
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 290 Session of
2017

INTRODUCED BY METZGAR, GODSHALL, SCHWEYER, MILLARD, A. HARRIS,
ZIMMERMAN, SANKEY, WARD, GABLER, SAYLOR, WHEELAND, RADER,
CUTLER AND DUSH, FEBRUARY 2, 2017

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 20, 2017

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," in
6 financial provisions, further providing for Underground
7 Storage Tank Indemnification Board, for Underground Storage
8 Tank Environmental Cleanup Program ~~and~~, for Underground <--
9 Storage Tank Pollution Prevention Program AND FOR <--
10 INVESTIGATION AND CLOSURE COSTS.

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

13 ~~Section 1. Sections 703(a), 710(f) and 711(f) of the act of~~ <--
14 ~~July 6, 1989 (P.L.169, No.32), known as the Storage Tank and~~
15 ~~Spill Prevention Act, are amended to read:~~

16 SECTION 1. SECTIONS 703(A), 710(B.2) AND (F), 711(B) AND (F) <--
17 AND 713 HEADING AND (A) OF THE ACT OF JULY 6, 1989 (P.L.169,
18 NO.32), KNOWN AS THE STORAGE TANK AND SPILL PREVENTION ACT, ARE
19 AMENDED TO READ:

20 Section 703. Underground Storage Tank Indemnification Board.

1 (a) Establishment of board, appointment and terms.--There is
2 hereby created the Underground Storage Tank Indemnification
3 Board which shall consist of ten members. The Insurance
4 Commissioner and the Secretary of the Department of
5 Environmental Protection shall be ex officio members. Eight
6 members shall be appointed [by the Governor,] as follows:

7 (1) Six members who shall be persons with particular
8 expertise in the management of underground storage tanks.
9 Three of these members shall be appointed for terms of four
10 years and three shall be appointed for a term of three years.
11 The Governor shall appoint [the members,] two members, the
12 President pro tempore of the Senate shall appoint one member,
13 the Minority Leader of the Senate shall appoint one member,
14 the Speaker of the House of Representatives shall appoint one
15 member and the Minority Leader of the House of
16 Representatives shall appoint one member. The appointments
17 shall include one each from a list of nominees provided by
18 each of the following:

19 (i) The Associated Petroleum Industries of
20 Pennsylvania.

21 (ii) The Pennsylvania Petroleum Association.

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

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

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

30 (vi) The Tank Installers of Pennsylvania.

1 (2) [One] The Governor shall appoint one local
2 government member who shall have knowledge and expertise in
3 underground storage tanks. The local government member shall
4 be appointed for a term of two years.

5 (3) [One] The Governor shall appoint one public member
6 who shall not be an owner or operator of storage tanks nor
7 affiliated in any way with any person regulated under this
8 act. The public member shall be appointed for a term of three
9 years.

10 * * *

11 Section 710. Underground Storage Tank Environmental Cleanup
12 Program.

13 * * *

14 (B.2) ADDITIONAL ALLOCATION.--NO MORE THAN [\$500,000] <--
15 \$750,000 OF THE ANNUAL ALLOCATION FOR THE UNDERGROUND STORAGE
16 TANK ENVIRONMENTAL CLEANUP PROGRAM MAY BE USED FOR COSTS OF
17 CORRECTIVE ACTION TO ASSIST OWNERS OF UNDERGROUND STORAGE TANKS
18 WITH A CAPACITY OF 3,000 GALLONS OR LESS USED FOR STORING
19 HEATING OIL FOR CONSUMPTION ON THE PREMISES WHERE STORED.
20 PAYMENTS MADE FOR ELIGIBLE RELEASES SHALL BE LIMITED IN AMOUNT
21 TO THE ACTUAL COSTS OF CORRECTIVE ACTION OR TO \$5,000, WHICHEVER
22 IS LESS. THE AMOUNT ALLOWED SHALL BE SUBJECT TO A \$1,000
23 DEDUCTIBLE WHICH SHALL BE PAID FIRST BY THE CLAIMANT. THE BOARD
24 MAY PROMULGATE REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS
25 SUBSECTION.

26 * * *

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

30 Section 711. Underground Storage Tank Pollution Prevention

1 Program.

2 * * *

3 (B) ALLOCATION.--THE BOARD MAY ALLOCATE UP TO [\$1,000,000] <--
4 \$350,000 ANNUALLY FROM THE UNDERGROUND STORAGE TANK
5 INDEMNIFICATION FUND FOR THE UNDERGROUND STORAGE TANK POLLUTION
6 PREVENTION PROGRAM AS LONG AS THE ALLOCATION DOES NOT IMPEDE THE
7 ACTUARIAL SOUNDNESS OF THE FUND'S ABILITY TO PAY CLAIMS.

8 * * *

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

12 SECTION 713. INVESTIGATION [AND], CLOSURE, COMPLIANCE AND <--
13 ENFORCEMENT COSTS.

14 (A) [INVESTIGATION AND CLOSURE REVIEW COSTS] GENERAL RULE.--
15 THE DEPARTMENT MAY REQUEST THE BOARD TO REIMBURSE THE DEPARTMENT
16 UP TO [\$3,000,000] \$7,000,000 ANNUALLY FOR ITS COSTS RELATED TO
17 INVESTIGATING, DETERMINING RESPONSIBILITY, OVERSEEING
18 REMEDIATION AND THIRD PARTY RESPONSE AND CLOSING OUT CASES OF
19 SPILLS AND LEAKS RELATED TO STORAGE TANKS AND FOR INSPECTING,
20 DETERMINING COMPLIANCE AND TAKING ENFORCEMENT ACTIONS AGAINST
21 OWNERS OF STORAGE TANKS BEGINNING IN FISCAL YEAR [2007-2008]
22 2017-2018.

23 * * *

24 ~~Section 2. This act shall take effect in 60 days. AS~~ <--
25 ~~FOLLOWS:~~

26 ~~(1) THE FOLLOWING SHALL TAKE EFFECT IMMEDIATELY:~~

27 ~~(I) THIS SECTION.~~

28 ~~(II) THE AMENDMENT OF SECTIONS 710(F) AND 711(F) OF~~
29 ~~THE ACT.~~

30 SECTION 2. IF THIS SECTION TAKES EFFECT AFTER JUNE 30, 2017, <--

1 THE FOLLOWING PROVISIONS SHALL APPLY RETROACTIVELY TO JUNE 30,
2 2017:

3 (1) THE AMENDMENT OF SECTION 710 (F) OF THE ACT.

4 (2) THE AMENDMENT OF SECTION 711 (F) OF THE ACT.

5 SECTION 3. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

6 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
7 IMMEDIATELY:

8 (I) THE AMENDMENT OF SECTION 710 (F) OF THE ACT.

9 (II) THE AMENDMENT OF SECTION 711 (F) OF THE ACT.

10 (III) SECTION 2 OF THIS ACT.

11 (IV) THIS SECTION.

12 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
13 DAYS.