

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 2564** Session of
1994

INTRODUCED BY REBER, GEORGE, HESS, BUNT, DENT, PETTIT, PESCI,
STERN, FARGO, LEH, GORDNER, TRELLO, DEMPSEY, DALEY, MIHALICH,
CESSAR, ROONEY, BROWN, CLYMER, S. H. SMITH, COLAIZZO, KING,
HERSHEY, GODSHALL, HENNESSEY, LYNCH, E. Z. TAYLOR, MASLAND,
LAWLESS, J. TAYLOR, D. W. SNYDER, GERLACH, STAIRS,
HUTCHINSON, SCHEETZ, ALLEN, LAUB, HASAY, FICHTER,
M. N. WRIGHT, ULIANA, ADOLPH, SEMMEL, ARMSTRONG, FARMER,
MERRY, FLICK, HARLEY, ARGALL, SAURMAN, GRUPPO, NAILOR,
JAROLIN, RUBLEY, LEE, MILLER, NYCE, B. SMITH AND BELFANTI,
MARCH 7, 1994

AS REPORTED FROM COMMITTEE ON CONSERVATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 12, 1994

AN ACT

1 Amending the act of July 6, 1989 (P.L.169, No.32), entitled "An
2 act providing for the regulation of storage tanks and tank
3 facilities; imposing additional powers and duties on the
4 Department of Environmental Resources and the Environmental
5 Quality Board; and making an appropriation," further defining
6 "underground storage ~~tank.~~" TANK"; AND FURTHER PROVIDING FOR ←
7 THE UNDERGROUND STORAGE TANK INDEMNIFICATION FUND.

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

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

14 Section 103. Definitions.

15 The following words and phrases when used in this act shall
16 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

3 "Underground storage tank." Any one or combination of tanks
4 (including underground pipes connected thereto) which are used
5 to contain an accumulation of regulated substances, and the
6 volume of which (including the volume of the underground pipes
7 connected thereto) is 10% or more beneath the surface of the
8 ground. The term shall not include:

9 (1) Farm or residential tanks of 1,100 gallons or less
10 capacity used for storing motor fuel for noncommercial
11 purposes.

12 (2) Tanks [of 3,000 gallons or less] used for storing
13 heating oil for consumptive use on the premises where stored.

14 (3) A septic or other subsurface sewage treatment tank.

15 (4) A pipeline facility (including gathering lines)
16 regulated under:

17 (i) The Natural Gas Pipeline Safety Act of 1968
18 (Public Law 90-481, 82 Stat. 720, 49 U.S.C. App. § 1671
19 et seq.).

20 (ii) The Hazardous Liquid Pipeline Safety Act of
21 1979 (Public Law 96-129, 93 Stat. 989, 49 U.S.C. § 2001
22 et seq.).

23 (5) An interstate or intrastate pipeline facility
24 regulated under State laws comparable to the provisions of
25 law in paragraph (4).

26 (6) Surface impoundments, pits, ponds or lagoons.

27 (7) Storm water or wastewater collection systems.

28 (8) Flow-through process tanks.

29 (9) Liquid traps or associated gathering lines directly
30 related to oil or gas production and gathering operations.

1 (10) Storage tanks situated in an underground area
2 (such as a basement, cellar, mine working, drift, shaft or
3 tunnel) if the tank is situated upon or above the surface of
4 the floor.

5 (11) Tanks permitted pursuant to the act of July 7, 1980
6 (P.L.380, No.97), known as the Solid Waste Management Act,
7 including, but not limited to, piping, tanks, collection and
8 treatment systems used for leachate, methane gas and methane
9 gas condensate management.

10 (12) Any underground storage tank system whose capacity
11 is 110 gallons or less.

12 (13) Any other tank excluded by policy or regulations
13 promulgated pursuant to this act.

14 SECTION 2. SECTION 704 OF THE ACT IS AMENDED BY ADDING A ←
15 SUBSECTION TO READ:

16 SECTION 704. UNDERGROUND STORAGE TANK INDEMNIFICATION FUND.

17 * * *

18 (E) OPTIONS.

19 (1) ANY OWNER OF AN UNDERGROUND STORAGE TANK USED FOR
20 STORING HEATING OIL FOR CONSUMPTIVE USE ON THE PREMISES WHERE
21 STORED MAY ELECT TO PARTICIPATE IN THE FUND.

22 (2) THE OWNER OR OPERATOR OF AN UNDERGROUND STORAGE TANK
23 USED TO STORE HEATING OIL ELECTING TO PARTICIPATE IN THE FUND
24 SHALL BE REQUIRED TO COMPLY WITH ALL APPLICABLE PROVISIONS OF
25 THIS ACT AS WELL AS ANY RULES AND REGULATIONS ADOPTED IN THIS
26 ACT.

27 (3) THE OWNER OR OPERATOR OF AN UNDERGROUND STORAGE TANK
28 USED TO STORE HEATING OIL ELECTING TO PARTICIPATE IN THE FUND
29 SHALL BE REQUIRED TO PAY THE FEE ESTABLISHED UNDER SECTION
30 705(D)(2).

1 Section ~~2~~ 3. This act shall take effect in 60 days.

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