

STORAGE TANK AND SPILL PREVENTION ACT - OMNIBUS AMENDMENTS

Act of Jul. 7, 2022, P.L. 433, No. 34

Cl. 27

Session of 2022

No. 2022-34

HB 1780

AN ACT

Amending the act of July 6, 1989 (P.L.169, No.32), entitled "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 general provisions, further providing for definitions and for advisory committee; and, in financial provisions, further providing for Underground Storage Tank Indemnification Board, for powers and duties of Underground Storage Tank Indemnification Board, for Underground Storage Tank Environmental Cleanup Program and for Underground Storage Tank Pollution Prevention Program.

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

Section 1. The definition of "secretary" 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:

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

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Section 2. Sections 105(a)(1), 703(a)(1)(i), 705(d)(1), 710(f) and 711(f) of the act are amended to read:

Section 105. Advisory committee.

(a) Appointment, composition, etc.--A storage tank advisory committee shall be appointed by the secretary within 30 days after the effective date of this act. The committee shall consist of no more than 17 members. Four members shall be representatives of local government, six members shall be representatives of the regulated community, one member shall be a registered professional engineer with three years of experience in this Commonwealth, one member shall be a hydrogeologist, four members shall be representatives of the public and one member shall be an active commercial farm owner or operator nominated by Statewide general farm organizations. Members shall serve without compensation other than reimbursement for reasonable and necessary expenses in accordance with Commonwealth policy or regulations and shall serve for terms fixed by the secretary. The six representatives from the regulated community shall be appointed by the secretary, one each from a list of three nominees provided by the following:

(1) The [Associated Petroleum Industries of Pennsylvania] **American Petroleum Institute Pennsylvania.**

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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 14 members. The Insurance Commissioner and the Secretary 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] **American Petroleum Institute Pennsylvania.**
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Section 705. Powers and duties of Underground Storage Tank Indemnification Board.

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(d) Fees.--

(1) The board, by regulation, shall establish fees to be paid by the owner, operator or certified tank installer, as appropriate, of underground storage tanks. Fees shall be set on an actuarial basis in order to provide an amount sufficient to pay outstanding and anticipated claims against the Underground Storage Tank Indemnification Fund in a timely manner. Fees shall also include an amount sufficient to meet all other financial requirements of the board. Fees shall be adjusted as deemed necessary by the board, but no more than once a year. The board shall annually evaluate the fee amount to determine if it is sufficient to meet the anticipated expenses of the fund and provide a copy of its evaluation to the Environmental Resources and Energy Committee of the Senate and the [Conservation] **Environmental Resources and Energy** Committee of the House of Representatives. The board shall analyze the claims experience of storage tanks to determine which types of underground tanks or tank configurations result in less frequent leaks.

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Section 710. Underground Storage Tank Environmental Cleanup Program.

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(f) Sunset.--The Underground Storage Tank Environmental Cleanup Program shall cease to exist on [June 30, 2022] **December 31, 2027**, unless it is reestablished by action of the General Assembly.

Section 711. Underground Storage Tank Pollution Prevention Program.

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(f) Sunset.--The Underground Storage Tank Pollution Prevention Program shall cease to exist on [June 30, 2022] **December 31, 2027**, unless it is reestablished by action of the General Assembly.

Section 3. This act shall take effect immediately.

APPROVED--The 7th day of July, A.D. 2022.

