

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1331 Session of  
2007

INTRODUCED BY CARROLL, GEORGE, BELFANTI, BOYD, CALTAGIRONE,  
CAPPELLI, DeLUCA, DENLINGER, FAIRCHILD, FRANKEL, FREEMAN,  
GIBBONS, HENNESSEY, HERSHEY, HESS, KORTZ, KULA, LEACH,  
MAHONEY, MUNDY, M. O'BRIEN, PETRARCA, REICHLEY, RUBLEY,  
SCAVELLO, SEIP, K. SMITH, SOLOBAY, SURRA, SWANGER, THOMAS,  
WALKO, YOUNGBLOOD, YUDICHAK, BARRAR, WANSACZ, PETRONE AND  
FABRIZIO, JUNE 5, 2007

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
JUNE 5, 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

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

14 \* \* \*

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

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

20 Section 711. Underground Storage Tank Pollution Prevention  
21 Program.

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

1 Indemnification Fund.

2 (b) Allocation.--The board may allocate up to \$1,000,000  
3 annually from the Underground Storage Tank Indemnification Fund  
4 for the Underground Storage Tank Pollution Prevention Program as  
5 long as the allocation does not impede the actuarial soundness  
6 of the fund's ability to pay claims.

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

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

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

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

22 Section 3. This act shall take effect immediately.