

No. 2005-36

AN ACT

SB 722

Amending the act of July 6, 1989 (P.L.169, No.32), entitled, as amended, "An act providing for the regulation of storage tanks and tank facilities; imposing additional powers and duties on the Department of Environmental Protection and the Environment Quality Board; and making an appropriation," further providing for definition of "department," for powers and duties of the Environmental Quality Board, for interim requirements for aboveground storage tanks and underground storage tanks, for the expiration of the additional allocation and for the Underground Storage Tank Environmental Cleanup Program; and providing for investigations and closure costs.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definition of "department" in section 103 of the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, is amended to read:

Section 103. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Department." The Department of Environmental [Resources] *Protection* of the Commonwealth.

* * *

Section 2. Sections 106 and 302 heading and (a) of the act are amended to read:

Section 106. Powers and duties of Environmental Quality Board.

(a) *General authority.*—The Environmental Quality Board shall have the power and its duty shall be to adopt rules and regulations of the department governing aboveground and underground storage tanks to accomplish the purposes and carry out the provisions of this act.

(b) *Registration fees.*—*The registration fees established under sections 302 and 502 shall be permanent fees paid by tank owners. This subsection shall expire December 31, 2009.*

Section 302. Interim requirements *for aboveground storage tanks.*

(a) Registration fees and requirements.—

(1) [Until alternative fees are established by the department by regulation, annual] *Annual* registration fees to be paid by owners of aboveground storage tanks are hereby established as follows:

(i) Three hundred dollars for each aboveground storage tank with a capacity of more than 50,000 gallons.

(ii) One hundred twenty-five dollars for each aboveground storage tank with a capacity of more than 5,000 gallons and less than or equal to 50,000 gallons.

(iii) Fifty dollars for each aboveground storage tank with a capacity of up to or equal to 5,000 gallons.

(2) The owner of any aboveground storage tank with a capacity greater than 5,000 gallons shall, along with the registration fee, submit to the department all information required on the data plate required by section 8.1 of API 650 Large Welded Storage Tanks (Atmospheric) and such other information as is required by the department.

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Section 3. Section 502 heading and (a) of the act, amended June 26, 1995 (P.L.79, No.16), is amended to read:

Section 502. Interim requirements and discontinued use *for underground storage tanks*.

(a) Registration fees and requirements.—[Until alternative fees are established by the department by regulation, an] *An* annual fee of \$50 for each underground storage tank to be paid by owners of the underground storage tank is hereby established.

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Section 4. Section 710(b.2) and (c) of the act, added January 30, 1998 (P.L.46, No.13) and reenacted and amended December 20, 2000 (P.L.726, No.100), are amended to read:

Section 710. Underground Storage Tank Environmental Cleanup Program.

* * *

(b.2) Additional allocation.—No more than \$500,000 of the annual allocation for the Underground Storage Tank Environmental Cleanup Program may be used for costs of corrective action to assist owners of underground storage tanks with a capacity of 3,000 gallons or less used for storing heating oil for consumption on the premises where stored. Payments made for eligible releases shall be limited in amount to the actual costs of corrective action or to \$5,000, whichever is less. The amount allowed shall be subject to a \$1,000 deductible which shall be paid first by the claimant. This subsection shall expire June 30, [2005] 2007. On or before that date the board shall make a report to the General Assembly with recommendations. The board may promulgate regulations to carry out the provisions of this subsection.

* * *

(c) Implementation.—The Department of Environmental Protection shall assist the board with the implementation of this program and shall be reimbursed by the board from the fund for actual costs incurred for the corrective actions taken[, but in no event shall the department] *The department shall also* be reimbursed from the fund for any administrative costs.

* * *

Section 5. The act is amended by adding a section to read:

Section 713. Investigation and closure costs.

(a) Investigation and closure review costs.—The department may request the board to reimburse the department up to \$3,000,000 annually for its costs related to investigating, determining responsibility, overseeing remediation and third party response and closing out cases of spills and leaks related to storage tanks beginning in fiscal year 2007-2008.

(b) Elements of reimbursement request.—The department request for reimbursement shall include the following:

(1) A workload analysis.

(2) Past and projected administrative costs based on the population of aboveground and underground tanks.

(3) Past and projected revenues from all sources of funds, Federal and State.

(4) Reasons for changes in projected costs.

(5) Steps taken by the department to reduce costs.

Section 6. This act shall take effect immediately.

APPROVED—The 5th day of July, A.D. 2005.

EDWARD G. RENDELL