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

Summary of Changes

Effective December 22, 2018

Tom Wolf, Governor

Patrick McDonnell, Secretary
245.1 Definition Additions, Amendments, Deletions

- **Added** the following terms:
  - Aboveground Storage Tank System
  - Containment Sump
  - Environmental Covenant
  - Immediate Threat of Contamination
  - Repair
  - Spill Prevention Equipment

- **Amended Definitions**
  - Tank Handling Activities
  - Underground Storage Tank

- **Deleted definitions**
  - Actively involved
  - Interim certification
  - Reportable Release
245.1 Definitions

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.
245.1 Definitions

• More on “Immediate Threat of Contamination”
  – Equal to or greater than reportable released quantity (Hazardous)
  – Any amount (Petroleum)

Except

– Less than 25 gallons of Petroleum spilled in a liquid tight containment sump or emergency containment structure as a result of a tank handling activity where the Certified Installer has complete control over the regulated substance and prior to the Certified Installer leaving the site, the total volume of the regulated substance is recovered and removed.
Immediate Threat of Contamination: Yes or No?
Owner or Operator Reporting Requirements

- Owner or Operator Reporting
  - Shall report a Release
  - Shall report a Suspected Release if investigation cannot determine whether a release has occurred (15 days from indication of a release)
  - Shall report a non-release if removal of the regulated substance cannot be accomplished within 24 hours (telephone or email)
When is an owner or operator NOT required to report a release to DEP?

• Release Reporting to DEP is not required if:
  1. The release is under control
  2. The substance is completely contained
  3. The substance is completely recovered and removed within 24 hours of the release

• AND it is one of these two types of release:
  – 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 if the total volume of the release is contained below the lowest sump penetration
Remedial Actions

- **Added reporting requirements on Responsible Party**
  - No later than 24 hours notify the Department:
    - after the initiation of interim remedial actions
    - of providing an alternate source of water
    - after the initiation of site characterization activities

- **Added posting requirements in the *PA Bulletin* the Department**
  - Following submission of a complete remedial action plan (and completion report) selecting the background or Statewide health standard or site-specific standard
  - A notice of DEP’s final action

- **Added authority to DEP**
  - DEP may require the responsible party to suspend remedial action and notify the Department, by telephone or e-mail, within 24 hours of suspension
The definition of Underground Storage Tank was amended. The following UST systems are now regulated under Chapter 245:

• A wastewater treatment tank system
  – Wastewater treatment tank systems not part of a wastewater treatment facility regulated under Section 307(b) or 402 of the Clean Water Act

• A UST containing radioactive material
  – UST systems containing radioactive material or coolants that are regulated under the Atomic Energy Act of 1954

• A UST emergency generator system at a nuclear power generation facility
  – USTs that are part of an emergency generator system at a nuclear power generation facility licensed by the Nuclear Regulatory Commission and subject to NRC requirements regarding design and quality criteria
Amended UST Definition: “New” USTs

- Must have registered with DEP no later than **Feb. 20, 2019**
- A wastewater treatment tank system
- A UST containing radioactive material
- A UST emergency generator system at a nuclear power generation facility

<table>
<thead>
<tr>
<th>Install Date</th>
<th>Is not required to comply with:</th>
</tr>
</thead>
<tbody>
<tr>
<td>On or After May 7, 1985</td>
<td>Inspections, spill and overfill, water checks, operator training, and release detection</td>
</tr>
<tr>
<td>Before May 7, 1985</td>
<td>Inspections, spill and overfill, water checks, operator training, release detection, AND performance standards AND corrosion protection</td>
</tr>
</tbody>
</table>
• Field-constructed hazardous substance underground storage tanks at facilities regulated under the Safe Drinking Water Act
  – These tanks were installed prior to October 11, 1997
  – They were previously exempted by policy
  – The policy was rescinded on January 19, 2019 when the rescission was published in the PA Bulletin
    • Temporarily excluded from §§ 245.421, 245.422, 245.431, 245.432, 245.437, and 245.441-245.446, until December 22, 2019.
Site Specific Installation Permits (§ 245.231)

• **Required for:**
  – New aboveground storage tank systems with a capacity greater than 21,000 gallons at an existing large aboveground storage tank facility
  – New large aboveground storage tank facilities
  – New tank systems (UST or AST) storing highly hazardous substances
  – New UST field constructed storage tank systems *not installed within a previously registered underground storage tank system*

• **No SSIP needed for “Tank within a Tank”**
  – Applies only to USTs where a new tank is built inside of the old one
  – Does not apply to any other field constructed underground tanks
  – Does not apply to aboveground tanks
• SSIPs will expire 5 years from the date of issuance unless the Department receives an extension request in writing and grants the request

• Spill Prevention Response Plan must include the proposed storage tanks
Emergency Generator USTs

• Emergency Generator USTs are no longer deferred from release detection

<table>
<thead>
<tr>
<th>Install Date</th>
<th>Release Detection Required By</th>
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</thead>
<tbody>
<tr>
<td>After December 22, 2018</td>
<td>At Installation</td>
</tr>
<tr>
<td>After November 10, 2007</td>
<td>On or Before December 22, 2019</td>
</tr>
<tr>
<td>On or Before November 10, 2007</td>
<td>On or Before December 22, 2020</td>
</tr>
</tbody>
</table>

**USTs used solely with an emergency generator that have pressurized piping:**

• **NOT** required restrict or shutoff flow of regulated substances
• An audible or visual alarm must be installed and configured in lieu of regulated substance flow restriction or shutoff
Periodic Testing and Walkthrough Inspections

245.437 -- 245.438

• Required Periodic Walkthrough Inspections by Operators

• Required Periodic Testing of UST Components
  • DEP-certified individuals required to conduct periodic testing
  • Valid Periodic Testing is documented on DEP provided forms
New Periodic Walkthrough Requirements

<table>
<thead>
<tr>
<th>New Periodic Walkthrough Requirements</th>
<th>Start After</th>
<th>Timeframe</th>
<th>Exceptions</th>
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<tbody>
<tr>
<td>Spill Prevention Equipment</td>
<td>December 22, 2019</td>
<td>Every 30 days</td>
<td>X</td>
</tr>
<tr>
<td>Release Detection Equipment Operation</td>
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<td>Every 30 days</td>
<td></td>
</tr>
<tr>
<td>Containment Sump</td>
<td></td>
<td>Annual</td>
<td></td>
</tr>
<tr>
<td>Handheld Release Detection Equipment</td>
<td></td>
<td>Annual</td>
<td></td>
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</tbody>
</table>

- Spill Prevention Equipment receiving deliveries less often than 30 days may check prior to each delivery. **Delivery records should be maintained as part of log.**
- Containment Sumps and Spill Prevention Equipment that are double walled must have interstitial area checked for leaks in lieu of periodic testing requirements. **Failure to conduct these checks will trigger the period test requirement within 30 days.**
UST Periodic Walkthrough Requirements

• Question:
  – If my tank is not being used, do I still need to perform monthly walkthrough inspections?
• Question:
  – If my tank is not being used, do I still need to perform monthly walkthrough inspections?

• Answer:
  – If a UST is properly TOS (empty, registered properly), then the owner would not have to perform:
    • Walkthrough inspections
    • 3-year overfill tests
    • 3-year spill bucket tests
    • Annual Containment Sump tests
    • Annual Release Detection tests.
245.4** Underground Storage Tanks

- Added periodic testing requirements

At least every 3 years the following components must be tested:

1. Containment sumps used for interstitial monitoring
2. Spill prevention equipment
3. Overfill

At least annually the following components must be tested:

1. Electronic and mechanical components of release detection equipment

Phase in period:

1. Tank systems installed on or before 12/22/2018, have 1 year before requirement, then;
2. Due date based on FOI due date but no later than December 21, 2021, whichever comes first.
3. Tank systems installed after 12/22/2018, must test at installation.
<table>
<thead>
<tr>
<th></th>
<th>UMX/UMI</th>
<th>UTT</th>
<th>IUM</th>
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<tbody>
<tr>
<td>Spill Prevention Equipment</td>
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<td>Containment Sumps</td>
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<tr>
<td>Overfill Prevention Equipment</td>
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<tr>
<td>Release Detection Equipment</td>
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<tr>
<td>Tank/Piping Tightness Testing</td>
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Overfill Prevention Equipment Evaluations

• Ball Floats
  – **NO** installs, repairs, replacements, or upgrades after **December 22, 2018**
  – Ball Floats that **FAIL** an Overfill Evaluation or cannot be evaluated shall be replaced with another form of overfill prevention equipment.

• Current Overfill Prevention Options must be able to:
  – Automatically shut off flow at no more than 95% full **OR**
  – Alert the transfer operator at no more than 90% full
    • Alternative Methods for both options were deleted.

• Overfill Prevention Equipment must be **permanently installed**.

• Newly installed Overfill Prevention Equipment must be tested at installation.

• **New Form**: Underground Storage Tank Overfill Prevention Evaluation Form 2630-FM-BECB0018
• Question:
  – I have a ball float valve for overfill prevention. Can I install another method of overfill prevention, such as an alarm or drop tube shut off device, instead of testing the ball float valve?
• Question:
  – I have a ball float valve for overfill prevention. Can I install another method of overfill prevention, such as an alarm or drop tube shut off device, instead of testing the ball float valve?

• Answer:
  – If choosing to install an alternative form of overfill prevention rather than test the ball float valve as required by regulation, during the installation of a different type of overfill prevention equipment (e.g. drop tube shutoff valve or overfill alarm), the entire ball float assembly must be removed.
Spill Prevention Equipment & Containment Sump Tests

• Tests performed after December 22, 2018 must be completed by the appropriately DEP-certified individual to be recognized by DEP as valid.

  – This includes tests performed:
    • At Installation
    • Following a repair
    • To meet the 3 year testing requirement
    • For a suspected release investigation
Question:

- If I just want to test my containment sump or spill bucket as part of a routine maintenance plan, do I need to hire a DEP-Certified Individual every time?
• Question:
  – If I just want to test my containment sump or spill bucket as part of a routine maintenance plan, do I need to hire a DEP-Certified Individual every time?

• Answer:
  – Preventive maintenance tests of containment sumps and spill prevention equipment can be done without a DEP certified individual; however
  – The tests will NOT be recognized by DEP as valid; and
  – Any failures constitute a suspected release and must be investigated by the tank owner.
Release Detection Equipment Evaluations

- **New Forms:** Underground Storage Tank
  - Automatic Line Leak Detector Functionality Testing Form
  - Automatic Tank Gauge Functionality Testing Form
  - Groundwater / Vapor Monitoring System Functionality Testing Form
  - Pressure / Vacuum Monitoring Functionality Testing Form
  - Sensor Functionality Testing Form

- Release Detection Equipment necessary to accomplish the methods of Release Detection.
- Newly installed release detection equipment must be tested at installation.
- Back up methods **NEVER** intended to accomplish release detection regulatory compliance do not need to be tested.
245.5** Large Aboveground Storage Tanks

- Required Spill Prevention Response Plan (SPRP) revisions or any addendum to the initial plan to be submitted to the Department within 180 days of any occurrences as described in 35 P. S. § § 6021.901(b)

- Required at minimum, 3-year CP test on ASTs. Impressed current systems shall be tested at least annually. Rectifier shall be checked every 60 days
245.5** Large Aboveground Storage Tanks

• Required written or electronic log for any facility with an aggregate aboveground storage capacity greater than 21,000 gallons detailing tank handling activities performed
  – Records required for operational life of the tank system and retain the records for a minimum of 1 year after the tank system has been permanently closed

• Required vaulted ASTs to be inspected within 6 and 12 months from installation and at least every 3 years thereafter
245.5** Large Aboveground Storage Tanks

• Permeability of newly installed or replacement emergency containment structures or emergency containment structures for ASTs installed after 10/11/1997 must be less than $1 \times 10^{-6}$ cm/sec

• Permeability of emergency containment structures for ASTs installed on or before 10/11/1997 must be less than $1 \times 10^{-6}$ cm/sec OR PE verification plus SPRP is sufficient
245.6** Small Aboveground Storage Tanks

- Required written or electronic log for any facility with an aggregate aboveground storage capacity greater than 21,000 gallons detailing tank handling activities performed.
- Added variance provision.
- Required at minimum, 3-year CP test on ASTs. Impressed current systems shall be tested at least annually. Rectifier shall be checked every 60 days.
- Increased frequency of in-service inspections to, at minimum, every 5 years.
Welcome to Division of Storage Tanks

In accordance with the Department of Environmental Protection’s mission, the Storage Tank Program will protect Pennsylvania’s air, land and water from storage tank releases and provide for the health and safety of its citizens. Storage Tank Program staff will work as partners with individuals, organizations, governments and businesses to prevent releases from storage tanks and restore our natural resources when releases do occur. Under the Storage Tank and Spill Prevention Act, which became effective on Aug 5, 1989, the Storage Tank Program is responsible for developing and implementing regulations for above ground and underground storage tanks. Specific program responsibilities include the following: tank registration and payment of an annual registration fee, certification of tank handling and inspection individuals and companies, permitting of tanks, establishment of technical and operational standards for aboveground and underground storage tank systems, and procedures for reporting of releases and corrective action by tank owners.
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