



RT ENVIRONMENTAL SERVICES, INC.

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PENNSYLVANIA REVISING REGULATIONS FOR UNDERGROUND AND ABOVEGROUND STORAGE TANKS

The Environmental Quality Board recently approved moving forward with rulemaking which will revise Pennsylvania's Underground Storage Tank and Aboveground Storage Tank Regulatory Program. EPA is requiring that states revise UST regulations and a revised state UST Program is expected to be approved by October 13, 2018, assuming that the rulemaking proceeds as planned in Pennsylvania.

The primary purpose of these revisions is to strengthen the UST regulations by increasing the emphasis on properly operating and maintaining equipment. 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 EPA and our state partners have made significant progress in reducing the number of new releases, approximately 5,600 releases were discovered nationwide for the federal fiscal year that ended September 30, 2016. In comparison, using the same parameters (underground storage tank system releases only and October 1, 2015 through September 30, 2016), Pennsylvania had 209 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 in prior years. 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 percent of releases it is designed to detect. These problems are partly due to improper operation and maintenance.

The Department will also look to address a number of areas of Chapter 245 that have been problematic, have lacked clarity, or simply need correction.

Summary of the Proposed Rulemaking

The primary purpose of these revisions is to strengthen the UST regulations by increasing the emphasis on properly operating and maintaining equipment. 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, spill prevention equipment to capture drips and spills when the delivery hose is disconnected from the fill pipe does not require periodic testing of that equipment. These revisions require that UST equipment be operated and maintained properly, which will improve environmental protection.

The new operation and maintenance requirements will 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 proposed rulemaking:

- Require release detection for emergency generator USTs. Previously, emergency generator USTs were deferred from having to meet release detection requirements.
- Prohibit flow restrictors (ball float valves) as an option for overfill prevention in new UST systems and when these devices need to be replaced.

Some of the more significant issues the proposed rulemaking is also planned to remedy include:

- Revise current definitions such as "Aboveground storage tank," "Containment structure or facility," "Hazardous substance storage tank system," "Release," "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 proposed amendment clarifies that the term applies to Aboveground Storage Tank (AST) systems, as well.
- Revise the definition of "Certification categories" to include a new certification category called "Underground storage tank system minor modification."
- Revise the definitions of "Motor fuel," "Pipeline facilities (including gathering lines)," and "Underground storage tank" to be consistent with the federal definitions contained in 40 CFR § 280.12. In revising the definition of "Underground storage tank," 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)" will be deleted. The exclusion for "A wastewater treatment tank system" is proposed to be 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."
- Add definitions for "Aboveground storage tank system," "Containment sump," "Environmental covenant," "Repair," and "Spill prevention equipment."
- Delete the definitions "Actively involved," "Interim certification," and "Reportable release" as they are no longer needed.
- Add 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 proposed rulemaking.
- Require storage tank modification inspection reports to be submitted within 30 days from completion of the inspection.
- Require overfill prevention for USTs to be permanently installed.
- Exclude USTs used solely for emergency generator purposes from the automatic pump shut-off requirement.
- 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.
- Shorten 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.
- Add that all owners of facilities that are required to have a Spill Prevention Response Plan under current regulation must maintain a log book.
- Remove the requirement for a 10-year lining inspection for small ASTs.

We will keep you informed in the RT Review as this rulemaking proceeds through the public comment and regulatory rule adoption.

For more information on Pennsylvania's AST and UST Programs, you can call Gary R. Brown at 610-945-0083, or contact him at gbrown@rtenv.com. Mr. Brown holds a UMR Certification for UST closure and he has provided expert testimony related to storage tank releases and the cleanup cost.



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DIRECTORY

Corporate Headquarters
215 West Church Road
King of Prussia, PA 19406
Phone: (610) 265-1510 / FAX: (610) 265-0687

New Jersey
Pureland Complex, Suite 306
510 Heron Drive, P.O. Box 521
Bridgeport, NJ 08014
Phone: (856) 467-2276 / FAX: (856) 467-3476

Southwest Pennsylvania
591 East Maiden Street
Washington, PA 15301
Phone: (724) 206-0348 / FAX: (724) 206-0380

E-mail: RTENV@AOL.COM
World Wide Web: [HTTP://RTENV.COM](http://RTENV.COM)
24 HOUR URGENT LINE SERVICE 800-725-0593

<i>Directory</i>		
<i>Corporate Headquarters</i> 215 West Church Road Suite 301 King of Prussia, PA 19406 Phone: (610) 265-1510 FAX: (610) 265-0687	<i>New Jersey</i> 510 Heron Drive P.O. Box 521 Suite 306, Pureland Complex Bridgeport, NJ 08014 Phone: (856) 467-2276 FAX: (856) 467-3476	<i>Southwest Pennsylvania</i> 591 East Maiden Street Washington, PA 15301 Phone: (724) 206-0348 FAX: (724) 206-0380
E-mail: RTENV@AOL.COM / World Wide Web: HTTP://RTENV.COM 24 HOUR URGENT LINE SERVICE: 800-725-0593		



RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406

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