

## No. 2017-61

## AN ACT

## HB 290

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 Environmental Quality Board; and making an appropriation," in financial provisions, further providing for Underground Storage Tank Indemnification Board, for Underground Storage Tank Environmental Cleanup Program, for Underground Storage Tank Pollution Prevention Program and for investigation and closure costs.

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

Section 1. Sections 703(a) and (f), 710(b.2) and (f), 711(b) and (f) and 713 heading and (a) of the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, are amended to read:

Section 703. Underground Storage Tank Indemnification Board.

(a) Establishment of board, appointment and terms.—There is hereby created the Underground Storage Tank Indemnification Board which shall consist of **[ten] 14** members. The Insurance Commissioner and the Secretary of **[the Department of]** Environmental Protection shall be ex officio members. *Two members shall be appointed from the Senate, one member by the President pro tempore of the Senate and one member by the Minority Leader of the Senate. Two members shall be appointed from the House of Representatives, one member by the Speaker of the House of Representatives and one member by the Minority Leader of the House of Representatives.* Eight members shall be appointed by the Governor, as follows:

(1) Six members who shall be persons with particular expertise in the management of underground storage tanks. Three of these members shall be appointed for terms of four years and three shall be appointed for a term of three years. The Governor shall appoint the members, one each from a list of nominees provided by each of the following:

(i) The Associated Petroleum Industries of Pennsylvania.

(ii) The Pennsylvania Petroleum Association.

(iii) The Service Station Dealers and Automotive Repair Association of Pennsylvania and Delaware and the Petroleum Retailers and Auto Repair Association, Inc.

(iv) **[The Middle Atlantic Truck Stop Operators.] A Statewide organization representing fuel retailers and food merchants.**

(v) The Pennsylvania Farm Bureau, Pennsylvania State Grange and Pennsylvania Farmers Union.

(vi) The Tank Installers of Pennsylvania.

(2) One local government member who shall have knowledge and expertise in underground storage tanks. The local government member shall be appointed for a term of two years.

(3) One public member who shall not be an owner or operator of storage tanks nor affiliated in any way with any person regulated under this act. The public member shall be appointed for a term of three years.

\* \* \*

(f) Meetings; quorum.—The board shall meet at least quarterly. Additional meetings may be held upon reasonable notice at times and locations selected by the board. The board shall meet at the call of the chairman or upon written request of three members of the board. [~~Six~~] *Eight* members shall constitute a quorum and a quorum may act for the board in all matters.

Section 710. Underground Storage Tank Environmental Cleanup Program.

\* \* \*

(b.2) Additional allocation.—No more than [~~\$500,000~~] *\$750,000* 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. The board may promulgate regulations to carry out the provisions of this subsection.

\* \* \*

(f) Sunset.—The Underground Storage Tank Environmental Cleanup Program shall cease to exist on June 30, [~~2017~~] *2022*, unless it is reestablished by action of the General Assembly.

Section 711. Underground Storage Tank Pollution Prevention Program.

\* \* \*

(b) Allocation.—The board may allocate up to [~~\$1,000,000~~] *\$350,000* annually from the Underground Storage Tank Indemnification Fund for the Underground Storage Tank Pollution Prevention Program as long as the allocation does not impede the actuarial soundness of the fund's ability to pay claims.

\* \* \*

(f) Sunset.—The Underground Storage Tank Pollution Prevention Program shall cease to exist on June 30, [~~2017~~] *2022*, unless it is reestablished by action of the General Assembly.

Section 713. Investigation [~~and~~], closure, *compliance and enforcement* costs.

(a) [~~Investigation and closure review costs~~] *General rule*.—The department may request the board to reimburse the department up to [~~\$3,000,000~~] *\$7,000,000* 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 *and for inspecting, determining compliance and taking enforcement actions against owners of storage tanks* beginning in fiscal year [~~2007-2008~~] *2017-2018*.

\* \* \*

Section 2. If this section takes effect after June 30, 2017, the following provisions shall apply retroactively to June 30, 2017:

- (1) The amendment of section 710(f) of the act.
- (2) The amendment of section 711(f) of the act.

Section 3. This act shall take effect as follows:

- (1) The following provisions shall take effect immediately:
  - (i) The amendment of section 710(f) of the act.
  - (ii) The amendment of section 711(f) of the act.
  - (iii) Section 2 of this act.
  - (iv) This section.
- (2) The remainder of this act shall take effect in 60 days.

APPROVED—The 21st day of December, A.D. 2017

TOM WOLF