculated service life [method] or 1/2 of the corrosion rate life, with a maximum of 20 years from the last out-of-service inspection.

[(4) An out-of-service inspection interval may be delayed under § 245.562 (relating to temporary removal-from-service) for a tank that is temporarily removed from service. The delayed inspection shall be conducted prior to placing regulated substance in a tank and returning the tank to operating status. Deficiencies noted during inspection shall be addressed and remedied and an amended registration form submitted to the Department prior to returning the tank to operating status.]

(3) If agreed upon by the Department, an out-of-service inspection interval may be delayed under § 245.562 (relating to temporary removal from service (out-of-service)) for a tank that is temporarily removed from service. Prior to placing product in the tank, the delayed inspection shall be conducted, deficiencies noted during inspection shall be addressed and remedied, and an amended registration form shall be completed and submitted to the Department.

(f) [Deficiencies shall be remedied before the tank is returned to service. When substantial modifications are necessary to correct deficiencies, they shall be made in accordance with manufacturer's specifications or an engineer's design criteria (See §§ 245.522(a) and (b), 245.524(b)(2) and 245.532(b) and (c) (relating to new aboveground tank installations and reconstructions; aboveground tank modifications; and cathodic protection system)).] Deficiencies noted during the inspection shall be remedied before the aboveground storage tank system is returned to service. Modifications or repairs performed on the aboveground storage tank system shall be made in accordance with manufacturer's specifications or an engineer's design criteria (see §§ 245.522(a) and (b), 245.524(b)(2) and 245.532(b) and (c) (relating to new aboveground storage tank installations and reconstructions; aboveground tank modifications; and cathodic protection systems)). The Department may require submission of and review documentation relating to these remedies. Required tank handling activities [are] shall be reported to the Department by the certified installer. Tank handling activities involving major modifications

shall also be inspected by a certified aboveground storage tank inspector and reported to the Department.

(g) Aboveground storage tanks which can be completely **[examined from the exterior are exempt] inspected from the exterior are excluded** from out-of-service inspections, except for tanks that are internally lined.

(h) The completed inspection report for out-of-service inspections shall be kept with the facility records under § 245.516 (relating to recordkeeping requirements).

#### **§ 245.554. Installation and modification inspections.**

(a) Aboveground storage tank systems shall be inspected by a Department-certified inspector at the time of installation in accordance with § 245.522 (relating to new aboveground storage tank installations and reconstructions), and current **[Nationally-recognized] Nationally recognized** association's code of practice and manufacturer's specifications. **[The inspection report shall be kept for the operational life of the tank.]**

(b) Major modifications shall be inspected by a Department-certified inspector at the time of modification under § 245.524 (relating to aboveground tank modifications) and current codes of practice developed by **[Nationally-recognized] Nationally recognized** associations prior to being put back in service. **[The inspection report shall be kept for the operational life of the tank. When substantial] When** modifications are made to the tank floor, the next inspection date projections shall be determined based on the condition of the tank subsequent to those modifications and reported to the Department by the certified inspector on the appropriate inspection form provided by the Department. Other site-specific conditions, for example, maintenance practices, previous repairs, the nature of the substance stored or soil conditions that may affect corrosion rate life or aboveground storage tank system integrity should be considered when projecting tank service life and the next inspection interval.

(c) **[Tanks] Aboveground storage tanks** which are relocated or reconstructed shall be inspected by a Department-certified inspector and tested for tightness in accordance with § 245.522 and current codes of practice developed by **[Nationally-recognized] Nationally recognized** associations prior to being put in service. **[The inspection report shall be kept for the operational life of the tank.]**

**(d) The completed inspection report for installation and modification inspections shall be retained with the facility records under § 245.516.**

### **CLOSURE AND REMOVAL FROM SERVICE REQUIREMENTS**

#### **§ 245.561. Permanent closure or change-in-service.**

Before permanent closure or change-in-service is completed, the **[owner/operator] owner and operator** shall comply with the following:

(1) [At least 30 days before beginning either a permanent closure or change-in-service to an unregulated tank, or within a lesser time as determined by the Department, the owner/operator shall notify the Department of its intent to permanently close or change-in-service from a regulated tank to an unregulated tank, unless the action is in response to a corrective action or waived by the Department.] At least 30 days before beginning either a permanent closure or change-in-service, or within a lesser time as determined by the Department, the owner and operator shall notify the Department of their intent to permanently close or perform a change-in-service, unless the action is in response to a corrective action or waived by the Department.

(2) [The owner/operator shall submit an amended registration form to the Department indicating the change in tank status within 30 days after the change in tank status.] The owner shall complete and submit an amended tank registration form, signed by the owner and the certified installer that provided direct onsite supervision of the tank handling activity, to the Department within 30 days of either of the following:

(i) The completion of permanent closure.

(ii) Change-in-service of the tank.

(3) The [owner/operator] owner and operator shall complete a site assessment to measure for the presence of any release from the aboveground storage tank system and a closure report. The assessment of the site shall be made after the notification to the Department and may be conducted in a manner consistent with the Department's technical document entitled "Closure Requirements for Aboveground Storage Tank Systems" or in a manner at least as protective of public health and safety and the environment and which meets all statutory and regulatory requirements. The results of the site assessment and the closure report shall be retained for 3 years.

(4) If contaminated soil, sediment, surface water or groundwater, or free product is discovered or confirmed by either direct observation or indicated by the analytical results of sampling, the [owner/operator] owner and operator shall proceed with the corrective action as required in Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) or, if applicable, in accordance with remedial action agreements.

(5) Regulated substance and contents removed from the aboveground storage tank system [including piping] shall be reused, treated or disposed of in a manner consistent with applicable State and Federal waste management requirements.

(6) [Tank] Aboveground storage tank systems shall be cleaned, rendered free of hazardous vapors and ventilated if left onsite or [tank systems] shall be emptied and removed from the site in a manner consistent with current industry practices and Bureau of Waste Management requirements such as Chapters 263a and 299 (relating to transporters of hazardous waste; and storage and transportation of residual waste).

(7) **[Tanks to be] Aboveground storage tanks** permanently closed and left onsite shall be legibly marked with the date of permanent closure.

(8) The appropriate State agency, county and local jurisdiction shall be notified if the tank is under a fire marshal, flammable and combustible liquids or other State agency, county or local jurisdiction permit.

(9) **[Tanks that are to be] Aboveground storage tanks** that are closed in place shall:

(i) Be rendered inoperable and incapable of storing liquid substance.

(ii) Be secured against unauthorized entry.

(iii) Meet the requirements specified in paragraphs (1)—(8).

§ 245.562. Temporary **[removal-from-service] removal from service (out-of-service)**.

(a) The **[owner/operator] owner and operator** shall complete and submit an amended registration form to the Department within 30 days after the change in tank status.

(b) **[A] An aboveground storage** tank system shall be emptied and regulated substances and contents shall be reused, treated or disposed of in accordance with State and Federal requirements.

(c) **[A] An aboveground storage** tank shall be secured against unauthorized entry and all piping entering or exiting the tank, excluding vents, shall be capped or blinded.

(d) **[Tank] Aboveground storage tank system** integrity shall be maintained throughout the temporary **[removal-from-service] removal from service** time and the tank shall be protected against flotation.

(e) Inspection requirements shall be maintained as specified in §§ 245.551—245.554 (relating to aboveground storage tank inspections). In-service and out-of-service inspection intervals may be delayed for a tank that is temporarily removed from service. The delayed inspections shall be conducted prior to placing regulated substance in a tank and returning the tank to operating status. Deficiencies noted during inspection shall be addressed and remedied and an amended registration form submitted to the Department prior to returning the tank to operating status.

(f) **[Tanks which are temporarily removed-from-service for 5 years or longer must meet the requirements for permanent closure, unless the time frame for retaining the tank or tanks in temporary removal-from-service status is extended under § 245.503 (relating to variances).] Aboveground storage tanks shall be permanently closed within 5 years of being placed temporarily out-of-service unless the owner requests in writing an extension to the temporary out-of-service period and the Department approves the request.**

**(g) The Department may impose conditions and require submission of documentation when reviewing and approving a request for an extension of the temporary out-of-service period, including:**

**(1) Requirements for inspection under §§ 245.552 and 245.553 (relating to in-service inspections; and out-of-service inspections).**

**(2) Site assessment under § 245.561 (relating to permanent closure or change-in-service).**

**(3) Other considerations determined by the Department to be necessary to ensure the integrity of the aboveground storage tank.**

## **Subchapter G. SIMPLIFIED PROGRAM FOR SMALL ABOVEGROUND STORAGE TANKS**

### **GENERAL**

#### **§ 245.603. General storage tank facility requirements.**

(a) [The owner/operator of aboveground storage tank facilities with an aggregate aboveground storage capacity greater than 21,000 gallons shall develop and adhere to a Spill Prevention Response Plan (Plan) which addresses the requirements described in Chapter 9 of the act (35 P.S. §§ 6021.901—6021.904). The Plan shall be provided to the Department and updated as necessary.] **The owner and operator of a storage tank facility with an aggregate aboveground storage capacity greater than 21,000 gallons shall develop and adhere to a Spill Prevention Response Plan (Plan) which addresses the requirements in sections 901—904 of the act (35 P.S. §§ 6021.901—6021.904). Plan revisions OR ANY ADDENDUM TO THE INITIAL PLAN shall be submitted to the Department IN WRITING OR ELECTRONICALLY within 120 180 days of any occurrences as described in section 901(b) of the act.** A current copy of the Plan shall be readily available at the storage tank facility at all times.

(b) [The owner/operator of aboveground storage tank facilities is] **The owner and operator of a storage tank facility are** responsible to assure that appropriate security measures and procedures based on the facility location are established and implemented to protect the environment and the public. These security measures may include, but are not limited to, fencing, lighting, access control, locked entrances and securing of valves, drains and dispensers.

**(c) The owner and operator of a storage tank facility with an aggregate aboveground storage capacity greater than 21,000 gallons shall maintain a written OR ELECTRONIC log book. At a minimum, each log book entry must identify the name of the individual performing tank handling and inspection activities, the individual's signature OR EQUIVALENT VERIFICATION OF PRESENCE ONSITE, the company name, the date of work, start and end times, and a brief description of work performed, including tank identification.**

### § 245.605. Applicability.

Existing **aboveground storage** tanks that become regulated due to the addition of new regulated substances as defined in § 245.1 ((relating to definitions) [(See "regulated substance" (i)(C)(I) and (II))] (see subparagraph (iii)(A) and (B))) are subject to the requirements [of] **in** this chapter and shall be registered with the Department [by January 9, 2008]. [In addition, these tanks are temporarily excluded from the following technical requirements:

(1) **Emergency and secondary containment requirements in § 245.612(e) (relating to performance and design standards) until November 10, 2010.**

(2) **A method of leak detection as required in § 245.613(a) (relating to monitoring standards) until November 10, 2008.**

(3) **In-service inspections required in § 245.616 (c)(3) (relating to inspection requirements) until November 10, 2010.]**

*(Editor's Note: The following section is proposed to be added and printed in regular type to enhance readability.)*

### § 245.606. Variances.

When unique or peculiar circumstances make compliance with this subchapter technically impractical, infeasible or unsafe, the Department may, upon written application from the owner of a storage tank system subject to this subchapter, grant a variance from one or more specific provisions of this subchapter.

(1) A variance may only be granted if the storage tank system meets alternative technical standards that fully protect human health and the environment.

(2) A written application for a variance shall be submitted to the Department and must provide all of the following information:

(i) The facility name and identification number for which the variance is sought.

(ii) Specific sections of this subchapter from which the variance is sought.

(iii) The unique or peculiar conditions which make compliance with the sections identified under subparagraph (ii) technically impractical, infeasible or unsafe.

(iv) Evidence, including data, plans, specifications and test results, which supports an alternative design, practice, schedule or method as being at least as protective of human health and the environment as the requirement of the sections identified under subparagraph (ii).

(3) New technologies may be granted a variance. New technologies shall be reviewed and documented by a professional engineer and documentation provided to the Department with the variance request.

(4) The Department will not grant a variance which would result in regulatory controls less stringent than other applicable Federal or State regulations, such as 34 Pa. Code Chapter 14 (relating to flammable and combustible liquids; preliminary provisions) and 40 CFR Part 112 (relating to oil pollution prevention).

(5) When granting the variance, the Department may impose specific conditions necessary to assure that the variance will adequately protect the public health, safety or welfare and the environment.

(6) The Department will provide to the applicant a written notice of approval, approval with conditions or denial. Variance approvals will be published in the *Pennsylvania Bulletin*.

### TECHNICAL REQUIREMENTS

#### § 245.611. Testing requirements for new and substantially modified small aboveground storage tanks.

(a) [Tanks] Aboveground storage tanks shall be tested for tightness at installation in accordance with current codes of practice developed by [Nationally-recognized] Nationally recognized associations and manufacturer's specifications, except for manufactured, shop built tanks that meet the requirements [of] in subsection (b). The testing shall be completed, as part of the installation process, prior to putting the tank in service.

(b) Manufactured, shop built tanks that are initially tested after full assembly at the plant do not require additional testing at installation if the manufacturer certifies that the tank was tested at the plant and the manufacturer's installation instructions do not specify additional testing.

(c) [Tanks] Aboveground storage tanks that receive major modifications to the tank shell or the tank bottom shall be tested for tightness, in accordance with current codes of practice developed by [Nationally-recognized] Nationally recognized associations or manufacturer's specifications, prior to being returned to service.

#### § 245.612. Performance and design standards.

(a) [Tanks] Aboveground storage tanks shall be designed, constructed and installed or modified in accordance with current codes of practice developed by [Nationally-recognized associations such as API, ASME, ASTM, ANSI, STI and UL] Nationally recognized associations and the manufacturer's specifications. Tank handling activities shall be accomplished by a Department-certified aboveground storage tank installer or under the installer's direct, onsite supervision and control.

(b) **[Tanks] Aboveground storage tanks** must have a stable support or foundation capable of adequately supporting the total weight of the tank and its contents when in use. The support or foundation must meet or exceed the specifications of the tank manufacturer and be designed and constructed in accordance with sound engineering practices.

(c) Ancillary equipment, including piping, shall be designed, installed and modified in accordance with current codes of practice developed by **[Nationally-recognized associations such as API, SSPC, NACE, ASME, PEI and UL] Nationally recognized associations** and the manufacturer's specifications. Ancillary equipment must be compatible with the substance stored and must be adequately protected from corrosion, excessive wear and deterioration. Protective coatings shall be maintained throughout the entire operational life of the **above-ground ABOVEGROUND** storage tank system.

(d) **[Tanks] Aboveground storage tanks** shall be installed with secondary containment in or under the tank bottom to provide monitoring capability to satisfy leak detection requirements in § 245.613 (relating to monitoring standards) and emergency containment to contain possible releases, such as overfills, leaks and spills. Emergency containment must be sufficiently impermeable to contain any potential release for a minimum of 72 hours and until the release can be detected and fully recovered in an expeditious manner. Double walled tanks may meet both emergency and secondary containment requirements when the tank system is operated with spill and overfill protection controls including the following:

(1) **[A spill containment bucket] Permanently installed spill prevention equipment** at the tank fill point or containment at the remote fill point.

(2) An overfill alarm or prevention device or monitoring gauge and **[shut down] written shutdown** procedure.

(3) Block valves on product lines.

(4) Solenoid valve or antisiphon device, if **[appropriate (See PEI RP 200)] applicable**.

**[(e) Existing tanks which do not meet the requirements specified in subsection (d) shall be upgraded with secondary containment by October 11, 2007, and emergency containment by October 11, 2000.**

**(f) Tanks installed in underground vaults after October 11, 1997, and used for dispensing Class I and Class II motor fuels must comply with § 245.523 (relating to aboveground storage tanks in underground vaults).**

**[(g) (c) The exterior of the aboveground storage tank system [shall] must be protected by an appropriate coating or paint which shall be maintained throughout the entire operational life of the aboveground storage tank system.**

**[(h) Tanks which are internally lined must comply with § 245.534 (relating to interior linings and coatings).]**

**(f) Aboveground storage tanks which are internally lined must comply with § 245.534(a) and (b) (relating to interior linings and coatings).**

**(i) Tanks** **(g) Aboveground storage tanks** shall be labeled or marked in a manner consistent with industry standards and which provides for identifying the regulated substance stored from outside the containment area.

**(h) Aboveground storage tank systems and storage tank system components whose failure could contribute to a release of product shall be maintained in a good state of repair to ensure they function as designed.**

**§ 245.613. Monitoring standards.**

(a) By October 12, 1998, a method of leak detection shall be in use and monitored at least monthly. An automatic sensing device, mechanical device or other appropriate method may be used. This method, at a minimum, shall provide a visual examination of the storage tank system by the **[owner/operator] owner and operator** or designated representative. If releases are detected, they shall be corrected and the provisions of Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) shall be complied with.

(b) The **[owner/operator] owner and operator** shall assure that a maintenance and general operations check of the **aboveground** storage tank system is performed at least monthly. Deficiencies noted during the check shall be corrected. The small aboveground storage tank general operations and maintenance checklist provided by the **[owner/operator] owner and operator** shall be used to document the monthly operations and maintenance check. The operations and maintenance check shall include:

(1) A visual examination of the **aboveground storage** tank system for deterioration, including[, but not limited to,] the tank, piping, ancillary equipment, foundation, **containment structure or facility**, and safety equipment.

(2) A check of the containment areas for accumulation of water and removal of water as necessary.

(3) Confirmation that containment drain valves are secured in the closed position when not in use.

(4) **[Monitoring] Functionality VERIFICATION OF THE FUNCTIONALITY** of the leak detection system.

**~~(5) A check of the cathodic protection system, if installed, to ensure the equipment is functioning as designed.~~**

**{(5)} {6}** A check of vents for restrictions.

~~{(6)}~~ ~~{7}~~ A check of ancillary equipment for operational malfunctions.

~~{(7)}~~ ~~{8}~~ An investigation of conditions that may be a fire or safety hazard, or pose an environmental hazard.

~~{(8)}~~ ~~{9}~~ Observation for evidence of a release of regulated substance from the aboveground storage tank system.

**(C) AN OWNER AND OPERATOR OF AN ABOVEGROUND STORAGE TANK SYSTEM WITH A CATHODIC PROTECTION SYSTEM MUST COMPLY WITH THE FOLLOWING REQUIREMENTS TO ENSURE THAT RELEASES DUE TO CORROSION ARE PREVENTED FOR AS LONG AS THE ABOVEGROUND STORAGE TANK SYSTEM IS USED TO STORE REGULATED SUBSTANCES:**

**(1) AN ABOVEGROUND STORAGE TANK SYSTEM EQUIPPED WITH A CATHODIC PROTECTION SYSTEM MUST BE TESTED FOR PROPER OPERATION BY A QUALIFIED CATHODIC PROTECTION TESTER IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:**

**(I) IMPRESSED CURRENT CATHODIC PROTECTION SYSTEMS MUST BE TESTED AT LEAST ANNUALLY.**

**(II) GALVANIC CATHODIC PROTECTION SYSTEMS MUST BE TESTED AT LEAST EVERY 3 YEARS.**

**(III) CATHODIC PROTECTION SYSTEMS MUST BE TESTED WITHIN 6 MONTHS FOLLOWING INSTALLATION AND 6 MONTHS FOLLOWING REPAIR OF THE CATHODIC PROTECTION SYSTEM.**

**(IV) THE CRITERIA THAT ARE USED TO DETERMINE THAT CATHODIC PROTECTION IS ADEQUATE UNDER THIS SECTION MUST BE IN ACCORDANCE WITH A CODE OF PRACTICE DEVELOPED BY A NATIONALLY-RECOGNIZED ASSOCIATION.**

**(2) AN ABOVEGROUND STORAGE TANK SYSTEM WITH IMPRESSED CURRENT CATHODIC PROTECTION SYSTEMS MUST BE CHECKED EVERY 60 DAYS TO ENSURE THE EQUIPMENT IS RUNNING PROPERLY. AT A MINIMUM, THE OPERATOR OR PERSON CONDUCTING THE 60-DAY CHECK SHALL DOCUMENT THE DATE CHECKED, ANNOTATE THE SYSTEM'S FUNCTIONING STATUS, AND FOR SYSTEMS EQUIPPED WITH A DIRECT CURRENT READOUT METER, RECORD THE AMOUNT OF CURRENT INDICATED ON THE METER.**

**(3) FOR AN ABOVEGROUND STORAGE TANK SYSTEM USING CATHODIC PROTECTION, RECORDS OF THE OPERATION OF THE CATHODIC PROTECTION SYSTEM MUST BE MAINTAINED UNDER § 245.615 (RELATING TO RECORDKEEPING REQUIREMENTS) TO DEMONSTRATE COMPLIANCE WITH**

**THE PERFORMANCE STANDARDS IN THIS SECTION. THE RECORDS MUST INCLUDE THE FOLLOWING:**

**(I) THE RESULTS OF THE LAST THREE CHECKS REQUIRED IN PARAGRAPH (2).**

**(II) THE RESULTS OF TESTING FROM THE LAST TWO CATHODIC PROTECTION SURVEYS REQUIRED IN PARAGRAPH (1).**

**§ 245.614. [Requirements for closure.] (Reserved).**

**[(a) Tank systems shall be cleaned, rendered free from hazardous vapors and ventilated if left onsite or shall be emptied and removed from the site in a manner consistent with current industry practices and Bureau of Waste Management requirements such as Chapters 263a and 299 (relating to transporters of hazardous waste; and storage and transportation of residual waste). Piping shall be removed or capped and fill ports shall be secured, capped or dismantled.**

**(b) The owner shall conduct a visual examination of the surface, soil and area surrounding and underlying the storage tank system for obvious indications or evidence of a release of regulated substance.**

**(1) If a release is suspected, it shall be investigated in accordance with § 245.304 (relating to investigation of suspected releases).**

**(2) If a release is confirmed, it shall be reported to the appropriate Department regional office responsible for the county in which the tank is located in accordance with § 245.305 (relating to reporting releases).**

**(c) The owner shall complete and submit an amended tank registration form to the Department within 30 days of:**

**(1) The completion of permanent closure.**

**(2) Change-in-service status of the tank.**

**(3) Temporary removal from service.**

**(d) Temporary removal from service requires that the owner/operator empty the tank system of regulated substances and conduct a visual examination of the area surrounding the tank as required in subsection (b), excluding the surface and soil underlying any tank bottom in contact with the ground. A tank may be considered to be in a temporary removal from service status when the tank is emptied and intended to remain out of use for 1 year or more.**

**(1) Temporary removal from service may not exceed 5 years, unless the owner can demonstrate an operational need to retain the tank in temporary removal-from-service beyond 5 years and the Department agrees to extend this time frame.**

**(2) Monitoring standards in § 245.613 (relating to monitoring standards) are not required when a tank is reported to the Department as temporarily removed from service.**

**(3) Inspection of tanks temporarily removed from service shall be performed in accordance with § 245.616 (relating to inspection requirements). In-service inspection interval may be delayed for a tank that is temporarily removed-from-service. The delayed inspection shall be conducted prior to placing regulated substance in a tank and returning the tank to operating status. Deficiencies noted during inspection shall be addressed and remedied and an amended registration form submitted to the Department prior to returning a tank to operating status.]**

**§ 245.615. Recordkeeping requirements.**

**(a) The [owner/operator] owner and operator shall maintain required aboveground storage tank system records. If records are maintained offsite, the records shall be easily obtained and provided to the Department upon request.**

**(b) The following records shall be maintained for the operational life of the aboveground storage tank system unless otherwise stated:**

**(1) Original [tank and] aboveground storage tank system installation records and design specifications. This requirement is limited to records currently available for [tank systems existing prior to] aboveground storage tank systems installed on or before October 11, 1997.**

**(2) Records of modification to the [tank or] aboveground storage tank system.**

**(3) The permits issued under Subchapter C (relating to permitting of underground and aboveground storage tank systems and facilities).**

**(4) Current registration certificates.**

**(5) [Monthly leak] Leak detection records and maintenance checklists for the past 12 months.**

**(6) Third-party inspection reports.**

**(7) Documentation of investigations of suspected releases in accordance with § 245.304 (relating to investigation of suspected releases).**

**(8) Written OR ELECTRONIC logbook ENTRY information as required under § 245.603(c) (relating to general storage tank facility requirements).**

**(9) DOCUMENTATION OF THE LAST THREE IMPRESSED CURRENT CATHODIC PROTECTION SYSTEM CHECKS FOR EACH 60-DAY PERIOD IN ACCORDANCE WITH § 245.613 (RELATING TO MONITORING STANDARDS).**

**(10) THE LAST TWO CATHODIC PROTECTION SURVEYS, DONE AT 3-YEAR INTERVALS ON GALVANIC AND ANNUALLY ON IMPRESSED CURRENT CATHODIC PROTECTION SYSTEMS IN ACCORDANCE WITH § 245.613.**

**§ 245.616. Inspection requirements.**

(a) Required inspections of small aboveground storage ~~[tanks]~~ tank systems shall be conducted by Department-certified aboveground storage tank inspectors according to a current ~~[Nationally-recognized association's code of practice such as API, STI or ASME]~~ Nationally recognized association's code of practice or according to manufacturer's specifications and applicable engineering criteria (See § 245.612 (relating to performance and design standards)). Deficiencies noted during the inspection shall be addressed and remedied. When ~~[substantial]~~ modifications or repairs are necessary to correct deficiencies, they shall be made in accordance with manufacturer's specifications and applicable engineering design criteria. The Department may require submission and review of documentation relating to these remedies. The associated tank handling activities are reported to the Department by a certified installer.

(b) Small aboveground field constructed storage tanks shall be inspected at installation, reconstruction or relocation and when a major modification activity is performed on the aboveground storage tank shell or the tank bottom plates.

(c) ~~[The owner/operator]~~ Except as provided in paragraph (2), the owner and operator of small aboveground storage tanks storing regulated substances with a capacity greater than 5,000 gallons and ~~[owner/operator]~~ owner and operator of small aboveground storage tanks storing highly hazardous substances with a capacity greater than 1,100 gallons shall have in-service inspections conducted every ~~[10]~~ 5 years or more often when corrosion, deterioration or other specific conditions necessitate. Other specific conditions may include maintenance practices, previous repairs, the nature of the substance stored and coatings or linings that should be considered when projecting tank service life and the next inspection interval. Internally lined tanks and flat bottom tanks without an interstice or external access to the tank bottom may require further evaluation or internal examination. [Inspections shall be phased in for tanks without a previous inspection as follows:

**(1) New tanks shall be initially inspected within 10 years of installation.**

**(2) Existing tanks, less than 10 years old without a previous inspection, shall be inspected by October 13, 2003, or 10 years from the date of installation, whichever is later.**

**(3) Existing tanks over 10 years old, without a previous inspection, shall be inspected by October 11, 2002.**

(4) When an inspection is delayed under § 245.614(d)(3) (relating to requirements for closure) for a tank in temporary removal-from-service status, the inspection shall be completed and deficiencies remedied prior to returning the tank to operational service.]

**(1) Aboveground storage tanks installed after \_\_\_\_\_ (Editor's Note: The blank refers to the effective date of adoption of this proposed FINAL rulemaking.), shall be initially inspected within 5 years of installation.**

**(2) Existing aboveground storage tank systems with scheduled in-service inspections after \_\_\_\_\_ (Editor's Note: The blank refers to 1,825 days after the effective date of adoption of this proposed FINAL rulemaking.) shall be inspected by the next currently scheduled in-service inspection date, unless notified otherwise by the Department. Subsequent in-service inspections shall be conducted in accordance with this section.**

(d) In-service inspections [must] shall evaluate the following:

(1) Containment areas.

(2) Foundation and tank supports.

(3) Tank shell and tank roof, where a roof exists.

(4) Appurtenances.

(5) Ancillary equipment including piping.

(6) Leak detection method, including [monthly] leak detection records and maintenance checklists.

(7) Cathodic protection system, if installed.

(8) Coatings and protections from deterioration.

(9) Tank system integrity and suitability for service.

**(e) If agreed upon by the Department, an in-service inspection interval may be delayed under § 245.617 (relating to temporary removal from service (out-of-service)) for an aboveground storage tank that is temporarily removed from service. Prior to placing product in the aboveground storage tank, the delayed inspection shall be conducted, deficiencies noted during inspection shall be addressed and remedied, and an amended registration form shall be completed and submitted to the Department.**

(Editor's Note: Sections 245.617 and 245.618 are proposed to be added and printed in regular type to enhance readability.)

**§ 245.617. Temporary removal from service (out-of-service).**

(a) The owner and operator shall complete and submit an amended registration form to the Department within 30 days after the change in tank status.

(b) The owner and operator shall empty the aboveground storage tank system of regulated substances and conduct a visual examination of the area surrounding the tank as required under § 245.618(b) (relating to permanent closure or change-in-service), excluding the surface and soil underlying any tank bottom in contact with the ground before placing the tank in temporary removal from service status.

(c) Monitoring standards in § 245.613(a) (relating to monitoring standards) are not required when an aboveground storage tank is reported to the Department as temporarily removed from service.

(d) Inspection requirements shall be maintained as specified in § 245.616 (relating to inspection requirements). In-service inspection intervals may be delayed for a tank that is temporarily removed from service. The delayed inspections shall be conducted prior to placing regulated substance in a tank and returning the tank to operating status. Deficiencies noted during inspection shall be addressed and remedied and an amended registration form submitted to the Department prior to returning the tank to operating status.

(e) Aboveground storage tanks shall be permanently closed within 5 years of being placed temporarily out-of-service unless the owner requests in writing an extension to this temporary removal from service period and the Department approves the request.

(f) The Department may impose conditions and require submission of documentation when reviewing and approving a request for an extension of the temporary removal from service period, including:

(1) Requirements for inspection under § 245.616.

(2) Site assessment under § 245.561 (relating to permanent closure or change-in-service) or § 245.618(b).

(3) Other considerations determined by the Department to be necessary to ensure the integrity of the aboveground storage tank.

**§ 245.618. Permanent closure or change-in-service.**

(a) Aboveground storage tank systems shall be cleaned, rendered free from hazardous vapors and ventilated if left onsite or emptied and removed from the site in a manner consistent with current industry practices and Bureau of Waste Management requirements such as Chapters 263a and 299 (relating to transporters of hazardous waste; and storage and transportation of residual waste). Piping shall be removed or capped and fill ports shall be secured, capped or dismantled.

(b) The owner shall conduct a visual examination of the surface, soil and area surrounding and underlying the storage tank system for obvious indications or evidence of a release of regulated substance.

(1) If a release is suspected, it shall be investigated in accordance with § 245.304 (relating to investigation of suspected releases).

(2) If a release is confirmed, it shall be reported to the appropriate Department regional office responsible for the county in which the aboveground storage tank is located in accordance with § 245.305 (relating to reporting releases).

(c) The owner shall complete and submit an amended tank registration form, signed by the owner and the certified installer that provided direct onsite supervision of the tank handling activity, to the Department within 30 days of either of the following:

(1) The completion of permanent closure.

(2) Change-in-service of the tank.

**Subchapter H. FINANCIAL RESPONSIBILITY REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS AND STORAGE TANK FACILITIES**

**§ 245.704. General requirements.**

(a) An owner or operator of an underground storage tank shall continuously participate in the USTIF by timely paying all applicable fees and conforming with all other requirements for participation in the USTIF, unless the EQB has determined that the underground storage tank is an exempt underground storage tank.

\* \* \* \* \*

**§ 245.708. Failure to maintain financial responsibility.**

The failure of an owner or operator of an underground storage tank to comply with this subchapter shall subject the owner or operator to the enforcement **[provisions in Chapter 13] provisions in sections 1301—1315** of the act (35 P.S. §§ 6021.1301—6021.1315).

September 14, 2018

David Sumner  
Executive Director  
Independent Regulatory Review Commission  
333 Market Street, 14th Floor  
Harrisburg, PA 17120

Re: Final-Omitted Rulemaking: Electronic Submission of Air Quality General Plan Approval and General Operating Permit Applications (#7-549)  
Final Rulemaking: Administration of the Storage Tank and Spill Prevention Program (#7-530)  
Final Rulemaking: Noncoal Mining Program Fees (#7-523)

Dear Mr. Sumner:

Pursuant to Section 5(a) of the Regulatory Review Act, please find enclosed copies of one final-omitted rulemaking and two final-form rulemakings for review by the Independent Regulatory Review Commission (IRRC). The Environmental Quality Board (Board) adopted these rulemakings at its August 21, 2018 meeting.

The **Electronic Submission of Air Quality General Plan Approval and General Operating Permit Applications (#7-549)** amends 25 Pa. Code § 127.621(b) (relating to application for use of general plan approvals and general operating permits) to add the option of electronic means for delivery of applications to the Department of Environmental Protection (Department) for air quality general plan approvals (GPA) and general operating permits (GP).

The existing regulation that governs the air quality GPA and GP application process, § 127.621(b), specifies that the application shall be either hand delivered or transmitted by certified mail return receipt requested to the Department. Adding an electronic means of submission as another method for submitting an air quality GPA or GP application to the Department will provide flexibility to the regulated community and will enhance Department efficiency through the timely processing and potential issuance of these air quality GPAs and GPs.

The owner or operator of a regulated air contamination source or process for which an air quality GPA or GP is available will be affected by this rulemaking. Currently, the Department has 19 air quality GPAs and GPs available that regulate various types of air contamination sources and processes in several industrial categories, including small boilers, burn off ovens, lithographic printing presses, mineral processing, storage tanks for volatile organic liquids, powder metal sintering furnaces, natural gas production, pharmaceutical and specialty chemical production, and petroleum dry cleaning. Within the past five years, the Department has issued 1,922 new air quality GPAs and GPs and 204 renewals for a total issuance of 2,126 GPAs and GPs. The Department expects a surge of new applications once it finalizes the revised GP-5 for

compression stations, processing plants, and transmission stations and the new GP-5a for unconventional natural gas well site operations and remote pigging stations.

An owner or operator of a regulated air contamination source or process for which an air quality GPA or GP is available will benefit by having the option to submit applications for GPAs and GPs by electronic means rather than being limited to hand delivering the application or mailing the application by certified mail with a return receipt requested. Adding the option for electronic means of application delivery is expected to enhance Department efficiency by enabling faster review of these plan approval and permit applications. Faster review may also benefit the regulated industry by facilitating timely implementation of the approved permitted activities.

This final-omitted rulemaking was discussed with, and received the support of, the Air Quality Technical Advisory Committee on June 14, 2018, the Small Business Compliance Advisory Committee on July 25, 2018, and the Citizens Advisory Council (CAC) Policy and Regulatory Oversight Committee on June 15, 2018. The CAC Policy and Regulatory Oversight Committee briefed the members of the CAC on June 19, 2018.

**The Administration of the Storage Tank and Spill Prevention Program (#7-530)** final-form rulemaking amends 25 Pa. Code Chapter 245. The U.S. Environmental Protection Agency (EPA) has codified comprehensive Federal regulations for underground storage tanks (USTs) at 40 CFR Part 280 (relating to technical standards and corrective action requirements for owners and operators of USTs. EPA initially promulgated these regulations in 1988 and published final revisions to 40 CFR Part 280 at 80 FR 41566 (July 15, 2015). These revisions, among other things, added secondary containment requirements for new and replaced tanks and piping, added operator training requirements, added periodic operation and maintenance requirements for UST systems, removed certain deferrals, added new release prevention and detection technologies, updated codes of practice, and made editorial and technical corrections. Secondary containment (November 10, 2007) and operator training (December 26, 2009) requirements that meet the Federal requirements into Chapter 245 were incorporated through prior rulemakings.

In its July 15, 2015, Final Rule, the EPA also updated the State Program Approval requirements in 40 CFR Part 281 (relating to approval of state underground storage tank programs). The EPA is requiring that states amend their UST regulations and apply for initial or revised State Program Approval within three years of the effective date of the final EPA rule published at 80 FR 41566.

Currently, the Commonwealth has State Program Approval. The Commonwealth receives approximately \$2.3 million annually in Federal grant funding from the EPA under section 9014 of the Solid Waste Disposal Act (42 U.S.C.A. § 6991m) to aid in administering the UST program. This final-form rulemaking is necessary to ensure continued receipt of Federal grant funds. To comply, Chapter 245 must be updated to be no less stringent than the Federal requirements so the Department can apply for revised State Program Approval. The EPA has not codified companion aboveground storage tank (AST) regulations.

This rulemaking strengthens Pennsylvania's UST regulations by increasing the emphasis on properly operating and maintaining equipment. Lack of proper operation and maintenance of UST systems is the main cause of new releases. Information on sources and causes of releases

shows that in addition to releases from tanks, releases from piping and spills and overfills associated with deliveries have emerged as common problems. In addition, releases at the dispenser are one of the leading sources of contamination at UST facilities. Finally, according to EPA, data shows that release detection equipment at all UST facilities is only successfully detecting approximately 50 percent of releases it is designed to detect. These release detection problems are similarly due in part to improper operation and maintenance.

Finally, the Department is updating Chapter 245 to address a number of issues, especially those pertaining to ASTs, based on observations and experience in implementing and enforcing the regulations since the last comprehensive update.

The amendments included in this rulemaking require that UST equipment be operated and maintained properly. While the current UST regulations require owners and operators to have spill, overfill, and release detection equipment in place for their UST systems, the regulations do not require proper operation and maintenance for some of that equipment. For example, Chapter 245 does not currently require periodic testing of spill prevention equipment that captures drips and spills when a delivery hose is disconnected from the fill pipe.

The new operation and maintenance requirements include:

- A visual inspection of spill prevention equipment and release detection every 30 days.
- A visual inspection of containment sumps and handheld release detection devices annually.
- Testing of spill prevention equipment every three years.
- Inspection of overfill prevention equipment every three years.
- Testing of containment sumps used for interstitial monitoring every three years.
- Annual release detection equipment testing.

In addition to the new operation and maintenance requirements, two other important provisions are included in this final-form rulemaking:

- Requires release detection for emergency generator USTs. Previously, emergency generator USTs were deferred from having to meet release detection requirements.
- Prohibits flow restrictors (ball float valves) as an option for overfill prevention in new UST systems and when these devices need to be replaced.

This rulemaking also addresses some of the more significant issues that the Department has observed in its inspections, oversight and enforcement of Chapter 245 in the following manner:

- Revises current definitions such as "Aboveground storage tank," "Containment structure or facility," "Hazardous substance storage tank system," "Removal-from-service," "Storage tank system," and "Tank handling activities" to provide clarity, ensure consistent implementation, and to correct errors in the existing definitions. For example, the current definition of "Removal from service" implies that such activities only apply to UST systems. The final-form amendment clarifies that the term also applies to AST systems.
- Revises the definition of "Certification categories" to include a new certification category called "Underground storage tank system minor modification."
- Revises the definitions of "Motor fuel," "Pipeline facilities (including gathering lines)," and "Underground storage tank" to be consistent with the Federal definitions at 40 CFR § 280.12.

The Department is revising the definition of “Underground storage tank” to delete the exclusion for “Tanks containing radioactive materials or coolants that are regulated under The Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011—2297)” and “An underground storage tank system that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR Part 50, Appendix A (relating to general design criteria for nuclear power plants).” The exclusion for “A wastewater treatment tank system” is revised to read “A wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act.”

- Adds definitions for “Aboveground storage tank system,” “Containment sump,” “Environmental covenant,” “Repair,” and “Spill prevention equipment.”
- Adds a definition for “Immediate threat of contamination” to clarify which spills from a storage tank into a containment structure or facility are “releases” that potentially require corrective action.
- Deletes the definitions “Actively involved,” “Interim certification,” and “Reportable release” as they are no longer needed.
- Adds a new certification category for minor modifications to allow individuals to perform tank handling activities such as repairs that do not involve excavation without having to obtain the (full) certification to install and modify storage tank systems, and to perform tests of UST systems required by this final-form rulemaking.
- Requires storage tank modification inspection reports to be submitted within 30 days from completion of the inspection.
- Requires overfill prevention for USTs to be permanently installed.
- Excludes USTs used solely for emergency generator purposes from the automatic pump shut-off requirement.
- Requires all ASTs in underground vaults that require an in-service inspection to be inspected within 6 and 12 months of installation and at least every 3 years thereafter due to their history of non-compliance. This mirrors the inspection requirement for USTs.
- Shortens the initial inspection requirement and in-service inspection cycle for small ASTs from 10 years to five years. Based on current in-service inspections, the compliance rate with regulatory requirements is less than 50 percent. Shortening the facility operations inspection cycle for USTs from five years to three years has resulted in increased regulatory compliance.
- Adds that all owners of facilities that are required to have a Spill Prevention Response Plan under current regulation must maintain a written or electronic log. Each log entry is to identify the name of the individual performing tank handling and inspection activities, the individual’s signature or equivalent verification of presence onsite, the company name, the date of work, start and end times, and a brief description of work performed, including tank identification.
- Removes the requirement for a 10-year lining inspection for small ASTs.

The proposed rulemaking was adopted by the Board on October 17, 2017, and published at 48 Pa.B. 1101 (February 24, 2018). Public comments on the proposed rulemaking were accepted through March 26, 2018. The Board received comments from 19 commentators during the

public comment period and the Independent Regulatory Review Commission (IRRC). All comments have been addressed and there are no unresolved issues relevant to this rulemaking.

The implementation of this rulemaking will be carried out as follows: the Department currently operates an extensive outreach program designed to assist owners and operators of storage tanks as well as individuals. This program includes a series of fact sheets that focus on single issues in the storage tank program; periodic seminars and conferences focusing on storage tank technical and administrative issues; training sessions presented by regional and central office training teams on a variety of issues; many guidance documents addressing technical and policy issues; and a great deal of information available on the Department's website. The Department will revise and update applicable fact sheets, guidance documents, forms and publications to reflect changes necessary as a result of the final-form rulemaking.

The Department expects these efforts to continue and to intensify after the effective date of the final-form rulemaking and as phase-in deadlines approach. The Department will also communicate directly with individuals, companies, associations, organizations and groups to assist in the understanding and implementation of the rulemaking.

This final-form rulemaking will affect approximately 7,000 storage tank owners at nearly 12,600 storage tank facilities. Industry sectors potentially affected by the final-form rulemaking include retail motor fuel sales, commercial, institutional, manufacturing, transportation, communications and utilities, and agriculture. Federal, state and local government owners of regulated storage tanks will also be affected.

Department-certified storage tank installers, inspectors and companies will also be required to comply with this final-form rulemaking. There are nearly 875 certified individuals and approximately 350 certified companies.

Owners of existing storage tank systems will be provided with adequate timeframes to adjust and comply with the new requirements. Owners of storage tank systems installed on or after the effective date of the final-form rulemaking must comply with the requirements immediately.

The Department worked with the Storage Tank Advisory Committee (STAC) during the development of this rulemaking. As required by section 105 of the Storage Tank and Spill Prevention Act (Act.) STAC was given the opportunity to provide feedback on rulemaking concepts and to review and comment on draft regulatory language at both the proposed and final-form stages. On March 7, 2017, the STAC voted to unanimously support the proposed amendments and recommended that the Board consider the amendments for publication as a proposed rulemaking. On May 17, 2018, revisions to the proposed rulemaking along with draft final-form regulatory language were reviewed and discussed with STAC. At that time, STAC voted unanimously to concur with the Department's recommendation to move the rulemaking forward in the regulatory review process. The Citizens Advisory Council was kept apprised of developments in the regulatory process on a monthly basis. In addition, final revisions to 40 CFR Part 280 and subsequent proposed changes to Chapter 245 were presented to Department-certified third-party installers and inspectors during annual technical training presented by the Department.

The **Noncoal Mining Program Fees (#7-523)** final-form rulemaking amends 25 Pa. Code Chapter 77. The Department is the agency responsible for implementing the Noncoal Surface Mining Conservation and Reclamation Act (the act). Section 7(a) of the act authorizes the Department to charge and collect a reasonable filing fee from noncoal permit applicants, provided the fees do not exceed the cost of reviewing, administering and enforcing the permit. These fees are used to administer the noncoal mining regulatory program. The Department implements the noncoal mining program through the review of permit applications for the various types of noncoal mining operations and the inspection of these operations to ensure operators' compliance with their permits. There are approximately 1,200 noncoal mining operators in Pennsylvania. These operations range from small quarries that produce less than 2,000 tons of material per year to large quarries that produce millions of tons of aggregate per year. The Department issues permits for the term of the expected mining activity, which also varies from a few years to decades. Operators can request modifications of their permits if their plans change, which require further staff review. The Department inspects permitted noncoal mines for compliance with permits, which require compliance with environmental and safety requirements included in the act, the Clean Streams Law (CSL), and Chapters 77 (Noncoal Mining) and 209a (Occupational Health and Safety: Surface Mining).

The final-form rulemaking includes amendments to 25 Pa. Code § 77.106 (fees) to provide additional funding to sustain the program. The current rate of revenues and expenditures will likely exhaust the reserves by 2020 in the Noncoal Surface Mining Fund, resulting in inadequate funding and potential curtailment of the program. Without the stable funding realized through the imposition of the increased fees, the Department will not be capable of timely issuance, administration, and enforcement of permits to 1,200 operators as required by the Noncoal Act and the CSL. As a result, applicants will not be able to conduct lawful mining activities, which will have a negative impact on the economy. Additionally, inadequate enforcement of existing permits will have a deleterious effect on public health and safety, and the environment.

Because the act prohibits noncoal mining without a permit issued by the Department, timely processing of noncoal operator permits (approximately 500 annually) is vital for Pennsylvania's economy as the noncoal industry is currently a \$20 billion dollar per year industry in the state, which consistently ranks among the top ten noncoal mineral producers in the nation. Citizens who live in affected areas will be protected by adequate inspections, enforcement, and oversight, and citizens across the Commonwealth will benefit from a healthy and protected natural environment.

This final-form rulemaking implements the Department's statutory authorization to collect a reasonable filing fee through two kinds of fees – the permit application fee and the annual administration fee. The permit application fee is intended to cover the Department's cost to review permit applications. The permit fees have been set according to the type of application submitted. The fee amounts are based on the number of hours typically required to review a specific type of permit application.

The annual administration fee is intended to cover the Department's costs to administer the permit. These include, among other things, the cost of performing inspections of the operations, compliance assistance, and other compliance related activities, as well as the tracking of required

reporting and monitoring by permittees. As with the permit fees, the annual administration fees are set based on workload analyses. The annual administration fee schedule reflects the differences between types of operations based on the Department's respective administrative workload. The assessment of the two kinds of fees is necessary to fairly represent the cost to the Department for reviewing, and administering, a noncoal mining permit.

The permit application fee schedule incrementally increases fee amounts. The first phase, to be effective January 1, 2020, includes an increase to reflect current wage and benefit rates resulting in about a 20% increase from current fees. The second phase, to be in effect January 1, 2022, adds about 25% to the fees to account for indirect costs (e.g. information technology, supplies and equipment). The third phase, scheduled to be in effect January 1, 2024, adds about 34% to the fee amounts to account for overhead (e.g. utilities, fuel and training). The phased-in structure will allow regulated entities time to prepare for the full impact of the increase. Beginning January 1, 2026, an adjustment factor will be applied every two years to account for increases in costs by using an index from the Bureau of Labor Statistics. It is anticipated that the fee schedule will close the gap between revenue and expenses.

The amendments increase the cost for permit application fees and annual administration fees. These will impose an added cost to the regulated community, which are approximately 1,200 small businesses. However, the amendments also benefit regulated entities by appropriately funding the regulatory program, which will allow them to continue their operations smoothly. A fully-staffed program can review and issue permits in a timely manner, provide technical assistance, and produce necessary technical guidance documents and policies. This funding also protects public health and the environment from spills or accidents by ensuring the appropriate inspection staff are available. Noncoal mining operations affect many members of the public, as they occur in every county in Pennsylvania except Philadelphia.

To mitigate the impacts on the noncoal operators, the Department introduced an approach that will incrementally increase the fees in three, two-year phases. Also, consistent with current practice, fees vary for different types of operations. For example, permit applications for large noncoal surface mining operations that propose to pump groundwater take significantly more time to review because of their potential hydrologic impact. Therefore, the permit application fee for these operations is higher than for an operation that does not include groundwater pumping. Similarly, if blasting is proposed, then the blasting inspector is involved in the review of the blast plan for the permit application. Therefore, the fee schedule includes a permit application fee for review of blast plans, based on the cost to review those plans. These strategies both account for the Department's workload and avoid charging smaller or simpler operations a higher fee than necessary. In addition, the first phase of the fees has an effective date of January 1, 2020, which provides time for permittees to plan for the increases.

The proposed rulemaking was adopted by the Board on October 17, 2017, and published at 48 Pa.B. 733 (February 3, 2018). Public comments on the proposed rulemaking were accepted through March 5, 2018. Comments were received from one public commentator and from IRR. All comments have been addressed and no unresolved issues remain.

During the proposed rulemaking process, the Department provided detailed information to the Aggregate Advisory Board. The draft fee report to the Aggregate Advisory Board was reviewed with the Board at their initial meeting on May 13, 2015. The information was provided through a series of meetings from May 2015 through November 2016, when the Board concurred with the Department's recommendation to proceed with the rulemaking process. This final-form rulemaking was reviewed with the Aggregate Advisory Board at its May 9, 2018 meeting. The Board, with the proviso that the actual dates be inserted in the language for when the various schedules come into effect, concurred with the Department's recommendation to proceed with the final-form rulemaking process.

The Department will provide assistance as necessary to facilitate IRRC's review of the enclosed rulemakings under Section 5.1(e) of the Regulatory Review Act.

Please contact me by e-mail at [ledinger@pa.gov](mailto:ledinger@pa.gov) or by telephone at 717.783.8727 if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Laura F. Edinger".

Laura Edinger  
Regulatory Coordinator

Enclosures

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO  
 THE REGULATORY REVIEW ACT**

I.D. NUMBER: 7- **530**

SUBJECT: *Administration of the Storage Tank and Spill Prevention Program*

AGENCY: DEPARTMENT OF ENVIRONMENTAL PROTECTION

**TYPE OF REGULATION**

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a.  With Revisions
  - b.  Without Revisions

RECEIVED  
 IRRRC  
 2018 SEP 14 P 12: 36

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
<u>9-14-18</u>	<u><i>Shelly Weaver</i></u>	Majority Chair, HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY <i>Representative John Maher</i>
<u>9-14-18</u>	<u><i>Sandy Metzger</i></u>	Minority Chair, HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY <i>Representative Mike Carroll</i>
<u>9/14/18</u>	<u><i>Susan Bickel</i></u>	Majority Chair, SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY <i>Senator Benehaw</i>
<u>9/14/18</u>	<u><i>[Signature]</i></u>	Minority Chair, SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES & ENERGY <i>Senator John Yudichak</i>
<u>9/19/18</u>	<u><i>[Signature]</i></u>	INDEPENDENT REGULATORY REVIEW COMMISSION <i>David Sumner</i>
_____	_____	ATTORNEY GENERAL (for Final Omitted only)
_____	_____	LEGISLATIVE REFERENCE BUREAU (for Proposed only)

