

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 815 Session of  
2007

INTRODUCED BY MUSTO, BOSCOLA, PUNT, LAVALLE, FONTANA,  
TARTAGLIONE, FOLMER, ERICKSON, M. WHITE, GORDNER, O'PAKE,  
LOGAN, COSTA, McILHINNEY, WAUGH, CORMAN, RAFFERTY, ROBBINS,  
STOUT AND WASHINGTON, APRIL 27, 2007

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, APRIL 27, 2007

AN ACT

1 Amending the act of July 6, 1989 (P.L.169, No.32), entitled, as  
2 amended, "An act providing for the regulation of storage  
3 tanks and tank facilities; imposing additional powers and  
4 duties on the Department of Environmental Protection and the  
5 Environmental Quality Board; and making an appropriation,"  
6 further providing for underground storage tank environmental  
7 cleanup program and for underground storage tank pollution  
8 prevention program.

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

11 Section 1. Section 710(b.2) and (f) of the act of July 6,  
12 1989 (P.L.169, No.32), known as the Storage Tank and Spill  
13 Prevention Act, amended or added January 30, 1998 (P.L.46,  
14 No.13) and July 5, 2005 (P.L.97, No.36), are amended to read:

15 Section 710. Underground Storage Tank Environmental Cleanup  
16 Program.

17 \* \* \*

18 (b.2) Additional allocation.--No more than \$500,000 of the  
19 annual allocation for the Underground Storage Tank Environmental  
20 Cleanup Program may be used for costs of corrective action to

1 assist owners of underground storage tanks with a capacity of  
2 3,000 gallons or less used for storing heating oil for  
3 consumption on the premises where stored. Payments made for  
4 eligible releases shall be limited in amount to the actual costs  
5 of corrective action or to \$5,000, whichever is less. The amount  
6 allowed shall be subject to a \$1,000 deductible which shall be  
7 paid first by the claimant. [This subsection shall expire June  
8 30, 2007. On or before that date the board shall make a report  
9 to the General Assembly with recommendations.] The board may  
10 promulgate regulations to carry out the provisions of this  
11 subsection.

12 \* \* \*

13 (f) Sunset.--The Underground Storage Tank Environmental  
14 Cleanup Program shall cease to exist on June 30, [2007] 2012,  
15 unless it is reestablished by action of the General Assembly.

16 Section 2. Section 711 of the act, added January 30, 1998  
17 (P.L.46, No.13), is amended to read:

18 Section 711. Underground Storage Tank Pollution Prevention  
19 Program.

20 (a) Establishment.--The board is hereby authorized to  
21 establish an Underground Storage Tank Pollution Prevention  
22 Program for the purpose of reimbursing eligible owners, as  
23 defined in subsection (d), for the costs of removing regulated  
24 substances from and sealing the fill pipes of underground  
25 storage tanks which have not been upgraded to comply with the  
26 technical requirements of Federal and State regulations. The  
27 board shall establish guidelines for eligible expenses and  
28 procedures for reimbursement from the Underground Storage Tank  
29 Indemnification Fund.

30 (b) Allocation.--The board may allocate up to \$1,000,000

1 annually from the Underground Storage Tank Indemnification Fund  
2 for the Underground Storage Tank Pollution Prevention Program as  
3 long as the allocation does not impede the actuarial soundness  
4 of the fund's ability to pay claims.

5 (c) Implementation.--The Department of Environmental  
6 Protection shall assist the board with the implementation of  
7 this program and shall be reimbursed by the board from the fund  
8 for actual reimbursements made to eligible owners, but in no  
9 event shall the department be reimbursed from the fund for any  
10 administrative costs.

11 (d) Eligibility.--Owners of six or fewer underground storage  
12 tanks shall be eligible to participate in this program.

13 (e) Annual report.--The board shall annually transmit to the  
14 General Assembly a report outlining actions taken and  
15 expenditures made under this section for the preceding  
16 Commonwealth fiscal year.

17 (f) Sunset.--The Underground Storage Tank Pollution  
18 Prevention Program shall cease to exist on June 30, [2007] 2012,  
19 unless it is reestablished by action of the General Assembly.

20 Section 3. This act shall take effect immediately.