

**CHAPTER 245. ADMINISTRATION OF THE STORAGE TANK AND SPILL PREVENTION PROGRAM**

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**Authority**

The provisions of this Chapter 245 issued under The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.101—6021.2104); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20); amended under sections 106, 301(a)(5) and 501 of the Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.106, 6021.301(a)(5) and 6021.501); section 5(b)(1) of The Clean Streams Law (35 P. S. § 691.5(b)(1)); and section 105(a) of the Solid Waste Management Act (35 P. S. § 6018.105(a)); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), unless otherwise noted.

**Source**

The provisions of this Chapter 245 adopted September 20, 1991, effective September 21, 1991, 21 Pa.B. 4345, unless otherwise noted.

**Cross References**

This chapter cited in 25 Pa. Code § 250.707 (relating to statistical tests); 25 Pa. Code § 252.3 (relating to scope); 25 Pa. Code § 298.22 (relating to waste oil storage); 25 Pa. Code § 298.45 (relating to waste oil storage at transfer facilities); 25 Pa. Code § 298.54 (relating to waste oil management); and 25 Pa. Code § 298.64 (relating to waste oil storage).

**Subchapter A. GENERAL PROVISIONS****GENERAL**

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**TANK HANDLING AND INSPECTION ACTIVITIES**

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**Cross References**

This subchapter cited in 25 Pa. Code § 129.61a (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control); 25 Pa. Code § 129.82a (relating to requirements to decommission a Stage II vapor recovery system); and 25 Pa. Code § 245.203 (relating to general requirements for permits).

**GENERAL****§ 245.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*ASNT*—The American Society of Nondestructive Testing.

*Aboveground field constructed metallic storage tank*—An aboveground storage tank that is manufactured from either ferrous or nonferrous metals and has final assembly completed at the job site. The term does not include associated piping.

*Aboveground manufactured metallic storage tank*—An aboveground storage tank that is manufactured from either ferrous or nonferrous metals and is completely fabricated and assembled in the shop prior to shipping. The term does not include piping.

*Aboveground nonmetallic storage tank*—An aboveground storage tank that is manufactured from nonmetallic materials; for example, fiberglass reinforced plastic, composites, plastics, and the like, and is completely fabricated and pri-

marily assembled in the shop prior to shipping. The tank may require some additional final assembly at the job site. The term does not include associated piping.

*Aboveground storage tank*—One or a combination of stationary tanks with a capacity in excess of 250 gallons, including the underground pipes and dispensing systems connected thereto within the emergency containment area, which is used, will be used or was used to contain an accumulation of regulated substances, and the volume of which, including the volume of piping within the storage tank facility, is greater than 90% above the surface of the ground. The term includes tanks which can be visually inspected, from the exterior, in an underground area and tanks being constructed or installed for regulated use. The term does not include the following, or pipes connected thereto:

- (i) A tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes or motor oil.
- (ii) A tank used for storing heating oil for consumptive use on the premises where stored.
- (iii) A pipeline facility, including gathering lines, regulated under:
  - (A) The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C.A. App. §§ 1671—1687).
  - (B) The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C.A. §§ 2001—2015).
  - (C) An interstate or intrastate pipeline facility regulated under State laws comparable to the provisions of law referred to in clause (A) or (B).
- (iv) A surface impoundment, pit, pond or lagoon.
- (v) A stormwater or wastewater collection system.
- (vi) A flow-through process tank, including, but not limited to, a pressure vessel and oil and water separators.
- (vii) A nonstationary tank liquid trap or associated gathering lines directly related to oil and gas production or gathering operations.
- (viii) Tanks regulated under 58 Pa.C.S. Chapter 32 (relating to development) used to store brines, crude oil, drilling or frac fluids and similar substances or materials and are directly related to the exploration, development or production of crude oil or natural gas.
- (ix) Tanks regulated under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31).
- (x) Tanks used for the storage of products which are regulated under the Federal Food, Drug and Cosmetic Act (21 U.S.C.A. §§ 301—392).
- (xi) Tanks regulated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), including, but not limited to, piping, tanks, collection and treatment systems used for leachate, methane gas and methane gas condensate management.

(xii) A tank of 1,100 gallons or less in capacity located on a farm used solely to store or contain substances that are used to facilitate the production of crops, livestock and livestock products on the farm.

(xiii) Tanks which are used to store propane gas.

(xiv) Tanks containing radioactive materials or coolants that are regulated under the Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011—2297).

(xv) Tanks regulated under the act of May 2, 1929 (P. L. 1513, No. 451), known as the Boiler Regulation Law (35 P. S. §§ 1301—1500).

(xvi) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks.

(xvii) A tank that contains a de minimis concentration of regulated substances.

(xviii) An emergency spill or overflow containment tank that is expeditiously emptied after use.

(xix) Other tanks excluded by regulations promulgated under the act.

*Aboveground storage tank system*—An aboveground storage tank, connected piping and ancillary equipment within the emergency containment area, and emergency and secondary containment.

*Act*—The Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.101—6021.2104).

*Adjacent*—Next to or contiguous with.

*Affect or diminish*—In the context of water supplies, the term has the following meaning: To cause or contribute to a measurable increase in the concentration of one or more contaminants in a water supply above background levels, or to cause or contribute to a decrease in the quantity of the water supply.

*Air Pollution Control Act*—The Air Pollution Control Act (35 P. S. §§ 4001—4015).

*Ancillary equipment*—Electrical, vapor recovery, access or other systems and devices, including, but not limited to, devices, such as piping, fittings, flanges, valves and pumps used to distribute, meter, monitor or control the flow of regulated substances to or from a storage tank system.

*Aquifer*—A geologic formation, group of formations or part of a formation capable of a sustainable yield of significant amount of water to a well or spring.

*Background*—The concentration of a regulated substance determined by appropriate statistical methods that is present at the site, but is not related to the release of regulated substance at the site.

*Beneath the surface of the ground*—Beneath the ground surface or otherwise covered with earthen materials.

*CERCLA*—The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.A. §§ 9601—9675).

*Cathodic protection*—A technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell.

*Cathodic protection tester*—A person who can demonstrate an understanding of the principles and measurements of common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, the person shall have documented education and experience in soil resistivity, stray current, structure to soil potential and component electrical isolation measurements of buried metal piping and tank systems.

*Certification categories*—

(i) Individual certification categories issued to certified installers or certified inspectors to perform tank handling, tightness testing or inspection activities on aboveground or underground storage tank systems and facilities.

(ii) The term includes category specific certifications in one or more of the following:

(A) Storage tank inspector certification categories:

(I) IAF—Inspection of aboveground field constructed and aboveground manufactured storage tank systems and facilities.

(II) IAM—Inspection of aboveground manufactured storage tank systems and facilities.

(III) IUM—Inspection of underground storage tank systems and facilities.

(B) Storage tank installer certification categories:

(I) ACVL—Aboveground storage tank system civil installation and modification.

(II) AFMX—Aboveground field constructed metallic storage tank installation, modification and removal, and aboveground manufactured metallic storage tank modification.

(III) AFR—Aboveground field constructed storage tank system removal.

(IV) AMEX—Aboveground storage tank system mechanical installation, modification and removal.

(V) AMMX—Aboveground manufactured metallic storage tank system installation and modification.

(VI) AMNX—Aboveground nonmetallic storage tank system installation and modification.

(VII) AMR—Aboveground manufactured storage tank system removal.

(VIII) TL—Storage tank liner installation and modification, and underground storage tank liner evaluation.

(IX) UMX—Underground storage tank system installation and modification.

(X) UMI—Underground storage tank system minor modification.

(XI) UTT—Underground storage tank system tightness tester.

(XII) UMR—Underground storage tank system removal.

*Certified company*—An entity, including a sole proprietorship, a partnership or a corporation, which is certified by the Department and employs certified installers or certified inspectors to conduct tank handling activities, tightness testing activities or inspection activities.

*Certified inspector*—A person certified by the Department to conduct inspections of tanks or storage tank facilities and who may conduct environmental audits. A certified inspector may not be an employee of a tank owner.

*Certified installer*—A person certified by the Department to install, modify or remove storage tanks. A certified installer may be an employee of a tank owner.

*Change-in-service*—One of the following:

- (i) Continued use of a storage tank system to store an unregulated substance.
- (ii) Continued use of a storage tank system in a manner which would exempt the system from the definition of aboveground storage tank or underground storage tank.

*Clean Streams Law*—The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

*Cleanup or remediation*—To clean up, mitigate, correct, abate, minimize, eliminate, control or prevent a release of a regulated substance into the environment to protect the present or future public health, safety, welfare or the environment, including preliminary actions to study or assess the release.

*Coax vapor recovery*—The use of a coaxial fitting to provide Stage I vapor recovery; one orifice for the conveyance of the product to the tank and a second, concentric orifice for venting the tank to the delivery vehicle.

*Combination of tanks*—Tanks connected together at a manifold in a manner that they act as a single unit; tank capacity for a combination of tanks is the sum of the individual tank capacities.

*Compatible*—The ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the tank system under conditions likely to be encountered in the tank system.

*Connected piping*—All piping including valves, elbows, joints, flanges and flexible connectors attached to a tank system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual tank system, the piping that joins two regulated systems should be allocated equally between them.

*Consumptive use*—The term means, with respect to heating oil, that which is stored in an aboveground storage tank of 30,000 gallons or less capacity or that which is stored in an underground storage tank and is consumed on the premises.

*Contaminant*—A regulated substance released into the environment.

*Containment structure or facility*—Anything built, installed or established and designed to contain regulated substances that are spilled, leaked, emitted, discharged, escaped, leached or disposed from a storage tank or storage tank system, including a vault, a dike, a wall, a building or secondary containment.

*Containment sump*—A liquid-tight container designed to protect the environment by containing leaks and spills of regulated substances from piping, dispensers, pumps and related components in the containment area. Containment sumps may be single-walled or secondarily contained and located at the top of the tank (tank top or submersible turbine pump sump), underneath the dispenser (under-dispenser containment sump) or at other points in the piping run (transition or intermediate sump).

*Corrective action*—

- (i) The term includes the following:
  - (A) Containing, assessing or investigating a release.
  - (B) Removing a release or material affected by a release.
  - (C) Taking measures to prevent, mitigate, abate or remedy releases, pollution and potential for pollution, nuisances and damages to the public health, safety or welfare, including, but not limited to, the following:
    - (I) Waters of this Commonwealth, including surface water and groundwater.
    - (II) Public and private property.
    - (III) Shorelines, beaches, water columns and bottom sediments.
    - (IV) Soils and other affected property, including wildlife and other natural resources.
  - (D) Taking actions to prevent, abate, mitigate or respond to a violation of the act that threatens public health or the environment.
  - (E) Temporarily or permanently relocating residents, providing alternative water supplies or undertaking an exposure assessment.
- (ii) The term does not include the cost of routine inspections, routine investigations and permit activities not associated with a release.

*Corrosion expert*—A person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. The person shall be accredited or certified as being qualified by the National Association of Corrosion Engineers or be a registered professional engineer who has education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.

*Corrosion protection*—The protection of metal from deterioration. The deterioration may be due to a natural electrochemical reaction between the metal and the soil or other electrolyte, or because of stray direct currents.

*De minimis*—With regard to products containing regulated substances, the term applies when the regulated substance is of insufficient concentration to be required to appear on a Safety Data Sheet (SDS). The term does not apply to section 507 of the act (35 P.S. § 6021.507) as it pertains to site contamination.

*Dielectric material*—A material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate tank systems from the surrounding soils. Dielectric bushings are used to electrically isolate portions of the tank system for example, tank from piping.

*Electrical equipment*—Equipment that contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.

*Emergency containment*—A containment structure which serves to convey, capture and contain the total volume of an anticipated release of regulated substance from an aboveground or underground storage tank system and which is expeditiously emptied.

*Environmental audit*—Activities which may be conducted by a certified inspector to evaluate the storage tank system or storage tank facility site, equipment and records to determine evidence of an actual or possible release of regulated substance.

*Environmental covenant*—A servitude arising under an environmental response project which imposes activity and use limitations under 27 Pa.C.S. §§ 6501—6517 (relating to Uniform Environmental Covenants Act).

*Environmental media*—Soil, sediment, surface water, groundwater, bedrock and air.

*Excavation zone*—The volume containing the tank system and backfill material bounded by the ground surface, walls and floor of the pit and trenches into which the underground storage tank system is placed at the time of installation.

*Exempt underground storage tank*—An underground storage tank which has been exempted by regulation from participation in USTIF.

*Existing underground storage tank system*—An underground storage tank system used to contain an accumulation of regulated substances for which installation has either started or been completed in accordance with this chapter. Installation is considered to have started if the following apply:

- (i) The owner or operator has obtained the Federal, State and local approvals or permits necessary to begin physical construction of the site or installation of the tank system.
- (ii) One of the following apply:
  - (A) A continuous onsite physical construction or installation program has begun.
  - (B) The owner or operator has entered into contractual obligations, which cannot be cancelled or modified without substantial loss, for physical construction at the site or installation of the tank system to be completed within a reasonable time.



*Exposure assessment*—An assessment to determine the extent of exposure of, or potential for exposure of, individuals, the biological community and all other natural resources to releases from a storage tank based on, but not limited to, the following:

- (i) The nature and extent of contamination and the existence of or potential for pathways of human exposure, including groundwater or surface water contamination, air emissions, soil contamination and food chain contamination.
- (ii) The size of the community within the likely pathways of exposure.
- (iii) The comparison of expected human exposure levels to the short-term and long-term health effects associated with identified contaminants.

*Farm*—Land used for the production for commercial purposes of crops, livestock and livestock products, including the processing or retail marketing of these crops, livestock or livestock products if more than 50% of these processed or merchandized products are produced by the farm operator. The phrase “Crops, livestock and livestock products” includes, but is not limited to:

- (i) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
- (ii) Fruits, including apples, peaches, grapes, cherries and berries.
- (iii) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms.
- (iv) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
- (v) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.
- (vi) Aquatic plants and animals and their by-products.

*Free product*—A regulated substance that is present as a separate phase liquid; that is, liquid not dissolved in water.

*Free product recovery*—The removal of free product.

*Gathering lines*—A pipeline, equipment, facility or building used in the transportation of oil or gas during oil or gas production or gathering operations.

*Groundwater*—Water below the land surface in a zone of saturation.

*Hazardous substance storage tank system*—

- (i) A storage tank system that contains a hazardous substance defined in section 101(14) of CERCLA (42 U.S.C.A. § 9601(14)).
- (ii) The term does not include a storage tank system that contains a substance regulated as a hazardous waste under sections 3001—3024 of the Solid Waste Disposal Act (42 U.S.C.A. §§ 6921—6939g), or mixture of the substances and petroleum, and which is not a petroleum system.

*Heating oil*—Petroleum that is No. 1, No. 2, No. 4-light, No. 4-heavy, No. 5-light, No. 5-heavy and No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers or furnaces.

*Highly hazardous substance tank*—A storage tank of greater than 1,100 gallons capacity which contains reportable quantities of substances with CERCLA reportable release quantity of 10 pounds or less, as identified by 40 CFR Part 302 (relating to designation, reportable quantities, and notification).

*Hydraulic lift tank*—A tank holding hydraulic fluid for a closed loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators and other similar devices.

*Immediate threat of contamination*—Spilling, leaking, emitting, discharging, escaping, leaching or disposing of a regulated substance from a storage tank into a containment structure or facility in an amount equal to or greater than the reportable released quantity determined under section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.A. § 9602) and regulations promulgated thereunder, or an amount equal to or greater than a discharge as defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1321) and regulations promulgated thereunder. The term also includes spilling, leaking, emitting, discharging, escaping, leaching or disposing of petroleum into a liquid-tight containment sump or emergency containment structure in an amount less than 25 gallons as a result of a tank handling activity unless the certified installer providing direct onsite supervision has control over the regulated substance, the regulated substance is completely contained and, prior to the certified installer leaving the storage tank facility, the total volume of the regulated substance is recovered and removed.

*In-service inspection*—A scheduled aboveground storage tank external inspection to determine tank system serviceability and compliance with requirements in this chapter and applicable industry standards. This inspection shall be conducted by a Department-certified aboveground storage tank inspector. The tank system may be in operation during this inspection.

*Inspection activities*—Activities to inspect all or a part of a storage tank system or storage tank facility. These activities include, but are not limited to, evaluation of:

- (i) Storage tank system structural integrity.
- (ii) Construction and major modification.
- (iii) Facility operation.

*Install*—Activities to construct, reconstruct or erect to put into service a storage tank, a storage tank system or storage tank facility.

*Intrafacility piping*—A common piping system serving more than one storage tank system within a storage tank facility.

*Large aboveground storage tank*—An aboveground storage tank having a capacity greater than 21,000 gallons.

*Large aboveground storage tank facility*—An aboveground storage tank facility with greater than 21,000 gallons total aboveground storage capacity.

*Liquid trap*—Sumps, well cellars and other traps used in association with oil and gas production, gathering and extraction operations (including gas production plants), for the purpose of collecting oil, water and other liquids. The liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.

*Maintenance*—The normal operational upkeep to prevent a storage tank system or storage tank facility from releasing regulated substances if the activity involved is not a major modification or minor modification.

*Major modification*—

(i) An activity to upgrade, repair, refurbish or restore all or any part of an existing storage tank system or storage tank facility which:

(A) Alters the design of that storage tank system or storage tank facility.

(B) May affect the integrity of that storage tank system or storage tank facility.

(ii) The term includes an activity directly affecting the tank portion of the storage tank system or an activity directly affecting an underground component of the storage tank system.

*Minor modification*—

(i) An activity to upgrade, repair, refurbish or restore all or part of an existing storage tank system or storage tank facility which does not alter the design of that storage tank system or storage tank facility, but which may affect the integrity of that storage tank system or storage tank facility.

(ii) The term does not include an activity directly affecting the tank portion of the storage tank system or an activity directly affecting an underground component of the storage tank system.

*Modify*—To conduct an activity that constitutes a major modification or a minor modification.

*Monitoring system*—A system capable of detecting releases in connection with an aboveground or underground storage tank.

*Motor fuel*—A complex blend of hydrocarbons typically used in the operation of a motor engine, such as motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any blend containing one or more of these substances such as motor gasoline blended with alcohol.

*Motor oil*—A petroleum product used to lubricate the internal parts of an engine. The term includes lubricating and operational fluids for the mechanical components associated with the engine, including any hydraulic, transmission, gear or braking systems.

*New facility*—A storage tank facility which did not exist prior to August 5, 1989.

*Noncommercial purposes*—The term means, with respect to motor fuel, motor fuel not for resale.

*Nontank handling project activities*—Activities performed by a certified individual, certified company or employee of a certified company on a project that may not be tank handling activities, but are part of the certified individual's or company's responsibility while completing tank handling or inspection activities on a storage tank system project.

*OSHA—Occupational Safety and Health Administration*—The agency established under the Occupational Safety and Health Act of 1970 (29 U.S.C.A. §§ 651—678).

*On the premises where stored*—With respect to heating oil, the term means tank systems located on the same property where the stored heating oil is used.

*Operational life*—The period beginning when installation of the tank system has commenced until the time the tank system is properly closed.

*Operator*—A person who manages, supervises, alters, controls or has responsibility for the operation of a storage tank.

*Out-of-service inspection*—A scheduled aboveground storage tank inspection that encompasses both internal and external examination to determine tank system serviceability and compliance with requirements in this chapter and applicable industry standards. This inspection shall be conducted by a Department-certified aboveground storage tank inspector. The tank system may not be in operation during this inspection.

*Overfill*—A release that occurs when a tank is filled beyond its capacity.

*Owner*—Includes the following:

(i) In the case of a storage tank in use on August 7, 1989 or brought into use after August 7, 1989, a person who owns or has an ownership interest in a storage tank used for the storage, containment, use or dispensing of regulated substances.

(ii) In the case of an aboveground storage tank in use before August 7, 1989, but which was no longer in use on August 7, 1989, a person who owned the aboveground tank immediately before the discontinuance of its use as well as a person who meets the definition in subparagraph (i).

(iii) In the case of an underground storage tank, the owner of an underground storage tank holding regulated substances on or after November 8, 1984, and the owner of an underground storage tank at the time all regulated substances were removed when removal occurred prior to November 8, 1984.

*Permanently affixed*—Not able to be moved from its resting place by design or which is connected to real property by piping or other structure.

*Permanent water supply*—A well, interconnection with a public water supply, extension of a public water supply, similar water supply or a treatment system, determined by the Department to be capable of restoring the water supply to the quantity and quality of the original unaffected water supply.

*Person*—An individual, partnership, corporation, association, joint venture, consortium, institution, trust, firm, joint-stock company, cooperative enterprise, municipality, municipal authority, Federal Government or agency, Common-

wealth Department, agency, board, commission or authority, or other legal entity which is recognized by law as the subject of rights and duties. In provisions of the act prescribing a fine, imprisonment or penalty, or a combination thereof, the term includes the officers and directors of a corporation or other legal entity having officers and directors.

*Petroleum system*—A storage tank system that primarily contains petroleum, and may contain additives or other regulated substances. The term includes systems containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils.

*Pipe or piping*—A hollow cylinder or tubular conduit that is constructed of nonearthen materials. The terms include the associated fittings such as unions, elbows, tees and flexible joints.

*Pipeline facilities (including gathering lines)*—New and existing pipe rights-of-way and associated equipment, facilities or buildings.

(i) The term includes tanks essential to the operation of the pipeline, such as tanks used to hold substances that operate compressors or pumps directly connected to the pipeline and breakout tanks used solely to relieve pressure surges from the pipeline and then reinject substances from the pipeline back into the pipeline.

(ii) The term does not include tanks which dispense substances to vehicles, railcars, barge or tanker truck transports or tanks at complex facilities which serve as storage tanks or feed stock tanks for the purposes of this chapter.

*Potential to be affected*—In the context of water supplies, a water supply that, by virtue of its location with respect to a release of regulated substances, is reasonably likely to be impacted by that release, based on an evaluation of the known physical and hydrogeologic environment in which the release occurred and the fate and transport properties of the contaminants released.

*Pressure vessel*—A vessel used in industrial processes designed to withstand pressures above 15 psig.

*Process vessel*—A vessel in industrial or commercial operation in which, during use, there is a mechanical, physical or chemical change of the contained substances taking place. The industrial or commercial process may include, but is not limited to, mixing, separating, chemically altering, dehydrating, extracting, refining or polishing of the substances in the tank. The term does not include tanks used only to store substances prior to sale or to store feedstock prior to additional processing.

*Property*—A parcel of land defined by the metes and bounds set forth in the deed for that land.

*Public water system*—A system which provides water to the public for human consumption which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. The term includes collection, treatment, storage and distribution facilities

under control of the operator of the system and used in connection with the system. The term includes collection or pretreatment storage facilities not under control of the operator which are used in connection with the system. The term also includes a system which provides for bottling or bulk hauling for human consumption. Water for human consumption includes water that is used for drinking, bathing and showering, cooking, dishwashing or maintaining oral hygiene.

*Reconstruction*—The work necessary to reassemble a storage tank that has been dismantled and relocated to a new location.

*Regulated substance*—

An element, compound, mixture, solution or substance that, when released into the environment, may present substantial danger to the public health, welfare or the environment which is one of the following:

(i) A substance defined as a hazardous substance in section 101(14) of CERCLA, including hazardous substances that are liquid or gaseous, or suspended therein regardless of holding temperature, but not including a substance regulated as a hazardous waste under Subtitle C of the Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. §§ 6921—6931).

(ii) Petroleum, including crude oil or a fraction thereof and petroleum hydrocarbons which are liquid at standard conditions of temperature and pressure (60° F and 14.7 pounds per square inch absolute), including oil, petroleum, petroleum mixed with ethanol, fuel oil, oil sludge, oil refuse, oil mixed with other nonhazardous wastes and crude oils, gasoline and kerosene.

(iii) Other substances determined by the Department by regulation whose containment, storage, use or dispensing may present a hazard to the public health and safety or the environment, but not including gaseous substances used exclusively for the administration of medical care. This includes the following other regulated substances:

(A) Nonpetroleum oils including biodiesel; synthetic fuels and oils, such as silicone fluids; tung oils and wood-derivative oils, such as resin/rosin oils; and inedible seed oils from plants, which are liquid at standard conditions of temperature and pressure. The requirements in this chapter for petroleum tanks in subparagraph (ii) apply for this group of substances.

(B) Pure ethanol intended for blending with motor fuel. The requirements in this chapter for petroleum tanks in subparagraph (ii) apply.

*Release*—Spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank into surface waters and groundwaters of this Commonwealth or soils or subsurface soils in an amount equal to or greater than the reportable released quantity determined under section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.A. § 9602), and regulations promulgated thereunder, or an amount equal to or greater than a discharge as defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1321) and regulations promulgated thereunder. The term also includes spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank into a containment structure or facil-

ity that poses an immediate threat of contamination of the soils, subsurface soils, surface water or groundwater.

*Release detection*—The determination, through a method or combination of methods, whether a release of a regulated substance has occurred from a storage tank system into the environment or into the interstitial space between the storage tank system and its secondary containment around it.

*Remediation standard*—The background, Statewide health or site-specific standard, or any combination thereof, as provided for in the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

*Removal*—Activities involving removal of storage tank system components, ancillary equipment and appurtenances. The term includes removal from service activities when a storage tank or storage tank system is removed, but excludes site assessment activities.

*Removal from service*—The term includes the following:

(i) Activities related to rendering a storage tank system permanently unserviceable. Activities include the oversight of the proper draining and cleaning of the storage tank system of product liquids, vapors, accumulated sludges or solids, and completing one of the following:

(A) Leaving the storage tank system in the ground and filling the tank with inert, solid material.

(B) Dismantling or removing the storage tank system from the tank site.

(ii) Closure-in-place and permanent closure.

(iii) Site assessment activities required under Subchapter E (relating to technical standards for underground storage tanks) and applicable State law, which are the responsibility of owners and operators, but are not conducted by certified installers or inspectors.

*Repair*—An activity that restores to original operating condition a tank, piping, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, release detection equipment or other storage tank system component that has failed to function properly.

*Residential tank*—A tank located on property used primarily for dwelling purposes.

*Responsible party*—A person who is responsible or liable for corrective action under the act. The term includes: the owner or operator of a storage tank; the landowner or occupier; a person who on or after August 5, 1990, knowingly sold, distributed, deposited or filled an underground storage tank regulated by the act which never held a valid registration, with a regulated substance; and a person who on or after August 5, 1990, knowingly sold, distributed, deposited or filled an unregistered aboveground storage tank regulated by the act, with a regulated substance, prior to the discovery of the release.

*Risk assessment*—A process to quantify the risk posed by exposure of a human or ecological receptor to regulated substances. The term includes base-

line risk assessment, development of site-specific standards and risk assessment of the remedial alternatives.

*SARA*—The Superfund Amendments and Reauthorization Act of 1986, the act of October 17, 1986 (Pub.L. No. 99-499, 101 Stat. 1613).

*Secondary containment*—An additional layer of impervious material creating a space in which a release of a regulated substance from a storage tank may be detected before it enters the environment.

*Sediment*—Solid fragmental material that originates from weathering of rocks and is transported or deposited by air, water or ice, or that accumulates by other natural agents, such as chemical precipitation from solution or secretion by organisms, and that forms in layers on the earth's surface at ordinary temperatures in a loose, unconsolidated form. The term includes sand, gravel, silt, mud, till, loess and alluvium.

*Septic tank*—A watertight covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer.

*Site*—For purposes of § 245.303(c) and (d) (relating to general requirements), the term means the property which includes the storage tank facility. For other purposes, the term means the extent of contamination originating within the property boundaries and all areas in close proximity to the contamination necessary for the implementation of remedial activities to be conducted.

*Small aboveground storage tank*—An aboveground storage tank having a capacity equal to or less than 21,000 gallons.

*Soil*—Unconsolidated materials above bedrock.

*Solid Waste Management Act*—The Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

*Spill prevention equipment*—A liquid-tight container placed around the fill pipe or fill port riser of a storage tank designed to capture any product that may spill when the delivery hose is disconnected including a catchment basin, spill containment bucket or spill containment box.

*Spill prevention response plan*—Emergency plans and procedures developed by an aboveground storage tank or tank facility owner, operator, or both, for response to an accident or spill on the facility by facility personnel or contractors.

*Stationary tank*—An aboveground storage tank that is permanently affixed to the real property on which the tank is located.

*Storage tank*—An aboveground or underground storage tank which is used for the storage of a regulated substance.

*Storage tank facility*—One or more stationary tanks, including associated intrafacility pipelines, fixtures, monitoring devices and other equipment. A facility may include aboveground tanks, underground tanks or a combination of both. For the purposes of the act and this part, the associated intrafacility pipelines, fixtures, monitoring devices and other equipment for an aboveground



storage tank shall be that which lies within the emergency containment area. The term storage tank facility does not encompass portions of a facility that do not contain storage tank systems.

*Storage tank system*—All or part of an underground or aboveground storage tank, associated underground or aboveground piping directly serving that storage tank, and one or more of the following which are directly associated with that storage tank:

- (i) Ancillary equipment.
- (ii) Foundation.
- (iii) Containment structure or facility.
- (iv) Corrosion protection system.
- (v) Release detection system.
- (vi) Spill and overflow protection system.

*Stormwater or wastewater collection system*—Piping, pumps, conduits and other equipment necessary to collect and transport the flow of surface water runoff resulting from precipitation or domestic, commercial or industrial wastewater to and from retention areas or the areas where treatment is designated to occur. The collection of stormwater and wastewater does not include treatment except where incidental to conveyance.

*Substantial modification*—An activity to construct, refurbish, restore or remove from service an existing storage tank, piping or storage tank facility which alters the physical construction or integrity of the storage tank or storage tank facility.

*Surface impoundment*—A natural topographic depression, manmade excavation or diked area formed primarily of earthen materials, although it may be lined with man-made materials, that is not an injection well.

*Survey*—For purposes of § 245.303(d), the term means a study to establish background for surface water, groundwater, soil and sediment prior to the use of a storage tank facility.

*Tank*—A stationary device designed to contain an accumulation of regulated substances and constructed of nonearthen materials, for example, concrete, steel or plastic that provide structural support.

*Tank handling activities*—Activities to install, modify, perform change-in-service or close all or part of a storage tank system or storage tank facility. The term does not include maintenance activities.

*Temporary water supply*—Bottled water, a water tank supplied by a bulk water hauling system and similar water supplies in quantities sufficient to accommodate normal usage.

*Third party liability*—Liability of an owner or operator of an underground storage tank to a person for bodily injury or property damage, or both, arising from or caused by a sudden or nonsudden release of a regulated substance from the underground storage tank.

*Tightness testing activities*—Testing activities which are designed and intended to detect leaks when performing precision tests, volumetric and non-volumetric tests on underground storage tank systems.

*USTIB—Underground Storage Tank Indemnification Board*—The Board established under section 703 of the act (35 P. S. § 6021.703), and authorized to carry out the powers and duties described in section 705 of the act (35 P. S. § 6021.705).

*USTIF—Underground Storage Tank Indemnification Fund*—The Fund established under section 704 of the act (35 P. S. § 6021.704), for the purpose of making payments to the owner or operator of an underground storage tank who incurs corrective action liability or third party liability caused by a sudden or nonsudden release from an underground storage tank.

*USTIF deductible*—The portion of liability incurred by an owner or operator of an underground storage tank for corrective action or for third party liability, within the limits of liability for USTIF coverage, which is the responsibility of the owner or operator and which is not indemnified by USTIF coverage. The USTIF deductible amount is established or revised by USTIB in accordance with section 705(c) of the act.

*Underground area*—An underground room, such as a basement, cellar, shaft or vault, providing enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor.

*Underground field constructed storage tank*—An underground storage tank that is manufactured from metallic or nonmetallic materials and has final assembly completed at the job site. The term does not include associated piping.

*Underground manufactured storage tank*—An underground storage tank that is manufactured from metallic or nonmetallic materials and is completely fabricated and assembled in the shop prior to shipping. The term does not include associated piping.

*Underground storage tank*—One or a combination of tanks (including underground pipes connected thereto) which are used, were used or will be used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10% or more beneath the surface of the ground. The term includes tanks being constructed or installed for regulated use. The term does not include:

- (i) Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.
- (ii) Tanks used for storing heating oil for consumptive use on the premises where stored unless they are specifically required to be regulated by Federal law.
- (iii) A septic or other subsurface sewage treatment tank.
- (iv) A pipeline facility (including gathering lines) which is one of the following:

- (A) Regulated under 49 U.S.C.A. §§ 60101—60141.
- (B) An intrastate pipeline facility regulated under state laws as provided in 49 U.S.C.A. §§ 60101—60141 and which is determined by the Secretary of the United States Department of Transportation to be connected to a pipeline or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline.
- (v) An interstate pipeline facility regulated under State laws comparable to the provisions of law in subparagraph (iv).
- (vi) Surface impoundments, pits, ponds or lagoons.
- (vii) Stormwater or wastewater collection systems.
- (viii) Flow-through process tanks.
- (ix) Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations.
- (x) Storage tanks situated in an underground area (such as a basement, cellar, mine working, drift, shaft or tunnel) if the tank is situated upon or above the surface of the floor.
- (xi) Tanks regulated under the Solid Waste Management Act, including, but not limited to, piping, tanks, collection and treatment systems used for leachate, methane gas and methane gas condensate management, except for tanks subject to 40 CFR Part 280 (relating to technical standards and corrective action requirements for owners and operators of underground storage tanks (UST)).
- (xii) An underground storage tank system with capacity of 110 gallons or less.
- (xiii) A wastewater treatment tank system that is part of a wastewater treatment facility regulated under section 307(b) or 402 of the Clean Water Act (33 U.S.C.A. §§ 1317(b) and 1342).
- (xiv) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks.
- (xv) An underground storage tank system that contains a de minimis concentration of regulated substances.
- (xvi) An emergency spill or overflow containment underground storage tank system that is expeditiously emptied after use.
- (xvii) Other tanks excluded by policy or regulations promulgated under the act.

*Underground storage tank system*—An underground storage tank, connected piping and ancillary equipment and containment system.

*Underground vault*—A structure which is beneath the surface of the ground and is designed specifically to contain an aboveground storage tank.

*Unregistered storage tank*—A storage tank, regulated under the act, which does not hold a current, valid registration.

*Upgrade*—The addition or retrofit of some systems such as cathodic protection, lining or spill and overflow controls to improve the ability of a storage tank system to prevent the release of product.

*Wastewater treatment tank*—A tank that is designed to receive and treat an influent wastewater through physical, chemical or biological methods.

*Water supply*—Existing, designated or planned sources of water or facilities or systems for the supply of water for human consumption or for agricultural, commercial, industrial or other legitimate use, protected by the applicable water supply provisions of § 93.3 (relating to protected water uses).

#### Source

The provisions of this § 245.1 amended August 20, 1993, effective August 21, 1993, 23 Pa.B. 4033; amended December 23, 1994, effective December 24, 1994, 24 Pa.B. 6515; amended September 27, 1996, effective September 28, 1996, 26 Pa.B. 4735; amended October 10, 1997, effective October 11, 1997, 27 Pa.B. 5341; amended February 27, 1998, effective October 11, 1997, 28 Pa.B. 1135; amended November 30, 2001, effective December 1, 2001, 31 Pa.B. 6615; corrected November 29, 2002, effective February 2, 2002, 32 Pa.B. 5883; amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (349200), (333607) to (333610), (330987) to (330988), (332023) to (332024) and (330991) to (331000).

#### Cross References

This section cited in 25 Pa. Code § 121.1 (relating to definitions); 25 Pa. Code § 245.231 (relating to scope); 25 Pa. Code § 245.403 (relating to applicability); 25 Pa. Code § 245.422 (relating to upgrading of existing underground storage tank systems); 25 Pa. Code § 298.1 (relating to definitions); 25 Pa. Code § 245.501 (relating to purpose); 25 Pa. Code § 245.505 (relating to applicability); 25 Pa. Code § 245.601 (relating to purpose); 25 Pa. Code § 245.605 (relating to applicability); 25 Pa. Code § 298.1 (relating to definitions); and 25 Pa. Code § 977.4 (relating to definitions).

### § 245.2. General.

(a) A person may not install, construct, erect, modify, operate or remove from service all or part of a storage tank system or storage tank facility in a manner that violates the act, this part or applicable Federal regulations adopted under the Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. §§ 6901—6987). This chapter incorporates by reference the Federal regulations in 40 CFR Part 280, Subpart I (relating to lender liability).

(b) Whenever industry codes are specified in this chapter, the latest edition shall be used. When industry codes are updated, facilities installed to previously existing standards prior to the update will not automatically be required to be upgraded to meet the new standard. The requirements of this chapter shall govern in the event of a conflict between the requirements of this chapter and an applicable industry standard.

(c) A person may not install a storage tank system regulated under the act unless the system does the following:

(1) Will prevent releases due to corrosion or structural failure for the operational life of the system.

(2) Is protected against corrosion and designed in a manner to prevent the release or threatened release of any stored substance.

(3) Is constructed or lined with material that is compatible with the stored substance.

#### Source

The provisions of this § 245.2 amended September 27, 1996, effective September 28, 1996, 26 Pa.B. 4735; amended October 10, 1997, effective October 11, 1997, 27 Pa.B. 5341. Immediately preceding text appears at serial pages (228313) to (228314).

#### Cross References

This section cited in 25 Pa. Code § 245.425 (relating to reuse of removed tanks).

### TANK HANDLING AND INSPECTION ACTIVITIES

#### § 245.21. Tank handling and inspection requirements.

(a) Tank handling activities shall be conducted by a certified installer except in the case of modification to an aboveground nonmetallic storage tank, which may be modified by the tank manufacturer. Storage tank facility owners and operators shall use persons who are Department-certified to conduct tank handling activities except as noted in this subsection. The certified installer shall perform the tank handling activity or provide direct onsite supervision and control of the activity.

(b) Tank handling activities conducted on all aboveground field constructed storage tank systems and tank handling activities conducted on all aboveground storage tank systems having a capacity greater than 21,000 gallons shall be inspected by a certified inspector, except in the case of a minor modification or removal from service.

(c) The operation of storage tank facilities shall be inspected by a certified inspector. The frequency of inspection shall be based on:

(1) The age of the storage tank systems located at the storage tank facility.

(2) The type of regulated substances contained in the storage tank systems located at the storage tank facility.

(3) The distance of the storage tank facility from public and private surface water and groundwater supplies.

(4) The total capacity of the storage tank systems located at the storage tank facility.

(5) The geologic conditions at the storage tank facility.

(6) Whether the storage tank facility, owner or operator has violated the act or the regulations promulgated thereunder.

(7) Whether the storage tank facility has storage tank systems which are periodically taken out of service.

(8) Whether there is suspected contamination at the storage tank facility.

(9) The level of quality control maintained at the storage tank facility.

(d) Storage tank facilities shall also be inspected upon written notification from the Department or as required by permit.

**Source**

The provisions of this § 245.21 amended September 27, 1996, effective September 28, 1996, 26 Pa.B. 4735; amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331001) to (331002).

**Cross References**

This section cited in 25 Pa. Code § 245.41 (relating to tank registration requirements); 25 Pa. Code § 245.222 (relating to application requirements); and 25 Pa. Code § 245.451 (relating to temporary removal from service (out-of-service)).

**TESTING ACTIVITIES****§ 245.31. Underground storage tank system testing requirements.**

(a) Tightness testing activities shall be conducted by a Department-certified underground storage tank system tightness tester (UTT), except when performed by an owner or operator using installed automatic tank gauging or monitoring equipment meeting requirements in § 245.444(2) and (3) (relating to methods of release detection for tanks).

(b) Tightness testing shall be conducted in accordance with equipment manufacturer's written instructions and using the recommended written practices, procedures and established test method protocols developed by the sources in § 245.132(a)(1) (relating to standards of performance).

(c) A failed valid tightness test will, regardless of the test method, constitute a suspected release, except as provided in § 245.304(b) (relating to investigation and reporting of suspected releases). A failed valid tightness test conducted as part of an investigation of a suspected release constitutes a confirmed release.

(d) A complete written test report shall be provided to the tank owner as documentation of test results within 20 days of the test. The test methodology, a certification that the test meets the requirements in § 245.444(2) or § 245.445(2) (relating to methods of release detection for piping), and sufficient test data, which were used to conclude that the underground storage tank system passed or failed the tightness test, shall be included in the test report.

(e) Certified underground storage tank system tightness testers (UTT) shall maintain complete records of tightness testing activities for a minimum of 10 years as provided in § 245.132(a)(3).

(f) Tests or evaluations of spill prevention and overfill prevention equipment, containment sumps and release detection equipment required under this chapter shall be performed by a Department-certified individual holding the appropriate certification category and documented on a form provided by the Department. Results shall be maintained onsite at the storage tank facility or at a readily available alternative site and shall be provided to the Department upon request.

**Source**

The provisions of this § 245.31 adopted September 27, 1996, effective September 28, 1996, 26 Pa.B. 4735; amended October 10, 1997, effective October 11, 1997, 27 Pa.B. 5341; amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331002) to (331003).

**Cross References**

This section cited in 25 Pa. Code § 245.102 (relating to requirement for certification); and 25 Pa. Code § 245.108 (relating to suspension of certification).

**TANK REGISTRATION AND FEES****§ 245.41. Tank registration requirements.**

(a) Tank owners shall properly register each storage tank by meeting the requirements in this section and paying the registration fee prior to registration certificate expiration as required by § 245.42 (relating to tank registration fees).

(b) Tank owners shall register each aboveground storage tank and each underground storage tank with the Department, except as specifically excluded by Department policy or this chapter, on a form provided by the Department, within 30 days after installation or acquisition of an ownership interest in the storage tank. Unless otherwise approved by the Department, a regulated substance may not be placed in the tank and the tank may not be operated until the tank is properly registered and the Department approves an operating permit for the tank.

(c) A form for registration of a storage tank must be complete upon submission to the Department and provide the following:

- (1) Tank owner, operator, property owner and contact information.
- (2) General facility, site and location information.
- (3) Specific tank description and usage information, including regulated substance or substances that will be stored in each tank.
- (4) Specific tank construction, system components and installation information.
- (5) Owner's certification validating the registration information and operating permit application.
- (6) Certified tank installer information and signature (when required).
- (7) Certified tank inspector information and signature for certain classes of tanks addressed in § 245.21 (relating to tank handling and inspection requirements).
- (8) Trained underground storage tank operator information, as required under § 245.436 (relating to operator training).
- (9) Other applicable information that may be required by the Department.

(d) The owner's registration form shall also serve as an operating permit application. The Department may register a tank and not approve an operating permit for the tank if the application, tank system or the storage tank facility does

not meet the requirements in this chapter or the permit applicant is in violation of the act. The Department will automatically withhold or withdraw the operating permit for a storage tank that is reported on the registration form in temporary removal from service (out-of-service) status. Tank owners may not store, dispense from or place a regulated substance in a storage tank that does not have an operating permit unless otherwise agreed upon by the Department. Additionally, certain classes of tanks require a site-specific installation permit prior to beginning construction of a new or replacement storage tank in accordance with Subchapter C (relating to permitting of underground and aboveground storage tank systems and facilities). Submission of a site-specific installation permit application is a separate requirement for these tanks that is not satisfied by the registration form submission.

(e) A combination of tanks that operate as a single unit require registration of each tank unless otherwise agreed upon by the Department. A tank that has separate compartments within the tank shall be registered separately and charged a separate tank fee for each compartment unless the compartments are connected in a manner that fills, dispenses and operates as a single unit maintaining the same regulated substance at the same operating level in each compartment.

(f) Tank owners shall submit a registration form to amend registration information previously submitted to the Department within 30 days of a change in the previously submitted information. These changes include the following:

- (1) Removal or relocation of a storage tank to a new facility.
- (2) Temporary or permanent closure or removal from service of a storage tank.
- (3) Change in use of a storage tank to or from regulated or nonregulated status, for example, changing a storage tank to use as a process vessel.
- (4) Change in substance or substances stored in the tank, unless otherwise agreed upon by the Department.
- (5) Change of ownership or change of operator.
- (6) Change of contact, mailing address or telephone number.
- (7) Installation of a new or replacement storage tank at an existing facility.

(g) The Department may require submission of supporting documentation and process information for exemption or exclusion from regulation for a tank change in status or use from a regulated to a nonregulated status.

(h) Beginning October 24, 1988, a person who sells a tank intended to be used as a regulated storage tank or a property containing an existing regulated storage tank shall notify the purchaser, in writing, of an owner's obligations under this section.

#### Source

The provisions of this § 245.41 adopted November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331003) to (331005).



**Cross References**

This section cited in 25 Pa. Code § 245.42 (relating to tank registration fees); 25 Pa. Code § 245.203 (relating to general requirements for permits); 25 Pa. Code § 245.421 (relating to performance standards for underground storage tank systems); 25 Pa. Code § 245.435 (relating to reporting and recordkeeping); and 25 Pa. Code § 245.451 (relating to temporary removal from service (out-of-service)).

**§ 245.42. Tank registration fees.**

(a) Annual registration fees to be paid by owners of aboveground storage tanks are established under section 302 of the act (35 P. S. § 6021.302) as follows:

- (1) \$50 for each aboveground storage tank with a capacity less than or equal to 5,000 gallons.
- (2) \$125 for each aboveground storage tank with a capacity of more than 5,000 gallons and less than or equal to 50,000 gallons.
- (3) \$300 for each aboveground storage tank with a capacity of more than 50,000 gallons.

(b) Annual registration fees to be paid by owners of underground storage tanks are established under section 502 of the act (35 P. S. § 6021.502) as \$50 for each underground storage tank.

(c) The Department will issue an invoice to the tank owner after receipt of a complete registration form under § 245.41(c) (relating to tank registration requirements). The tank owner shall remit the appropriate fee upon receipt of the invoice.

(d) Registration expiration dates are established for storage tanks according to facility location. The Department will prorate the registration fee in this section to reflect the percentage of time remaining in the registration year from the date of initial registration or change of ownership of a storage tank. The Department will not refund registration fees if an owner permanently closes a storage tank or exempts a storage tank through a change-in-service to store a nonregulated substance or change to nonregulated use (such as a process vessel) prior to the expiration of the storage tank's registration. The Department will not refund registration fees due to a change of ownership.

(e) The Department will issue a certificate of registration to an owner upon payment of the required registration fee. The tank owner shall have the current valid certificate of registration available for inspection by the Department, certified storage tank inspector or installer and product distributor. At facilities where a regulated substance is sold at retail to the public, the certificate of registration or an exact copy shall be publicly displayed in a noticeable area at the facility.

(f) The Department will issue an annual invoice to the tank owner for the annual renewal of all regulated tanks at the owner's facility once per year, at least 60 days prior to the expiration of the certificate of registration.

(g) Fees are payable no later than 60 days after the invoice date, and will be considered delinquent 90 days after the invoice date.

#### Source

The provisions of this § 245.42 adopted November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331005) to (331006).

#### Cross References

This section cited in 25 Pa. Code § 245.41 (relating to tank registration requirements).

### § 245.43. Failure to pay registration fee.

(a) An owner who fails to pay the required registration fee may be subject to Commonwealth policy and guidelines for collection of delinquent debts due the Commonwealth.

(b) Failure to pay registration fees could result in Departmental actions against the storage tank owner and the operator, including revocation of operating permits issued by the Department under this chapter.

(c) The Department may register a tank, but may withhold or deny the operating permit for the tank if the owner has a delinquent registration debt for any regulated storage tank.

## Subchapter B. CERTIFICATION PROGRAM FOR INSTALLERS AND INSPECTORS OF STORAGE TANKS AND STORAGE TANK FACILITIES

### GENERAL CERTIFICATION REQUIREMENTS

- Sec.
- 245.101. Purpose.
  - 245.102. Requirement for certification.
  - 245.103. [Reserved].
  - 245.104. Application for installer or inspector certification.
  - 245.105. Certification examinations.
  - 245.106. Conflict of interest.
  - 245.107. [Reserved].
  - 245.108. Suspension of certification.
  - 245.109. Revocation of certification.
  - 245.110. Certification of installers.
  - 245.111. Certified installer experience and qualifications.
  - 245.112. Certification of inspectors.
  - 245.113. Certified inspector experience and qualifications.
  - 245.114. Renewal and amendment of certification.

### COMPANY CERTIFICATION

- 245.121. Certification of companies.
- 245.122. Applications for company certification.
- 245.123. Suspension of company certification.
- 245.124. Revocation of company certification.
- 245.125. Renewal and amendment of company certification.

### STANDARDS OF PERFORMANCE

- 245.131. Validity of certification.
- 245.132. Standards of performance.

### TRAINING APPROVAL

- 245.141. Training approval.
- 245.142. Training courses.

#### Cross References

This subchapter cited in 25 Pa. Code § 129.61a (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control); 25 Pa. Code § 129.82a (relating to requirements to decommission a Stage II vapor recovery system); 25 Pa. Code § 245.222 (relating to application requirements); and 25 Pa. Code § 245.232 (relating to general requirements).

### GENERAL CERTIFICATION REQUIREMENTS

#### § 245.101. Purpose.

This chapter establishes a certification program for installers and inspectors of storage tank systems and storage tank facilities and companies that employ installers or inspectors, and establishes standards of performance for certified installers, certified inspectors and certified companies.

#### § 245.102. Requirement for certification.

(a) A person may not conduct tank handling or tightness testing activities unless that person holds a current installer certification issued by the Department for the applicable certification category as indicated in § 245.110 (relating to certification of installers), except as provided in § 245.31 (relating to underground storage tank system testing requirements). Installer certification will only be issued by the Department to a person who:

- (1) Possesses minimum experience and qualifications as provided under § 245.111 (relating to certified installer experience and qualifications).

- (2) Achieves a passing grade on a certification examination administered or approved by the Department for one or more of the certified installer categories described in § 245.110 for which the person is requesting certification.
  - (3) Submits an accurate and complete application.
  - (4) Is not found to be in violation of the act or this chapter, or has not had a certification revoked by the Department under § 245.109 (relating to revocation of certification).
- (b) A person may not conduct inspection activities at a storage tank system or storage tank facility required by the Department under the act and this part unless that person holds a current inspector certification issued by the Department for the applicable inspector certification category. Inspector certification will only be issued by the Department to a person who:
- (1) Possesses minimum experience and qualifications as provided under § 245.113 (relating to certified installer experience and qualifications).
  - (2) Achieves a passing grade on a certification examination administered or approved by the Department for one or more of the certified inspector categories described in § 245.112 for which the person is requesting certification.
  - (3) Submits an accurate and complete application.
  - (4) Is not found to be in violation of the act or this chapter, or has not had a certification revoked by the Department under § 245.109.
- (c) Certified installers and certified inspectors shall successfully complete additional periodic training and testing administered or approved by the Department to maintain their certification. Successful completion means attendance at all sessions of training and attainment of the minimum passing grade established by the Department in the approval of the training course under § 245.141 (relating to training approval), for all sections of all qualifying tests given as part of the training program.
- (d) A certified installer or certified inspector may not perform tank handling or inspection activities as an employee of a company unless the company holds a valid certification issued by the Department under this chapter.
- (e) If the EQB deletes or consolidates certification categories or amends qualifications for certification prior to the expiration date of an installer or inspector's category certification, the category certification may still be used until the expiration date of that category certification.

#### Source

The provisions of this § 245.102 amended September 27, 1996, effective September 28, 1996, 26 Pa.B. 4735; amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331008) to (331009).

#### Cross References

This section cited in 25 Pa. Code § 245.104 (relating to application for installer or inspector certification).

**§ 245.103. [Reserved].****Source**

The provisions of this § 245.103 adopted September 20, 1991, effective September 21, 1991, 21 Pa.B. 4345; corrected September 27, 1991, effective September 21, 1991, 21 Pa.B. 4405; amended April 23, 1993, effective April 24, 1993, 23 Pa.B. 1949; amended September 27, 1996, effective September 28, 1996, 26 Pa.B. 4735; reserved November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979. Immediately preceding text appears at serial pages (234679) to (234680).

**§ 245.104. Application for installer or inspector certification.**

- (a) The applicant shall be a natural person.
- (b) An application for installer or inspector certification shall be submitted to the Department on current forms provided by the Department and must contain the following information:
  - (1) Evidence that the applicant has the certification prerequisites contained in § 245.111 or § 245.113 (relating to certified installer experience and qualifications; and certified inspector experience and qualifications).
  - (2) The applicant's name, address and telephone number.
  - (3) Other information necessary for a determination of whether the issuance of a certification conforms to the act and this chapter.
- (c) An application for certification shall be received by the Department no later than 60 days prior to the announced date of the certification examination.
- (d) An application must be complete upon submission.
- (e) An applicant meeting the requirements of § 245.102(a)(4) or (b)(4) (relating to requirement for certification) will be granted admission to the certification examinations for which the applicant has requested certification and is qualified.

**Source**

The provisions of this § 245.104 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979. Immediately preceding text appears at serial page (234680).

**§ 245.105. Certification examinations.**

- (a) The Department will establish separate administrative and technical content for the examinations and the standards and criteria against which they will be evaluated to be used in determining the fitness of candidates for certification as certified installers or certified inspectors under the categories established by this chapter.
- (b) The Department will schedule a date and location for the examinations for certified installer and certified inspector at least once in each calendar year.

(c) Only applicants who have been authorized by the Department, in accordance with this chapter, to take an examination will be admitted to an examination or issued a certification as a result of passing an examination. Authorization to take an examination will be based on compliance with this chapter. Applicants who are authorized to take an examination are eligible to take the examination for up to 1 year from the date of authorization.

(d) To receive a passing grade on the examinations, the applicant for certification shall achieve a minimum score of 80% on each technical examination and a minimum score of 80% on the administrative examination.

(e) An applicant who fails an examination is eligible to retake the examination for up to 1 year from the failed examination test date, but no later than 18 months from date of authorization.

(f) Passing examination scores are valid for 2 years from the date of the examination.

#### Source

The provisions of this § 245.105 amended September 27, 1996, effective September 28, 1996, 26 Pa.B. 4735; amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331010).

#### Cross References

This section cited in 25 Pa. Code § 245.114 (relating to renewal and amendment of certification).

### § 245.106. Conflict of interest.

(a) Except as provided in subsection (b), a certified inspector may not be one or more of the following:

(1) An employee of the tank owner, the tank owner or operator.

(2) A certified installer on the same tank handling activity on an above-ground storage tank system for which the installer is the certified inspector.

(3) An employee of a company that employs a certified installer on the same tank handling activity for which the employee is the certified inspector, when the tank handling activity is performed on a field-constructed storage tank. This prohibition extends to a company that owns, or is owned by, the employer, in whole or in part.

(b) A certified inspector who is a certified installer may conduct a tank handling activity to correct a deficiency identified by the same certified individual or company during an inspection of the operation of an underground storage tank system or the inspection of the integrity, installation or modification of an above-ground storage tank system. Notwithstanding this exception, subsection (a)(2) still prohibits a certified inspector from subsequently inspecting a tank handling activity which the certified inspector conducted to correct a deficiency noted during an integrity, installation or modification inspection of an aboveground storage tank system.

(c) A certified inspector may not perform an inspection as required under § 245.411 (relating to inspection frequency) for a facility where the inspector is also the designated Class A or Class B operator as defined in § 245.436 (relating to operator training).

**Source**

The provisions of this § 245.106 amended December 23, 1994, effective December 24, 1994, 24 Pa.B. 6515; amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331010) and (347241).

**Cross References**

This section cited in 25 Pa. Code § 245.436 (relating to operator training).

**§ 245.107. [Reserved].**

**Source**

The provisions of this § 245.107 reserved December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (347241).

**§ 245.108. Suspension of certification.**

(a) The Department may suspend the certification of a certified installer or certified inspector for good cause which includes:

- (1) A violation of the act or this chapter.
- (2) Incompetency on the part of the certified installer or certified inspector as evidenced by errors in conducting duties and activities for which the certification in question was issued.
- (3) Failure to successfully complete a training program required by the Department.
- (4) A certified inspector's failure to:
  - (i) Inform the owner or operator and the Department of conditions or procedures that are not in accordance with the manufacturer's technical and procedural specifications for installation, construction, modification or operation of the storage tank system or storage tank facility and not in compliance with the act or this chapter.
  - (ii) Conduct, review or observe a test or inspection activity required by the act or this chapter.
  - (iii) Submit a report of an inspection activity to the Department within 60 days of conducting an inspection activity, except for reports of modification inspection activities, which must be reported to the Department within 30 days of conducting a modification inspection activity. For inspection activities involving multiple certified individuals and certification categories, reports of modification inspection activities must be submitted within 30 days of the completion of all project tank handling and inspection activities.
- (5) A certified installer's failure to:

- (i) Be present during tank handling activities at the storage tank system or storage tank facility as required by the act or this chapter.
  - (ii) Conduct tank handling activities in accordance with the requirements in the act or this chapter.
  - (iii) Submit tank handling reports and activities to the Department within 30 days of conducting the tank handling activities. For tank handling activities involving multiple certified individuals and certification categories, the tank handling report shall be submitted within 30 days of the completion of all project tank handling and inspection activities.
- (6) Working as a certified installer or certified inspector in a certification category for which the person has failed to obtain or maintain certification.
  - (7) Failure to meet one or more of the standards of performance in § 245.132 (relating to standards of performance).
  - (8) Submission of false information to the Department.
  - (9) A violation of The Clean Streams Law, the Air Pollution Control Act or the Solid Waste Management Act or regulations promulgated under those statutes by the certified individual which causes pollution, causes a threat of pollution or causes harm to the public health, safety or welfare.
  - (10) Failure to perform underground tightness testing activities and documentation in accordance with § 245.31 (relating to underground storage tank system testing requirements).
- (b) The suspension of a certification in a single category shall prevent the person from engaging in activities in all categories of certification.
  - (c) The Department may require that the person successfully complete a special training program sponsored or approved by the Department designed to strengthen the specific weakness in the certified installer's or certified inspector's duties, as required under the act or this part identified in the suspension order. Successful completion means attendance at all sessions of training and attainment of the minimum passing grade established by the Department in the approval of the training course under § 245.141 (relating to training approval), for all sections of all qualifying tests given as part of the training program.
  - (d) A certified installer or certified inspector shall surrender certification documents to the Department upon notification of suspension.
  - (e) The Department may reinstate the certification if:
    - (1) The cause for the suspension has been removed.
    - (2) The person is competent to execute duties and responsibilities for which certification was issued.

#### Source

The provisions of this § 245.108 amended September 27, 1996, effective September 28, 1996, 26 Pa.B. 4735; amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (347241) to (347242) and (331013).



**Cross References**

This section cited in 25 Pa. Code § 245.109 (relating to revocation of certification).

**§ 245.109. Revocation of certification.**

(a) The Department may revoke the certification of a certified installer or certified inspector if the certified installer or certified inspector has done one or more of the following:

(1) Demonstrated a willful disregard of, or willful or repeated violations of the act or this chapter.

(2) Willfully submitted false information to the Department.

(3) Committed an act requiring suspension under § 245.108 (relating to suspension of certification) after having certification suspended previously.

(b) The revocation of a certification in a single category shall prevent the person from engaging in activities in all categories of certification.

(c) A certified installer or certified inspector shall surrender certification documents to the Department upon notification of revocation.

**Source**

The provisions of this § 245.109 amended September 27, 1996, effective September 28, 1996, 26 Pa.B. 4735. Immediately preceding text appears at serial page (206971).

**Cross References**

This section cited in 25 Pa. Code § 245.102 (relating to requirement for certification); and 25 Pa. Code § 245.122 (relating to applications for company certification).

**§ 245.110. Certification of installers.**

(a) An installer certification authorizes the person to whom it is issued to conduct tank handling activities or tightness testing activities pertaining to storage tank systems or storage tank facilities in one or more of the categories in subsection (b).

(b) Installer certifications may be issued for the following categories:

(1) *Underground storage tank system installation and modification {UMX}*. Installation and modification of underground storage tank systems including the tank and all associated ancillary equipment, appurtenances, corrosion protection systems, structural components and foundations. This category also includes conducting preinstallation air pressure tests for underground storage tank systems, overfill prevention equipment evaluations, containment sump and spill prevention equipment testing, and release detection equipment testing.

(2) *Underground storage tank system minor modification {UMI}*. Limited to the performance of minor modifications of underground storage tank systems. This category also includes conducting overfill prevention equipment evaluations, containment sump and spill prevention equipment testing, and release detection equipment testing.

(3) *Underground storage tank system removal {UMR}*. Removal from service of underground storage tank systems.

(4) *Underground storage tank system tightness tester {UTT}*. Tightness testing activities involved in conducting and interpreting results of volumetric and nonvolumetric tests on underground storage tank systems. This category also includes containment sump and spill prevention equipment testing and release detection equipment testing.

(5) *Aboveground manufactured metallic storage tank system installation and modification {AMMX}*. Installation and modification of aboveground manufactured metallic storage tank systems, including the tank and all associated ancillary equipment, appurtenances and corrosion protection systems. This category also covers foundations, containment structures and structural components when they are designed by an engineer qualified in civil construction or when installing small aboveground UL-labeled tanks with manufacturer's installed self-containment or diking systems.

(6) *Aboveground nonmetallic storage tank system installation and modification {AMNX}*. Installation and modification of aboveground nonmetallic storage tank systems, including the tank and all associated ancillary equipment and appurtenances. This category also covers foundations and structural components when they are designed by an engineer qualified in civil construction or as specified by the tank manufacturer.

(7) *Aboveground manufactured storage tank system removal {AMR}*. Removal from service of aboveground manufactured storage tank systems.

(8) *Aboveground field constructed metallic storage tank installation, modification and removal {AFMX}*. Installation, modification and removal of aboveground field constructed metallic storage tanks and corrosion protection systems. This category also covers the modification of tank shell components of an aboveground manufactured metallic storage tank.

(9) *Aboveground field constructed storage tank system removal {AFR}*. Removal from service of aboveground field constructed and manufactured aboveground storage tank systems.

(10) *Aboveground storage tank system mechanical installation, modification and removal {AMEX}*. Installation, modification and removal of tank related mechanical appurtenances, including valves, fill piping, suction piping, foam system piping, pumps, corrosion protection systems, release detection systems, and spill and overflow prevention systems that are components of an aboveground storage tank system.

(11) *Aboveground storage tank system civil {ACVL}*. Installation and modification of tank related structural components, including foundations, dike walls, field grading, above and below grade vaults, pump supports, pipe supports, corrosion protection systems and drainage systems associated with an aboveground storage tank system.

(12) *Storage tank liner {TL}*. Activities involved in installation or modification of internal linings for underground and aboveground storage tank systems

and the evaluation of underground storage tank linings as required in § 245.422(b)(1)(ii) (relating to upgrading of existing underground storage tank systems).

#### Source

The provisions of this § 245.110 amended September 27, 1996, effective September 28, 1996, 26 Pa.B. 4735; amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331014) to (331015).

#### Cross References

This section cited in 25 Pa. Code § 245.102 (relating to requirement for certification); and 25 Pa. Code § 977.19 (relating to certified company fees).

### § 245.111. Certified installer experience and qualifications.

(a) An applicant shall meet the following minimum experience, education, training or certification requirements and have completed the required number of activities in the appropriate category for an initial installer category certification:

<i>Category</i>	<i>Experience, Education, Training or Certification</i>	<i>Total Number of Activities Completed</i>
UMX	2 years, or college degree and 1 year Technical training or UMI certification	10 installations or major modifications (at least 5 installations)  10 installations or major modifications (at least 5 installations)
UMI	2 years, or college degree and 1 year Technical training	10 minor modifications
UMR	2 years, or college degree and 1 year Technical training	6 removals
UTT	Department-approved training with testing equipment manufacturer's certification	None

<i>Category</i>	<i>Experience, Education, Training or Certification</i>	<i>Total Number of Activities Completed</i>
AMMX	2 years, or college degree and 1 year Technical training or UMX certification Technical training or AFMX certification	10 installations or major modifications (at least 5 installations) None None
AMNX	2 years, or college degree and 1 year Technical training or AMMX certification	10 installations or major modifications (at least 5 installations)  6 AST installations
AMR	2 years, or college degree and 1 year Technical training or UMR certification or AFR certification	6 removals  None None
AFMX	3 years, or college degree and 2 years Technical training	12 which may be installations or major modifications
AFR	2 years, or college degree and 1 year Technical training	6 removals
AMEX	3 years, or college degree and 2 years Technical training	12 installations or modifications (at least 6 installations)
ACVL	3 years, or college degree and 2 years Technical training	12 installations or modifications (at least 6 installations)
TL	2 years Manufacturer's certification	9 tank linings

(b) The total number of activities completed required by subsection (a) shall have been completed within the 3-year period immediately prior to submitting the application for certification. The activities shall have been completed in compliance with Federal and State requirements and the applicant shall have had substantial personal involvement at the storage tank site in the activities. Noncertified individuals may work at the site but the certified installer is directly responsible to assure that the activities are conducted properly. This work qualifies toward the total number of activities completed requirements.

(c) A college degree being substituted for experience shall be, at a minimum, a bachelor's degree in civil engineering, mechanical engineering, environmental engineering, petroleum engineering, chemical engineering, structural engineering, geotechnical engineering, hydrology, geology or an equivalent degree as determined by the Department.

(d) The total experience requirement for underground storage tank-tightness tester {UTT} shall be demonstrated through the submission of proof of successful completion of a training program sponsored or approved by the Department and possession of a current equipment manufacturer's certification for a specific method of testing. The Department's UTT certification is limited to the specific method of testing included in the equipment manufacturer's certification. Successful completion means attendance at all sessions of training and attainment of the minimum passing grade established by the Department in the approval of the training course under § 245.141 (relating to training approval), for all sections of all qualifying tests given as part of the training course.

(e) Except for UTT, the total experience requirement is experience gained working at a storage tank site while working towards the total number of activities completed requirement.

(f) In the category for aboveground field constructed metallic storage tank {AFMX}, for installation or reconstruction activities involving tanks greater than 90 feet in diameter, each activity shall count as two installations for purposes of meeting the total number of activities requirement.

(g) The technical training required by subsection (a) shall be completed during the experience interval and shall be demonstrated through the submission of proof of successful completion of a category-specific training course approved by the Department in accordance with § 245.141. Successful completion means attendance at all sessions of the training and attainment of the minimum passing grade for the approved course.

(h) The applicant shall certify completion of safety training which is appropriate for the certification category. Training must be in accordance with regulatory requirements and industry standards and procedures such as Occupational Safety and Health Administration requirements in 29 CFR 1910 (relating to occupational and health standards for industry).

#### Source

The provisions of this § 245.111 amended December 23, 1994, effective December 24, 1994, 24 Pa.B. 6515; corrected January 6, 1995, effective December 24, 1994, 25 Pa.B. 17; amended September 27, 1996, effective September 28, 1996, 26 Pa.B. 4735; amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331015) to (331018).

**Cross References**

This section cited in 25 Pa. Code § 245.102 (relating to requirement for certification); 25 Pa. Code § 245.104 (relating to application for installer or inspector certification); 25 Pa. Code § 245.114 (relating to renewal and amendment of certification); and 25 Pa. Code § 245.142 (relating to training courses).

**§ 245.112. Certification of inspectors.**

(a) An inspector certification authorizes the person to whom it is issued to conduct inspection activities for storage tank systems and storage tank facilities in one or more of the categories in subsection (b).

(b) Inspector certifications may be issued for the following categories:

(1) IUM underground storage tank systems and storage tank facilities. This category also includes containment sump and spill prevention equipment testing and release detection equipment testing.

(2) IAM aboveground manufactured storage tank systems and storage tank facilities.

(3) IAF aboveground field constructed and aboveground manufactured storage tank systems and storage tank facilities.

**Source**

The provisions of this § 245.112 amended September 27, 1996, effective September 28, 1996, 26 Pa.B. 4735; amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331018).

**Cross References**

This section cited in 25 Pa. Code § 245.102 (relating to requirement for certification).

**§ 245.113. Certified inspector experience and qualifications.**

(a) An applicant shall meet the following minimum experience, education, training or certification requirements, and have completed the required number of activities in the appropriate category for an initial inspector category certification:

<i>Category</i>	<i>Experience, Education, Training or Certification</i>	<i>Total Number of Activities Completed</i>
IUM	4 years, or college degree and 2 years and Department-approved tank tightness testing familiarization course or UTT certification and UMX certification and Corrosion protection training	None

<i>Category</i>	<i>Experience, Education, Training or Certification</i>	<i>Total Number of Activities Completed</i>
IAM	4 years, or college degree and 2 years API 653 certification or STI inspector certification or Department-approved aboveground storage tank inspector certification	None
IAF	4 years, or college degree and 2 years API 653 certification or Department-approved aboveground storage tank inspector certification	12 integrity or construction inspections

(b) The total number of activities completed required by subsection (a) shall have been completed within the 3-year period immediately prior to submitting the application for certification. The activities shall have been completed in compliance with Federal and State requirements and the applicant shall have had substantial personal involvement at the storage tank site in the activities.

(c) A college degree being substituted for experience shall be, at a minimum, a bachelor's degree in civil engineering, mechanical engineering, environmental engineering, petroleum engineering, chemical engineering, structural engineering, geotechnical engineering, corrosion engineering, hydrology, geology or an equivalent degree as determined by the Department.

(d) The total number of activities completed required by subsection (a) may be met through the conducting of inspection activities. Noncertified individuals may work at the site but the certified inspector is directly responsible to assure that the activities are conducted properly. This work qualifies toward the total number of activities completed requirements.

(e) The total experience requirement is experience gained working at a storage tank site while working towards the total number of activities completed requirement.

(f) Corrosion protection training required for IUM certification shall be documented by completion of a Nationally recognized training course in the area of cathodic protection or corrosion protection, or other training as approved by the Department.

(g) When conducting an aboveground storage tank structural integrity inspection on an aboveground field constructed metallic storage tank, the Department-certified inspector shall also possess API Standard 653 (Tank Inspection, Repair, Alteration and Reconstruction Certification).

(h) The applicant shall certify completion of safety training which is appropriate for the certification category. Training must be in accordance with regula-

tory requirements and industry standards and procedures such as Occupational Safety and Health Administration requirements in 29 CFR Part 1910 (relating to occupational safety and health standards).

(i) A certified inspector of underground storage tanks (IUM) shall complete Department-provided inspector training prior to conducting inspections on underground storage tank systems as required in § 245.411 (relating to inspection frequency).

(j) A certified inspector of aboveground storage tanks (IAF and IAM) shall complete Department-provided inspector training prior to conducting installation, modification, in-service and out-of-service inspections on aboveground storage tank systems as required under §§ 245.551—245.554 and 245.616.

#### Source

The provisions of this § 245.113 amended December 23, 1994, effective December 24, 1994, 24 Pa.B. 6515; amended September 27, 1996, effective September 28, 1996, 26 Pa.B. 4735; amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331018) to (331020).

#### Cross References

This section cited in 25 Pa. Code § 245.102 (relating to requirement for certification); 25 Pa. Code § 245.104 (relating to application for installer or inspector certification); and 25 Pa. Code § 245.114 (relating to renewal and amendment of certification).

### § 245.114. Renewal and amendment of certification.

(a) Certification categories will have a uniform expiration date of 3 years from the issuance date of the first category obtained or renewed after January 9, 2008.

(b) The issued certification will be valid for 3 years from the previous expiration date, unless suspended or revoked before that date.

(c) An applicant shall meet the following training requirements in the appropriate category for renewal of installer certification:

<i>Category</i>	<i>Training</i>
UMR	Examination or Technical training Administrative training
UMX	Examination or Technical training Administrative training
UMI	Examination or Technical training Administrative training
UTT	Testing equipment manufacturer's certification Administrative training
AMMX	Examination or Technical training Administrative training



<i>Category</i>	<i>Training</i>
AMNX	Examination or Technical training Administrative training
AFMX	Examination or Technical training Administrative training
AFR	Examination or Technical training Administrative training
AMR	Examination or Technical training Administrative training
AMEX	Examination or Technical training Administrative training
ACVL	Examination or Technical training Administrative training
TL	Manufacturer's certification Administrative training

(d) An applicant shall meet the following requirements in the appropriate category for renewal of inspector certification:

<i>Category</i>	<i>Qualifications and Training</i>
IUM	Department inspector training
IAM	API 653 certification or STI Inspector certification or Department-approved inspector certification and Department inspector training
IAF	API 653 certification or Department-approved inspector certification and Department inspector training

(e) Technical, administrative and inspector training must be obtained within 2 years prior to application submission.

(1) Administrative and inspector training will be provided by the Department.

(2) Technical training is category-specific and must be approved by the Department in accordance with § 245.141 (relating to training approval).

(f) An applicant for renewal shall:

(1) Submit a completed application for renewal to the Department 60 to 120 days prior to the expiration date or examination test date. Applicants who fail to submit a renewal application within 60 days following the expiration

date shall meet the experience, qualifications and examination requirements for initial certification as required in § 245.111 or § 245.113 (relating to certified installer experience and qualifications; and certified inspector experience and qualifications) and the requirements in § 245.105 (relating to certification examinations).

(2) The applicant shall certify completion of safety training which is appropriate for the certification category. Training must be in accordance with regulatory requirements and industry standards and procedures such as Occupational Safety and Health Administration requirements in 29 CFR Part 1910.

(3) Successfully complete training programs which may be required by the Department. Successful completion means attendance at all sessions of training and attainment of the minimum passing grade established by the Department in the approval of the training course under § 245.141 for all sections of all qualifying tests given as part of the training course.

(g) A certified installer or certified inspector shall notify the Department and seek amendment of the certification from the Department whenever:

(1) There is a change in the information provided in the application for the certification. This request shall be made within 14 days from the date of a change in information.

(2) The certified installer or certified inspector wishes to conduct tank handling or inspection activities in installer or inspector certification categories other than those approved by the Department as set forth on the certification.

(3) The certified installer or certified inspector wishes to eliminate installer or inspector certification categories from the certification.

(4) The EQB amends certification categories or qualification requirements and establishes a phase-in period for the new requirements.

(h) Certified installers or certified inspectors required to amend their certifications in accordance with paragraph (1) or (3) shall apply for amendment on a form provided by the Department.

(i) Certified installers or certified inspectors required to amend their certifications in accordance with subsection (g)(2) shall comply with the applicable requirements in this chapter related to application, experience, qualifications and examination.

#### Source

The provisions of this § 245.114 amended September 27, 1996, effective September 28, 1996, 26 Pa.B. 4735; amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331020) to (331023).

#### Cross References

This section cited in 25 Pa. Code § 245.142 (relating to training courses).

**COMPANY CERTIFICATION****§ 245.121. Certification of companies.**

A company may not perform or employ a certified installer or certified inspector to perform tank handling, tightness testing or inspection activities unless the company holds a valid certification issued by the Department under this chapter and the company verifies that the certified installer or certified inspector holds a valid certification issued under this chapter for the appropriate category.

**Source**

The provisions of this § 245.121 adopted September 20, 1991, effective September 21, 1991, 21 Pa.B. 4345; corrected September 27, 1991, effective September 21, 1991, 21 Pa.B. 4405; amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331023) to (331024).

**§ 245.122. Applications for company certification.**

(a) Applications for certification shall be submitted to the Department on forms provided by the Department and include information that will enable the Department to determine if issuance of the certification conforms to the act and this chapter. The following information shall be included:

- (1) The full name, address and telephone number of the company.
- (2) The names held by the company within the previous 7 years.
- (3) Information on previous certification revocations under §§ 245.109 and 245.124 (relating to revocation of certification; and revocation of company certification) of company officers, the company and the company under a previous or fictitious name.
- (4) Identification of industry or government licenses or certifications held by the company and the officers of the company relating to underground or aboveground storage tanks.
- (5) The names and certification numbers of all certified installers and certified inspectors employed by the company.
- (6) A statement signed by a person authorized to bind the company certifying that the company:
  - (i) Has obtained a copy of the act and this chapter.
  - (ii) Will comply with the act and this chapter and will direct the employees, principals and agents of the company to perform tank handling and inspection activities in a manner that is consistent with the act and this chapter.
- (7) Other information necessary for a determination whether the issuance of a certification conforms to the requirements of the act and this chapter.

(b) Applications shall be complete upon submission.

(c) The Department may not issue company certification if one or more of the following apply:

- (1) The company is found to be in violation of the act or this chapter.
- (2) The company certification was previously revoked under § 245.124.
- (3) An officer of the company has had their individual certification revoked under § 245.109.
- (4) An officer of the company was an officer in a company whose company certification was revoked under § 245.124 at the time the conduct resulting in revocation occurred.

**Source**

The provisions of this § 245.122 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979. Immediately preceding text appears at serial page (234692).

**§ 245.123. Suspension of company certification.**

- (a) The Department may suspend the certification of a certified company for good cause, which includes, but is not limited to:
  - (1) A violation of the act or this chapter by the company or a certified installer or certified inspector employed by the company.
  - (2) Incompetency on the part of the company as evidenced by errors in executing duties and responsibilities for which the certification was issued.
  - (3) Failure to meet one or more of the standards of performance in § 245.132 (relating to standards of performance).
  - (4) A violation of The Clean Streams Law, the Air Pollution Control Act or the Solid Waste Management Act or regulations promulgated thereunder by the company or a certified installer or a certified inspector employed by the company which causes pollution, causes a threat of pollution or causes harm to the public health, safety or welfare.
  - (5) Withholding from a certified installer or certified inspector, individual correspondence or certification documents issued by the Department.
  - (6) Failure to provide oversight of employee certification applications, tank handling and inspection reports.
  - (7) Submission of false information to the Department or tank owner.
  - (8) Failure to have a properly certified installer in direct onsite supervision and control of a tank handling activity.
- (b) A certified company shall surrender certification documents to the Department upon notification of suspension.
- (c) The Department may reinstate the certification if the following apply:
  - (1) The certified company and certified installers and certified inspectors employed by the certified company are competent to execute the duties and responsibilities for which certification was issued.
  - (2) The cause for the suspension has been removed.
- (d) Suspension of a certification by the Department shall prevent a company from conducting tank handling, tightness testing or inspection activities during the suspension.

**Source**

The provisions of this § 245.123 amended September 27, 1996, effective September 28, 1996, 26 Pa.B. 4735; amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331025).

**§ 245.124. Revocation of company certification.**

(a) The Department may revoke the certification of a certified company for one or more of the following conditions:

- (1) A willful disregard for, or willful or repeated violations of the act or this chapter.
- (2) The certification of an installer or inspector employed by the company is revoked.
- (3) There has been a prior suspension of the certification.
- (4) Willfully submitting false information to the Department.

(b) Revocation of a certification by the Department shall prevent a company from conducting tank handling, tightness testing or inspection activities.

(c) A certified company shall surrender certification documents to the Department upon notification of revocation.

**Source**

The provisions of this § 245.124 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979. Immediately preceding text appears at serial page (313739).

**Cross References**

This section cited in 25 Pa. Code § 245.122 (relating to applications for company certification).

**§ 245.125. Renewal and amendment of company certification.**

(a) Company certification shall be for 3 years from the date of issuance unless suspended or revoked before that date. An applicant for renewal shall submit a completed application for renewal to the Department 60 to 120 days prior to the expiration date.

(b) A certified company shall notify the Department and file an amendment to its company certification on a form approved by the Department whenever there is a change in the information provided in the application for the certification. This form shall be submitted within 14 days of the date of a change in information.

**Source**

The provisions of this § 245.125 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979. Immediately preceding text appears at serial page (313739).

**STANDARDS OF PERFORMANCE****§ 245.131. Validity of certification.**

A certificate will not be valid if it is obtained through fraud, deceit or the submission of inaccurate data or qualifications.

**§ 245.132. Standards of performance.**

(a) Certified companies, certified installers and certified inspectors shall:

(1) Maintain current technical and administrative specifications and manuals, Nationally recognized codes and standards, and State and Federal regulations which pertain to the categories for which certification was issued. Nationally recognized organizations are identified in §§ 245.405, 245.504 and 245.604 (relating to codes and standards; referenced organizations; and referenced organizations).

(2) Complete and submit to the Department a Department-approved form certifying that the tank handling activity or inspection activity conducted by the certified installer or certified inspector meets the requirements in the act and this chapter and accurately describing the conditions of the storage tank system and facility in accordance with the following requirements:

(i) Submit a report of an inspection activity to the Department within 60 days of conducting an inspection activity, except for a report of modification inspection activities, which must be reported to the Department within 30 days of conducting a modification inspection activity.

(ii) Submit a report of a tank handling activity to the Department within 30 days of conducting the tank handling activity.

(iii) For tank handling activities or inspection activities involving multiple certified individuals and certification categories, submit a report of tank handling activities or inspection activities within 30 days of the completion of all project tank handling or inspection activities.

(3) Maintain complete records of tank handling and inspection activities, nondestructive examination and testing results and tightness testing records for a minimum of 10 years.

(4) Report the following to the Department while performing services as a certified installer or certified inspector:

(i) A release of a regulated substance.

(ii) Suspected or confirmed contamination of soil, surface or groundwater from regulated substances.

(iii) A regulated substance observed in a containment structure or facility.

(5) Report to the Department a failed test of spill prevention equipment, containment sumps and overflow prevention equipment conducted as required in this chapter.

(6) As required under paragraphs (4) and (5), notify the Department in writing within 48 hours of performing the failed test or observing a release of a regulated substance, suspected or confirmed contamination, or a regulated substance in a containment structure or facility on a form provided by the Department. If the notification is being submitted because of a failed valid tightness test, spill prevention equipment test, containment sump test or over-fill prevention evaluation, a copy of the test results must also be provided to the Department with the notification report.

(7) Perform certified installer or certified inspector activities so that there is no release of regulated substances or contamination of soil, surface or groundwater caused by regulated substances from a storage tank system or storage tank facility.

(8) Adhere to equipment manufacturer's instructions, accepted industry standards and applicable industry codes of practice when performing tank handling, tightness testing or inspection activities or other nontank handling activities on the project.

(9) Provide requested records and documentation to the Department under section 107(c) of the act (35 P.S. § 6021.107(c)).

(b) A company that employs an individual certified in the UMX, UMR, UMI or UTT category or an individual certified in the UMX, UMR, UMI or UTT category who is not employed by a certified company shall participate in the Tank Installer Indemnification Program (TIIP) as required under section 704(a)(1) of the act (35 P.S. § 6021.704(a)(1)) and shall provide timely payment of TIIP fees as required under section 705(d)(1) and (e) of the act (35 P.S. § 6021.705(d)(1) and (e)) and § 977.19(b) (relating to certified company fees for the Underground Storage Tank Indemnification Fund).

(c) Certified companies, certified installers and certified inspectors may not:

(1) Affix the certified installer's or certified inspector's signature or certification number to documentation concerning the installation or inspection of a component of a storage tank system project or to documentation concerning tank handling or inspection activity as required under the act and this chapter unless:

(i) The storage tank system project was performed by the certified installer or under the installer's direct, onsite supervision and control.

(ii) Inspection activities were conducted on the storage tank system project by the certified inspector, or under the inspector's direct, onsite supervision and control.

(iii) Installation or modification inspection activities were conducted on a large or field-constructed aboveground storage tank and the certified inspector was involved prior to the initiation of the project and was present at critical times so that the inspector can reliably determine that all of the following requirements were met:

- (A) Industry standards and project specifications were followed throughout the tank handling activity.
  - (B) Appropriate testing and nondestructive examinations were properly conducted.
  - (C) The tank is suitable for operational service.
- (2) Certify to an owner or operator or the Department that a storage tank system project or component thereof is complete unless it complies with the act and this chapter. Project certification applies to certified activities and nontank handling activities that may have been performed as part of the project.
- (d) A certified installer or certified inspector shall display the Department-issued certification identification card or certificate upon request.
- (e) A certified company is responsible for employees having appropriate safety and technical training. Certified companies, certified installers and certified inspectors shall adhere to health and safety procedures, such as those required by the Federal Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH).

#### Source

The provisions of this § 245.132 amended December 23, 1994, effective December 24, 1994, 24 Pa.B. 6515; amended September 27, 1996, effective September 28, 1996, 26 Pa.B. 4735; amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331026) to (331028).

#### Cross References

This section cited in 25 Pa. Code § 245.31 (relating to underground storage tank system testing requirements); 25 Pa. Code § 245.108 (relating to suspension of certification); and 25 Pa. Code § 245.123 (relating to suspension of company certification).

## TRAINING APPROVAL

### § 245.141. Training approval.

- (a) Providers of training for which approval is required under this chapter shall, at least 120 days prior to the scheduled date of the training program, request approval from the Department for the training program.
- (b) An application for approval must include the following information:
  - (1) The name and address of the person offering the training.
  - (2) The title of the course.
  - (3) The name, title, affiliation and professional background of each course instructor and a detailed outline of the course which includes a description of the subject matter to be presented, the order of presentation and the amount of time scheduled for the presentation.



(4) A narrative describing the preparation and administration of a test to be given at the conclusion of the course. This test must test the participant's knowledge of the technical, administrative and legal requirements related to the subject matter of the course. The narrative must also describe a procedure for conducting and grading of the test that assures careful monitoring and expeditious transmission of test results to the applicant and the Department.

(5) Other information necessary for a determination that the training program conforms to the act and this chapter such as copies of presentations, presenter notes, training handouts or references.

(c) Training approval shall be for 3 years from the date of issuance. An applicant for renewal shall submit a completed application for renewal to the Department 60 to 120 days prior to the expiration date.

(d) The Department may approve industry recognized training without the submission of an application as provided in subsection (a).

#### Source

The provisions of this § 245.141 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (347243).

#### Cross References

This section cited in 25 Pa. Code § 245.102 (relating to requirement for certification); 25 Pa. Code § 245.108 (relating to suspension of certification); 25 Pa. Code § 245.111 (relating to certified installer experience and qualifications); 25 Pa. Code § 245.114 (relating to renewal and amendment to certification); 25 Pa. Code § 245.411 (relating to inspection frequency); and 25 Pa. Code § 245.436 (relating to operator training).

### § 245.142. Training courses.

(a) Technical training for initial category-specific certification in § 245.111 (relating to certified installer experience and qualifications) must be based on Nationally-recognized codes and standards in conjunction with manufacturers specifications.

(b) Technical training for renewal of category-specific certification in § 245.114(c) (relating to renewal and amendment of certification) must at a minimum review the technical and regulatory material appropriate for the certification category.

#### Source

The provisions of this § 245.142 adopted November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979.

**Subchapter C. PERMITTING OF UNDERGROUND AND  
ABOVEGROUND STORAGE TANK SYSTEMS AND FACILITIES**

**GENERAL**

- Sec.  
245.201. Scope.  
245.202. Public records and confidential information.  
245.203. General requirements for permits.  
245.204. Form of application.  
245.205. Verification of application.  
245.211. [Reserved].  
245.212. [Reserved].

**OPERATING PERMITS**

- 245.221. [Reserved].  
245.222. Application requirements.

**SITE-SPECIFIC INSTALLATION PERMITS**

- 245.231. Scope.  
245.232. General requirements.  
245.233. Mapping requirements.  
245.234. Siting requirements.  
245.235. Environmental assessment.  
245.236. Public notice.  
245.237. Public hearings.

**Source**

The provisions of this Subchapter C adopted October 10, 1997, effective October 11, 1997, 27 Pa.B. 5341, unless otherwise noted.

**Cross References**

This subchapter cited in 25 Pa. Code § 245.41 (relating to tank registration requirements); 25 Pa. Code § 245.424 (relating to standards for new field constructed tank systems); 25 Pa. Code § 245.516 (relating to recordkeeping requirements); and 25 Pa. Code § 245.615 (relating to recordkeeping requirements).

**245-50**

**GENERAL****§ 245.201. Scope.**

This subchapter specifies procedures and rules for the permitting of above-ground and underground storage tank systems and facilities. Compliance with the permitting requirements in this subchapter does not relieve a permittee from the obligation to comply with other Federal, State or local requirements.

**§ 245.202. Public records and confidential information.**

(a) Except as provided in subsection (b), records, reports or other information submitted to the Department under this subchapter will be made available to the public for inspection or copying during regular business hours.

(b) The Department may, upon request, designate records, reports or other information as confidential when the person providing the information demonstrates the following:

(1) The information contains trade secret processes, operations, style of work or apparatus of a person or is otherwise confidential business information.

(2) The information is not emission, discharge or testing data or other information that relates to public health, safety, welfare or the environment.

(c) When submitting information under this subchapter, a person shall designate the information which the person believes is confidential or shall submit that information separately from other information being submitted.

(d) Information which the Department determines to be confidential under this section will not be made available to the public.

(e) This section does not prevent the disclosure of information submitted to the Department as part of a general or site specific permit application which meets one of the following:

(1) The Department is required to make the information available to the public as part of the permit application information.

(2) The Department determines that it is necessary to disclose the information during any comment period necessary to obtain informed public comment on the permit application.

**§ 245.203. General requirements for permits.**

(a) A person may not operate an aboveground or underground storage tank system or storage tank facility, or install a storage tank system or facility covered by § 245.231 (relating to scope), unless the person has first applied for and obtained a permit for the activity from the Department under this subchapter.

(b) The storage tank system must be registered with the Department in accordance with Subchapter A (relating to general provisions) and be maintained and operated in compliance with the standards and requirements of the Department

under the act and this chapter. Failure to comply with standards could result in administrative or other Departmental actions against the storage tank owner and operator.

(c) Operating permits will be renewed automatically on an annual basis concurrent with registration. There will be no additional fee or paperwork required beyond the registration requirements.

(d) The Department will automatically withhold or withdraw the operating permit for a storage tank that is reported under § 245.41 (relating to tank registration requirements) in temporary removal from service (out-of-service) status. The Department may renew the permit when an amended registration form is received showing the tank returning from temporary removal from service status to an operating status.

(e) A storage tank system may not be operated if the Department suspends, revokes or denies the tank operating permit.

(f) A person may not deliver or place a regulated substance in a storage tank if the Department suspends, revokes or denies the tank operating permit, if the tank operating permit is in a withheld or withdrawn status or if the tank operating permit has not been issued.

(g) The owner and operator of a storage tank system who causes or allows a violation of the act, this chapter, an order of the Department, a condition of a permit issued under the act or any other applicable law is subject to enforcement action including suspension, modification or revocation of the permit.

#### Source

The provisions of this § 245.203 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331032).

#### § 245.204. Form of application.

(a) Applications for a permit under this subchapter shall be submitted to the Department in writing, on forms provided by the Department.

(b) The information in the application shall be current, presented concisely and supported by appropriate references to technical and other written material available to the Department.

#### § 245.205. Verification of application.

An application for a general or site specific permit shall be verified by a responsible official of the applicant with a statement that the information contained in the application is true and correct to the best of the official's information and belief.

**§ 245.211. [Reserved].****Source**

The provisions of this § 245.211 reserved December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331033).

**§ 245.212. [Reserved].****Source**

The provisions of this § 245.212 reserved December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331033) to (331034).

**OPERATING PERMITS****§ 245.221. [Reserved].****Source**

The provisions of this § 245.221 reserved December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331034).

**§ 245.222. Application requirements.**

Applications for an operating permit shall be submitted on a form provided by the Department. The application must certify the following:

- (1) General requirements for all storage tank systems are as follows:
  - (i) The storage tank system is properly registered.
  - (ii) Tank handling and inspection activities are performed by Department-certified individuals, as specified in § 245.21 (relating to tank handling and inspection requirements) and Subchapter B (relating to certification program for installers and inspectors of storage tanks and storage tank facilities).
  - (iii) The storage tank system is in compliance with applicable administrative, technical and operational requirements as specified in Subchapter E, Subchapter F or Subchapter G (relating to technical standards for underground storage tanks; technical standards for aboveground storage tanks and facilities; and simplified program for small aboveground storage tanks).
- (2) In addition to the requirements of paragraph (1), an owner of an underground storage tank system shall meet the applicable financial responsibility requirements of Subchapter H (relating to financial responsibility requirements for owners and operators of underground storage tanks and storage tank facilities).

(3) In addition to the requirements in paragraph (1), an owner of a large aboveground storage tank or large aboveground storage tank facility shall file a current Spill Prevention Response Plan that is in compliance with sections 901—904 of the act (35 P.S. §§ 6021.901—6021.904) with the Department.

**Source**

The provisions of this § 245.222 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331034) to (331035).

**SITE-SPECIFIC INSTALLATION PERMITS**

**§ 245.231. Scope.**

(a) Site-specific installation permits are required prior to the construction, reconstruction or installation of one or more of the following:

- (1) New aboveground storage tank systems with a capacity greater than 21,000 gallons at an existing large aboveground storage tank facility.
- (2) New large aboveground storage tank facilities.
- (3) New highly hazardous substance tank systems.
- (4) New underground field constructed storage tank systems not installed within a previously registered underground storage tank system.

(b) Site-specific installation permit applications meeting the requirements in §§ 245.232(a)(1) and (2) and 245.236 (relating to general requirements; and public notice) are required to be approved prior to construction, reconstruction or installation. Additional application requirements include the following:

- (1) Large aboveground storage tank system at a new facility or existing small aboveground storage tank facility requires compliance with § 245.232(a)(3) and (4) and (b).
- (2) Large aboveground storage tank system at an existing large aboveground storage tank facility on new location requires compliance with § 245.232(a)(3) and (b).
- (3) Large aboveground storage tank system at an existing large aboveground storage tank facility on the footprint of previous aboveground storage tank system requires compliance with § 245.232(b) and § 245.234(b) (relating to siting requirements).
- (4) Small aboveground storage tank systems at a new large aboveground storage tank facility require compliance with § 245.232(a)(3) and (b).

(c) If the facility owner or operator can demonstrate that, on or before November 10, 2007, construction has commenced on an aboveground storage tank with a capacity greater than 30,000 gallons used or to be used for storing heating oil for consumptive use on the premises or on a tank regulated due to the

addition of new regulated substances defined in § 245.1 (relating to definitions) (see subparagraphs (i)(C)(I) and (II)), the requirements of this section will not apply.

(d) Site-specific installation permits will expire 5 years from the date of issuance unless the Department receives a written extension request from the owner prior to the expiration date and grants an extension.

#### Source

The provisions of this § 245.231 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331035) to (331036).

#### Cross References

This section cited in 25 Pa. Code § 245.203 (relating to general requirements for permits).

### § 245.232. General requirements.

(a) Applicants for site-specific installation permits shall provide the following:

(1) Certification that the tank handling and inspection activities will be performed by Department-certified individuals, as specified in Subchapter B (relating to certification program for installers and inspectors of storage tanks and storage tank facilities).

(2) Certification that the storage tank system will be in compliance with applicable administrative, technical and operational requirements as specified in Subchapters E—G (relating to technical standards for underground storage tanks; technical standards for aboveground storage tanks and facilities; and simplified program for small aboveground storage tanks).

(3) The information required by §§ 245.233 and 245.234 (relating to mapping requirements; and siting requirements).

(4) The environmental assessment required by § 245.235 (relating to environmental assessment).

(b) In addition to the items required by subsection (a), owners of aboveground storage tank systems or facilities required to apply for a site-specific installation permit shall include:

(1) A Spill Prevention Response Plan for the facility that includes the proposed storage tank systems demonstrating compliance with sections 901—904 of the act (35 P.S. §§ 6021.901—6021.904).

(2) Proof of notification to the municipality and county prior to submitting the application for a site-specific installation permit under section 1101(a) of the act (35 P.S. § 6021.1101(a)) and § 245.236 (relating to public notice). Acceptable proof of notification includes, but is not limited to, copies of letters sent to the affected municipality and county and legal notices published in a newspaper of general circulation in the area where the project is proposed.

(c) Applications for site-specific installation permits shall be accompanied by the proper fee required by section 304(c) of the act (35 P.S. § 6021.304(c)) for aboveground storage tanks and section 504(c) of the act (35 P.S. § 6021.504(c)) for underground storage tanks.

#### Source

The provisions of this § 245.232 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331036) to (331037).

#### Cross References

This section cited in 25 Pa. Code § 245.231 (relating to scope).

### § 245.233. Mapping requirements.

(a) A site-specific installation permit application must contain maps and plans of the proposed storage tank system or facility site showing all of the following:

- (1) The boundaries for the proposed facility site.
- (2) The location of the proposed storage tanks.
- (3) The location and names of public roads within or adjacent to the proposed facility site.
- (4) The location of proposed monitoring wells.
- (5) The municipality and county.
- (6) The elevation and location of test borings and core samples.
- (7) The ownership, if known, location and extent of known workings of active, inactive and abandoned underground mines including mine openings within the proposed permit site.
- (8) Streams, lakes or surface watercourses located on or adjacent to the proposed permit site.
- (9) The location and ownership of public or private groundwater supplies within 2,500 feet of the proposed permit site.
- (10) Sufficient slope measurements to adequately represent the existing land surface configuration of the proposed permit site.

(b) Maps, plans and cross sections required by this section shall be accurately surveyed and on a scale satisfactory to the Department, not less than 1 inch to 400 feet and in a manner satisfactory to the Department. The maps, plans and cross sections shall be prepared by a Pennsylvania registered professional engineer, Pennsylvania registered land surveyor or Pennsylvania registered professional geologist with assistance from experts in related fields.

#### Source

The provisions of this § 245.233 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331037).



**Cross References**

This section cited in 25 Pa. Code § 245.232 (relating to general requirements).

**§ 245.234. Siting requirements.**

(a) The Department will not issue a site-specific storage tank system or facility installation permit if:

(1) The installation of storage tank systems and facilities is proposed on 100-year floodplains or a larger area that the flood of record has inundated unless an industrial use on the proposed site was in existence as of August 5, 1989.

(2) The installation of storage tank systems and facilities is proposed in wetlands in a manner inconsistent with Chapter 105 (relating to dam safety and waterway management).

(3) The Department determines that construction design criteria or engineering specifications submitted by a professional engineer are not in accordance with generally accepted sound engineering practices or existing conditions at the site require mitigation to properly support the tank systems and the applicant's proposed mitigation actions are not deemed adequate.

(b) The applicant shall provide the following additional information if appropriate:

(1) Over areas underlain by carbonate bedrock, the applicant shall provide information and analysis to the Department which assesses the prevalence of solution channels and the potential for sinkholes at the facility site.

(2) If any part of a proposed facility has been previously mined by deep mining methods, the applicant shall provide the results of an engineering study of the proposed site by a Pennsylvania registered professional engineer or Pennsylvania registered professional geologist. The study must be detailed enough to assess the potential for and degree of surface subsidence. The study must also include methods which have been used or will be used to stabilize the surface. The applicant shall provide assurance that minerals providing surface support will not be mined as long as the facility stores regulated substances.

(3) A professional engineer's construction design criteria and engineering specifications necessary to mitigate surface or subsurface conditions which may result in excessive storage tank system settlement or unstable support of the applicant's proposed storage tank systems.

**Source**

The provisions of this § 245.234 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331037) to (331038).

**Cross References**

This section cited in 25 Pa. Code § 245.231 (relating to scope); and 25 Pa. Code § 245.232 (relating to general requirements).

**§ 245.235. Environmental assessment.**

(a) An application for a site-specific installation permit must include an environmental assessment on a form prescribed by the Department.

(b) An environmental assessment in a permit application must include detailed analysis of the potential impact of the proposed facility on the environment, public health and public safety, including air quality, water quality, threatened or endangered species and water uses. The applicant shall consider environmental features such as recreational river corridors, State and Federal parks, historic and archaeological sites, National wildlife refuges, State and Federal natural areas, prime farmland, wetlands, special protection watersheds designated under Chapter 93 (relating to water quality standards), public water supplies and other features deemed appropriate by the Department or the applicant.

(c) The Department will evaluate the assessment provided under subsection (a) to determine whether the proposed operation has the potential to cause environmental harm. The Department will consult with appropriate governmental agencies and potentially affected persons concerning potential environmental harm. If the Department determines that the proposed operation has that potential, it will notify the applicant in writing.

(d) If the Department or the applicant determines that the proposed operation may cause environmental harm, the applicant shall provide the Department with a written explanation of how it plans to mitigate the potential harm.

**Source**

The provisions of this § 245.235 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331038) to (331039).

**Cross References**

This section cited in 25 Pa. Code § 245.232 (relating to general requirements).

**§ 245.236. Public notice.**

The owner of a proposed new large aboveground storage tank facility or proposed aboveground storage tank system with greater than 21,000 gallons capacity or proposed new highly hazardous substance tank shall provide written notice to the local municipality and county in which the proposed aboveground system or facility is to be located prior to submitting a permit application. The notice must inform the local municipality and county of the location, capacity and projected installation date of the proposed storage tank system and the substance to be stored in the tank.

**Source**

The provisions of this § 245.236 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331039).

**Cross References**

This section cited in 25 Pa. Code § 245.231 (relating to scope); and 25 Pa. Code § 245.232 (relating to general requirements).

**§ 245.237. Public hearings.**

Upon submission to the Department of a permit application to construct a new large aboveground storage tank facility or a new highly hazardous substance storage tank system, the Department may hold a public hearing in the municipality or county in which the aboveground storage tank facility or highly hazardous substance tank system is proposed to be located.

**Subchapter D. CORRECTIVE ACTION PROCESS FOR OWNERS AND OPERATORS OF STORAGE TANKS AND STORAGE TANK FACILITIES AND OTHER RESPONSIBLE PARTIES**

Sec.

- 245.301. Purpose.
- 245.302. Scope.
- 245.303. General requirements.
- 245.304. Investigation and reporting of suspected releases.
- 245.305. Reporting releases.
- 245.306. Interim remedial actions.
- 245.307. Affected or diminished water supplies.
- 245.308. Onsite storage of contaminated soil.
- 245.309. Site characterization.
- 245.310. Site characterization report.
- 245.311. Remedial action plan.
- 245.312. Remedial action.
- 245.313. Remedial action completion report.
- 245.314. Professional seals.

**Source**

The provisions of this Subchapter D adopted August 20, 1993, effective August 21, 1993, 23 Pa.B. 4033, unless otherwise noted.

**Cross References**

This subchapter cited in 25 Pa. Code § 245.422 (relating to upgrading of existing underground storage tank systems); 25 Pa. Code § 245.431 (relating to spill and overfill control); 25 Pa. Code § 245.441 (relating to general requirements for underground storage tank systems); 25 Pa. Code § 245.444 (relating to methods of release detection for tanks); 25 Pa. Code § 245.451 (relating to temporary removal from service (out-of-service)); 25 Pa. Code § 245.453 (relating to assessing the site at closure or change-in-service); 25 Pa. Code § 245.561 (relating to permanent closure or change-in-service); 25 Pa. Code § 245.613 (relating to monitoring standards); 25 Pa. Code § 298.22 (relating to waste oil storage); 25 Pa. Code § 298.45 (relating to waste oil storage at transfer facility); 25 Pa. Code § 298.54 (relating to waste oil management); and 25 Pa. Code § 298.64 (relating to waste oil storage).

**§ 245.301. Purpose.**

This subchapter establishes suspected release investigation, release reporting and corrective action requirements for owners and operators of storage tank systems and storage tank facilities and other responsible parties.

**Source**

The provisions of this § 245.301 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331040).

**§ 245.302. Scope.**

This subchapter applies to suspected releases and releases of regulated substances from storage tank systems regulated under the act.

**Source**

The provisions of this § 245.302 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331040).

**§ 245.303. General requirements.**

(a) For a corrective action required by this subchapter, the Department may do one or more of the following:

- (1) Direct or order the responsible party to perform the corrective action.
- (2) Perform the corrective action.
- (3) Direct that the corrective action be performed by a third party.
- (4) Seek other appropriate administrative or court ordered relief.

(b) For a corrective action required by this subchapter, the Department may collect or recover, from the responsible party, the Department's costs and expenses involved in taking corrective action in accordance with this subchapter, authorizing a third party to take corrective action under this subchapter and initiating cost recovery actions under this subchapter. The Department may collect the amount in the same manner as civil penalties are collected under section 1307(b) of the act (35 P. S. § 6021.1307(b)).

(c) For corrective actions required by this subchapter, it will be presumed as a rebuttable presumption of law in civil and administrative proceedings that a person who owns or operates an aboveground or underground storage tank system is liable, without proof of fault, negligence or causation, for damage, contamination or pollution within 2,500 feet of the perimeter of the site of a storage tank system containing or which contained a regulated substance of the type which caused the damage, contamination or pollution. The presumption may be overcome by clear and convincing evidence that the person so charged did not contribute to the damage, contamination or pollution.

(d) To overcome the presumption of liability established in subsection (c), the owner or operator shall affirmatively prove, by clear and convincing evidence, one of the following:

- (1) The damage, contamination or pollution existed prior to the use of a storage tank system at the facility to contain an accumulation of regulated substances, as determined by surveys of the site and within 2,500 feet of the perimeter of the storage tank system or facility.

- (2) An adjacent landowner refused to allow the owner or operator of a storage tank system at a new facility access to property within 2,500 feet of the perimeter of a storage tank facility to conduct a survey.
- (3) The damage, contamination or pollution was not within 2,500 feet of the perimeter of a storage tank system.
- (4) The owner or operator did not contribute to the damage, contamination or pollution.
- (e) The Department may waive or combine one or more of the requirements in this subchapter based on:
  - (1) The nature, extent, type, volume or complexity of the release, including a release to a containment structure or facility that is shown to be liquid-tight.
  - (2) The general characteristics of the site and the regulated substances which were released.
  - (3) The corrective action which occurred subsequent to the release.
- (f) The Department's acceptance or approval of an interim remedial action, site characterization, site characterization report, remedial action plan, remedial action or remedial action completion report, does not constitute and may not be construed as a release from civil or criminal liability in an administrative, civil or criminal proceeding.

#### Source

The provisions of this § 245.303 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331041) to (331042).

#### Cross References

This section cited in 25 Pa. Code § 245.1 (relating to definitions); 25 Pa. Code § 245.310 (relating to site characterization report); 25 Pa. Code § 245.311 (relating to remedial action plan); and 25 Pa. Code § 245.313 (relating to remedial action completion report).

### **§ 245.304. Investigation and reporting of suspected releases.**

- (a) The owner or operator of a storage tank system or storage tank facility shall initiate and complete an investigation of a suspected release of a regulated substance as soon as practicable, but no later than 7 days after the indication of a suspected release. An indication of a suspected release includes one or more of the following conditions:
  - (1) The presence of a regulated substance or an unusual level of vapors from a regulated substance outside of storage tank system components designed to routinely contain or convey product, at or near a storage tank facility.
  - (2) Evidence of a regulated substance or vapors in soils, basements, sewer lines, utility lines, surface water or groundwater in the surrounding area.
  - (3) Unusual operating conditions, indicative of a release, such as the erratic behavior of product dispensing equipment.

- (4) The sudden or unexpected loss of a regulated substance from a storage tank system or the unexplained presence of water in a storage tank system.
  - (5) Test, sampling or monitoring results, including the sounding of an alarm, from a release detection method which indicate a release.
  - (6) The discovery of holes in or damage to a storage tank system during activities such as inspection, repair or removal from service.
  - (7) Other events, conditions or results which may indicate a release.
- (b) The investigation required by subsection (a) shall include a sufficient number of the procedures outlined in this subsection and be sufficiently detailed to confirm whether a release of a regulated substance has occurred. The owner or operator shall investigate the indication of a release by one or more of the following procedures:
- (1) A check of product dispensing or other similar equipment.
  - (2) A check of release detection monitoring devices.
  - (3) A check of inventory records to detect discrepancies.
  - (4) A visual inspection of the storage tank system or the area immediately surrounding the storage tank system.
  - (5) Testing of the storage tank system for tightness or structural soundness.
  - (6) Sampling and analysis of soil, subsurface soil and backfill, vapor, water or groundwater at a location where contamination from a release would most likely be present.
  - (7) Other investigation procedures which may be necessary to determine whether a release of a regulated substance has occurred.
- (c) Upon completion of the investigation under subsection (a), the owner or operator shall comply with one of the following requirements:
- (1) Except as provided in § 245.305(i) (relating to reporting releases), if the investigation confirms that a release has occurred, the owner or operator shall report the release under § 245.305 and initiate corrective action.
  - (2) If the investigation cannot determine whether a release has occurred, the owner or operator shall report the suspected release within 15 days of the indication of the suspected release to the appropriate regional office of the Department on a form provided by the Department.
  - (3) If the investigation confirms that a release has not occurred, no further corrective action is required except that the owner or operator shall completely recover and remove the regulated substance. If removal of the regulated substance cannot be accomplished within 24 hours, the owner or operator shall immediately notify the appropriate regional office of the Department by telephone or e-mail.

#### Source

The provisions of this § 245.304 amended November 30, 2001, effective December 1, 2001, 31 Pa.B. 6615; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331042) and (347245).

**Cross References**

This section cited in 25 Pa. Code § 245.31 (relating to underground storage tank system testing requirements); 25 Pa. Code § 245.309 (relating to site characterization); 25 Pa. Code § 245.435 (relating to reporting and recordkeeping); 25 Pa. Code § 245.444 (relating to methods of release detection for tanks); 25 Pa. Code § 245.516 (relating to recordkeeping requirements); 25 Pa. Code § 245.615 (relating to recordkeeping requirements); 25 Pa. Code § 245.618 (relating to permanent closure or change-in-service); and 25 Pa. Code § 977.34 (relating to claims reporting).

**§ 245.305. Reporting releases.**

(a) The owner or operator of a storage tank system or storage tank facility shall notify the appropriate regional office of the Department as soon as practicable, but no later than 24 hours, after the confirmation of a release.

(b) The notice required by subsection (a) shall be by telephone and describe, to the extent of information available, the regulated substance involved, the quantity of the regulated substance involved, when the release occurred, where the release occurred, the cause of the release, the affected environmental media, information concerning impacts to water supplies, buildings or to sewer or other utility lines, and interim remedial actions planned, initiated or completed.

(c) Within 15 days of the notice required by subsection (a), the owner or operator shall provide written notification to the Department and to each municipality in which the release occurred, and each municipality where that release has impacted environmental media or water supplies, buildings or sewer or other utility lines.

(d) The owner or operator shall provide written notification to the Department and each impacted municipality of new impacts to environmental media or water supplies, buildings, or sewer or other utility lines discovered after the initial written notification required by subsection (c). Written notification under this subsection shall be made within 15 days of the discovery of the new impact.

(e) Written notification required by this section must contain the same information as required by subsection (b) and must be on a form provided by the Department.

(f) If the Department determines that a release poses an immediate threat to public health and safety, the Department may evaluate and implement reasonable procedures to provide the public with appropriate information about the situation which may, at a minimum, include a summary of the details surrounding the release and its impacts in a newspaper of general circulation serving the area in which the impacts are occurring.

(g) Upon the occurrence of a release at the aboveground storage tank, the owner or operator of a storage tank facility with an aggregate aboveground storage capacity greater than 21,000 gallons shall immediately notify the county emergency management agency, the Pennsylvania Emergency Management Agency and the Department. Downstream water companies, downstream municipalities and downstream industrial users within 20 miles of an aboveground storage tank facility located adjacent to surface waters shall be notified on a priority

basis based on the proximity of the release by the owner or operator or the agent of the owner or operator within 2 hours of a release which enters a water supply or which threatens the water supply of downstream users. If the owner or operator or an agent fails to notify or is incapable of notifying downstream water users, the county emergency management agency shall make the required notification. This notification shall be done in accordance with section 904 of the act (35 P.S. § 6021.904).

(h) The owner or operator of a storage tank system or storage tank facility shall immediately notify the local fire authority where fire, explosion or safety hazards exist as a result of a release.

(i) Release reporting under this section and further corrective action under this subchapter are not required for the following releases if the owner or operator has control over the release, the release is completely contained and the total volume of the release is recovered and removed within 24 hours of the release:

- (1) A release of petroleum to an aboveground surface, including within an emergency containment structure, that is less than 25 gallons.
- (2) A release of petroleum to a containment sump if the total volume of the release is contained below the lowest sump penetration.

#### Source

The provisions of this § 245.305 amended November 30, 2001, effective December 1, 2001, 31 Pa.B. 6615; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (347245) to (347246).

#### Cross References

This section cited in 25 Pa. Code § 245.304 (relating to investigation and reporting of suspected releases); 25 Pa. Code § 245.310 (relating to site characterization report); 25 Pa. Code § 245.435 (relating to reporting and recordkeeping); 25 Pa. Code § 245.516 (relating to recordkeeping requirements); 25 Pa. Code § 245.618 (relating to permanent closure or change-in-service); and 25 Pa. Code § 977.34 (relating to claims reporting).

### § 245.306. Interim remedial actions.

(a) A responsible party shall immediately initiate the following interim remedial actions necessary to prevent or address an immediate threat to human health or the environment from a release while initiating, as necessary, one or more of the tasks identified in § 245.309(c) (relating to site characterization):

- (1) Remove the regulated substance from the storage tank system to prevent further release to the environment.
- (2) Identify, mitigate and continue to monitor and mitigate, fire, explosion and safety hazards posed by vapors and free product.
- (3) Prevent further migration of the regulated substance released from the storage tank system into the environment as follows:
  - (i) If contaminated soil exists at the site, the interim remedial action may include excavation of the soils for treatment or disposal.



- (ii) If free product is present, free product recovery shall be initiated immediately.
- (4) Identify and analyze samples of affected water supplies and water supplies with the potential to be affected in a reasonable and systematic manner consistent with § 245.309(b)(1) and (4) and (c)(4), (6), (12) and (16). The responsible party shall restore or replace an affected or diminished water supply in accordance with § 245.307 (relating to affected or diminished water supplies). The responsible party shall provide a copy of the sample results to the water supply owner and the Department within 5 days of receipt of the sample results from the laboratory.
- (b) At sites where free product recovery, regulated substance removal or contaminated soil excavation is performed, the responsible party shall:
- (1) Conduct recovery, removal, storage, treatment and disposal activities in a manner that prevents the spread of contamination into previously uncontaminated areas.
  - (2) Handle flammable products in a safe and competent manner to prevent fires or explosions.
  - (3) Obtain required State and local permits or approvals for treatment and disposal activities.
  - (4) Minimize the amount of soil and subsurface material affected by a release of a regulated substance by segregating the unaffected soil and subsurface material from the material affected by a release of a regulated substance.
- (c) If interim remedial actions such as free product recovery affect or diminish the quality or quantity of a water supply, the responsible party shall restore or replace the water supply in accordance with § 245.307.
- (d) Where soil and subsurface material affected by a release is removed from the site, the person removing the material shall provide to the owner, operator, landowner or other responsible party a receipt documenting acceptance of the material at a permitted treatment or disposal facility.
- (e) A responsible party shall notify the Department by telephone or e-mail as soon as practicable, but no later than 24 hours, after the initiation of interim remedial actions.

#### Source

The provisions of this § 245.306 amended November 30, 2001, effective December 1, 2001, 31 Pa.B. 6615; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (347246) and (331045) to (331046).

#### Cross References

This section cited in 25 Pa. Code § 245.309 (relating to site characterization); and 25 Pa. Code § 245.310 (relating to site characterization report).

**§ 245.307. Affected or diminished water supplies.**

(a) A responsible party who affects or diminishes a water supply as a result of a release shall restore or replace the affected or diminished supply with an alternate source of water adequate in quantity and quality for the purposes served by the supply, at no cost to the owner of the affected or diminished water supply.

(b) Where a responsible party restores or replaces an affected or diminished water supply by providing access to a public water system regulated under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the responsible party will not be required to pay for the quantity of water supplied to the water supply user by the public water system.

(c) A temporary water supply shall be provided as soon as practicable but not later than 48 hours after one of the following:

(1) The responsible party receives information which establishes that the responsible party has affected or diminished the water supply.

(2) The responsible party is notified by the Department that the responsible party has affected or diminished the water supply.

(d) A permanent water supply shall be provided within 90 days, or within an alternative time frame as determined by the Department, after one of the following:

(1) The responsible party receives information which establishes that the responsible party has affected or diminished the water supply.

(2) The responsible party is notified by the Department that the responsible party has affected or diminished the water supply.

(e) A responsible party shall notify the Department, by telephone or e-mail, within 24 hours of providing an alternate source of water to the owner of the affected or diminished water supply.

**Source**

The provisions of this § 245.307 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331046).

**Cross References**

This section cited in 25 Pa. Code § 245.306 (relating to interim remedial actions); 25 Pa. Code § 245.309 (relating to site characterization); and 25 Pa. Code § 245.310 (relating to site characterization report).

**§ 245.308. Onsite storage of contaminated soil.**

(a) Onsite storage of contaminated soil is prohibited unless performed as part of remedial action implemented in accordance with § 245.312 (relating to remedial action) or as provided for in subsection (b).

(b) Onsite storage of contaminated soil may be performed if the soil does not present a threat to human health, safety or the environment and one of the following applies:

(1) Soil excavation is necessary to perform a removal from service.

(2) Soil excavation is performed as part of an interim remedial action.

(c) Where excavated contaminated soil is stored onsite in accordance with subsection (b), the excavated soil shall be disposed of or active treatment of the excavated soil shall be initiated, within 90 days from the first day of storage or within an alternative time frame authorized by the Department in writing.

(d) If contaminated soil is stored onsite, the responsible party shall manage the soil in accordance with applicable sections of Chapter 299, Subchapter A (relating to standards for storage of residual waste) and other applicable Department regulations. In addition to the requirements in § 299.131(a) (relating to general requirements), contaminated soil piles shall be completely and securely covered, for the duration of the storage period, with an impermeable material of sufficient strength, thickness, anchoring or weighting to prevent tearing or lifting of the cover, infiltration of precipitation or surface water runoff, and exposure of the soil to the atmosphere. In addition to the requirements in § 299.115(b) (relating to nuisance control), appropriate steps shall be taken to deter public access to the storage area. This may include fencing, similar barriers, security patrols or warning signs.

(e) The Department may require immediate removal of contaminated soil if the soil is not being properly stored or managed in accordance with subsection (c) or (d), or if the Department determines that storage poses a threat to human health, safety or the environment.

#### **§ 245.309. Site characterization.**

(a) Upon confirming that a release has occurred in accordance with § 245.304 (relating to investigation and reporting of suspected releases) or after a release from a storage tank system is identified in another manner, the responsible party shall perform a site characterization.

(b) The objectives of a site characterization are to accomplish the following:

(1) Determine whether additional interim remedial actions are necessary to abate an imminent hazard to human health or the environment.

(2) Determine whether additional site characterization work is required upon completion of an interim remedial action.

(3) Determine or confirm the sources of contamination.

(4) Provide sufficient physical data, through field investigations, to determine the regulated substances involved, and the extent of migration of those regulated substances in surface water, groundwater, soil or sediment.

(5) Determine, from measurements at the site, values necessary for fate and transport analysis including hydraulic conductivity, source dimensions, hydraulic gradient, water table fluctuation and fraction organic carbon.

(6) Provide sufficient information to select a remediation standard.

(7) Provide sufficient information to allow for completion of a remedial action plan or a design for remedial action.

(c) The responsible party shall conduct the site characterization activities necessary to satisfy the objectives in subsection (b). The site characterization shall include the following tasks, as necessary, based on the nature, extent, type, volume or complexity of the release:

- (1) Identifying the need for and initiating additional interim remedial actions.
- (2) Opening storage tanks and analyzing samples of the contents to determine the regulated substances stored in the tanks.
- (3) Performing tightness testing or other release detection testing and monitoring to determine the structural integrity of the storage tank system.
- (4) Identifying and analyzing samples of affected water supplies and water supplies with the potential to be affected which were not previously identified or sampled under § 245.306(a)(4) (relating to interim remedial actions). The responsible party shall restore or replace an affected or diminished water supply in accordance with § 245.307 (relating to affected or diminished water supplies). The responsible party shall provide a copy of the sample results to the water supply owner and the Department within 5 days of receipt of the sample results from the laboratory.
- (5) Determining the location of the ecological receptors identified in § 250.311(a) (relating to evaluation of ecological receptors).
- (6) Reviewing the history of operations, releases and corrective actions at the site.
- (7) Reviewing and analyzing data collected during removal from service and interim remedial action activities.
- (8) Using geophysical survey techniques to locate storage tanks and to determine geologic and hydrogeologic characteristics of affected hydrogeologic zones and hydrogeologic zones with the potential to be affected.
- (9) Using soil survey techniques which include drilling soil borings and analyzing soil samples to determine soil characteristics and the horizontal and vertical extent of soil contamination.
- (10) Using direct push probes, piezometers, well points, monitoring wells, public and private wells, and other resources to:
  - (i) Determine the direction of groundwater flow.
  - (ii) Determine soil, geologic, hydrogeologic and aquifer characteristics, including parameters necessary for fate and transport analysis.
  - (iii) Determine the horizontal and vertical extent and evaluate the properties of free product in the subsurface.
  - (iv) Analyze groundwater samples to determine the horizontal and vertical extent of groundwater contamination.
- (11) Analyzing surface water and sediment samples to determine the extent of surface water and sediment contamination.

- (12) Assessing potential migration pathways, including sewer lines, utility lines, wells, geologic structures, hydrogeologic conditions and vapor intrusion into structures.
- (13) Performing site surveying and topographic mapping.
- (14) Developing a conceptual site model that describes the sources of contamination, fate and transport of contaminants, actual and potential receptors, and an evaluation of the vapor intrusion pathway.
- (15) Handling and disposing of site characterization wastes.
- (16) Preparing and implementing a site-specific plan for the provision of the following:
  - (i) Worker health and safety in accordance with OSHA requirements in 29 CFR 1910.120 (relating to hazardous waste operations and emergency response), including health and safety policies, medical monitoring, training and refresher courses, emergency and decontamination procedures, personal protective equipment and standard work practices.
  - (ii) The identification, management and disposition of solid, hazardous, residual and other wastes generated as part of the site characterization.
  - (iii) Establishment of data quality objectives and a quality assurance/quality control program for the performance of site characterization field activities and for the accurate collection, storage, retrieval, reduction, analysis and interpretation of all data that will be collected during the corrective action, according to appropriate standards and guidelines for environmental remediation.
- (17) Analyzing the data collected as a result of the site characterization.
- (18) Selecting a remediation standard.
- (19) Demonstrating that groundwater is not used or currently planned to be used in accordance with the selected remediation standard.
- (20) If the site-specific standard is selected, performing a risk assessment in accordance with Chapter 250, Subchapter F (relating to exposure and risk determinations).
- (21) Developing preferred remedial action options to attain the selected remediation standard.
- (22) Identifying additional investigations or pilot studies needed to design and implement the preferred remedial action options.
- (23) Performing additional tasks necessary to meet the objectives in subsection (b).
- (24) Notifying the Department by telephone or e-mail as soon as practicable, but no later than 24 hours, after the initiation of site characterization activities.

**Source**

The provisions of this § 245.309 amended November 30, 2001, effective December 1, 2001, 31 Pa.B. 6615; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331047) to (331049).

**Cross References**

This section cited in 25 Pa. Code § 245.306 (relating to interim remedial actions); and 25 Pa. Code § 245.310 (relating to site characterization report).

**§ 245.310. Site characterization report.**

(a) A responsible party shall prepare and submit to the Department within 180 days of reporting a release under § 245.305(a) (relating to reporting releases), or within an alternative time frame as determined by the Department, a site characterization report which describes the activities undertaken in accordance with § 245.309 (relating to site characterization). The responsible party shall submit two copies of the site characterization report to the Department unless directed otherwise. The site characterization report shall be complete and concisely organized and shall contain the following elements, as necessary, based on the nature, extent, type, volume or complexity of the release:

- (1) A narrative description of the site and the historical and current operations conducted at the site.
- (2) A site map showing location of buildings, roads, storage tanks, including those removed from service or closed in place, utilities, property boundaries, topographic contours, potential receptors and other information pertinent to the site characterization.
- (3) A description of natural and manmade features pertinent to the site characterization.
- (4) Details of interim remedial actions conducted at the site in accordance with § 245.306 (relating to interim remedial actions). These details must include the following, as necessary:
  - (i) A description of the type and volume of the regulated substance removed from the storage tank.
  - (ii) A discussion of fire, explosion and safety hazards which have been identified, mitigated and monitored.
  - (iii) A discussion of necessary relocation of affected residents.
  - (iv) Where free product recovery is performed, a description of:
    - (A) The regulated substance released, the thickness of free product in wells, boreholes or excavations, and the properties and vertical and horizontal distribution of any free product remaining in the subsurface.
    - (B) The type of free product recovery system used.
    - (C) Whether a discharge has or will take place during the recovery operation, and where this discharge is or will be located.
    - (D) The type of treatment applied to, and the effluent quality expected from, a discharge.
    - (E) The steps that have been or are being taken to obtain necessary permits or approvals for a discharge.
    - (F) The volume and disposition of the recovered free product.
    - (G) The date free product recovery was initiated.

- (H) The date free product recovery was completed.
- (v) Where excavation of contaminated soil is performed, a description of:
  - (A) The regulated substance released and actual volume of soil excavated.
  - (B) The method used to determine the existence and extent of contaminated soil.
  - (C) The treatment method or disposition of the excavated soil, including receipts documenting acceptance of the material at a permitted treatment or disposal facility.
  - (D) The date excavation was initiated.
  - (E) The date excavation was completed.
  - (F) The rationale for terminating soil excavation where the contaminated soil has not been excavated, including the volume of contaminated soil remaining in place, and a description of what steps will be taken to address the soils that remain unexcavated.
- (5) Details of actions conducted at the site in accordance with § 245.307 (relating to affected or diminished water supplies). These details must include the steps that have been or are being taken to restore or replace affected or diminished water supplies.
- (6) A description of the type and characteristics of regulated substances involved, including quantities, physical state, concentrations, toxicity, propensity to bioaccumulate, persistence and mobility.
- (7) The results of tightness testing or other release detection method used or conducted to determine the structural integrity of the storage tank systems.
- (8) The details of removal from service activities conducted at the site.
- (9) The identification of the sources of contamination, including the actual or estimated date and quantity of release from each source.
- (10) The location and description of affected water supplies and water supplies with the potential to be affected.
- (11) A statement certifying that the site-specific plan, prepared for worker health and safety in accordance with OSHA requirements in 29 CFR 1910.120 (relating to hazardous waste operations and emergency response), including health and safety policies, medical monitoring, training and refresher courses, emergency and decontamination procedures, personal protective equipment and standard work practices, was implemented.
- (12) A discussion and analysis to demonstrate that the site characterization objectives in § 245.309(b) have been satisfied.
- (13) The rationale, equipment, methodology and results of geophysical surveys.
- (14) The location, rationale and logs of soil borings.

- (15) The location, rationale, construction details, including methods and materials, and depth to groundwater of piezometers, well points and monitoring wells.
- (16) Groundwater contour maps depicting groundwater flow direction at the site.
- (17) A description of methods and equipment used to determine site-specific soil, geologic, hydrogeologic and aquifer properties.
- (18) Sampling locations and rationale for selection of these locations.
- (19) The results of a survey used to identify and sample public and private wells.
- (20) Parameters analyzed for, analytical methods used and detection limits of these methods.
- (21) Field and laboratory analytical results and interpretations.
- (22) Contaminant distribution maps in the media and contaminant phases.
- (23) A conceptual site model which describes the sources of contamination, the fate and transport of contaminants, actual and potential receptors, and evaluates the vapor intrusion pathway.
- (24) The disposition of site characterization wastes.
- (25) A copy of site-specific plans prepared and implemented for the provision of the following:
  - (i) The identification, management and disposition of solid, hazardous, residual and other wastes generated as part of the site characterization.
  - (ii) The data quality objectives and quality assurance/quality control program for the performance of site characterization field activities and for the accurate collection, storage, retrieval, reduction, analysis and interpretation of site characterization data.
- (26) The identification of the remediation standard which has or will be attained at the site.
- (27) The Department's written determination that groundwater is not used or currently planned to be used, if needed to attain the remediation standard selected or to be selected.
- (28) The impacts to ecological receptors as a result of the evaluation conducted in accordance with § 250.311 or § 250.402(d) (relating to evaluation of ecological receptors; and human health and environmental protection goals).
- (29) The impacts to surface water as a result of the evaluation conducted in accordance with § 250.309 or § 250.406 (relating to MSCs for surface water; and relationship to surface water quality requirements).
- (30) A summary of the remedial action option that will be used at the site to attain the selected remediation standard. The summary must include a description of the components of each option, a conceptual design and a description of any additional investigation needed to complete the design of each option.
- (31) A risk assessment report in accordance with § 250.409 (relating to risk assessment report).



(32) A demonstration that no current or future exposure pathways exist following the procedures described in § 250.404 (relating to pathway identification and elimination).

(33) A report of additional tasks performed to meet the objectives in § 245.309(b).

(b) If the responsible party determines, after completion of interim remedial actions, that further site characterization is not required, that soil is the only media of concern, and that interim remedial actions have remediated the site, the responsible party may submit a site characterization report to the Department, in lieu of the report required in subsection (a), which contains the following:

(1) A concise statement that describes the release, including information such as the amount of regulated substance that was released, the extent of contamination and interim remedial actions taken under § 245.306.

(2) Data demonstrating that the interim remedial actions have attained the Statewide health standard for the site in accordance with Chapter 250, Subchapter G (relating to demonstration of attainment).

(3) The basis for selection of the residential or nonresidential Statewide health standard.

(4) The results of the evaluation of ecological receptors conducted in accordance with § 250.311.

(5) Additional information as identified in subsection (a) necessary to fully describe the release, the extent of contamination and the interim remedial actions taken to address the release.

(c) Following submission of a complete site characterization report prepared under subsection (a), selecting the site-specific standard, or subsection (b), the Department will do one or more of the following:

(1) Review and approve the site characterization report as submitted.

(2) Review and approve the site characterization report with modifications made by the Department.

(3) Review and disapprove the site characterization report, citing deficiencies.

(4) Review and disapprove the site characterization report and direct, require or order the responsible party to perform other tasks or make modifications as prescribed by the Department.

(5) Review and disapprove the site characterization report, perform the site characterization in whole or in part and recover, in accordance with § 245.303(b) (relating to general requirements), the Department's costs and expenses involved in performing the site characterization.

(d) The Department will take one or more of the actions listed in subsection (c) within 60 days of receipt of a site characterization report meeting the requirements in subsection (b) or within 90 days of receipt of a site characterization report selecting the site-specific standard. If the Department does not respond, in

writing, within the allotted time, the report shall be deemed approved, unless the responsible party and the Department agree, in writing, to an alternative time frame.

#### Source

The provisions of this § 245.310 amended November 30, 2001, effective December 1, 2001, 31 Pa.B. 6615; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331049) to (331052) and (354377).

#### Cross References

This section cited in 25 Pa. Code § 245.311 (relating to remedial action plan); 25 Pa. Code § 245.435 (relating to reporting and recordkeeping); and 25 Pa. Code § 253.1 (relating to definitions).

### § 245.311. Remedial action plan.

(a) Unless a site characterization report is submitted in accordance with § 245.310(b) (relating to site characterization report), the responsible party shall prepare and submit to the Department two copies of the remedial action plan, unless directed otherwise. The remedial action plan must be submitted within 45 days of submission of a site characterization report required by § 245.310(a) selecting the background or Statewide health standard, within 45 days of deemed approval or receipt of a written approval of a site characterization report selecting the site-specific standard, or within an alternative time frame as determined by the Department. The remedial action plan must be submitted prior to its implementation, be complete and concisely organized and contain all of the following elements, as necessary, based on the nature, extent, type, volume or complexity of the release:

- (1) A brief summary of the site characterization report conclusions.
- (2) A copy of the plans relating to management of wastes generated and quality assurance/quality control procedures, as they relate to the remedial action, if different from the plans submitted in accordance with § 245.310(a)(25).
- (3) A list of required Federal, State and local permits or approvals to conduct the remedial action.
- (4) A discussion of how the remedial action will attain the selected remediation standard for the site.
- (5) The results of treatability, bench scale or pilot scale studies or other data collected to support the remedial action.
- (6) Design and construction details for the remedial action, including expected effectiveness.
- (7) Operation and maintenance details for the remedial action, including:
  - (i) A schedule including initiation and completion dates for all elements of the remedial action plan.

- (ii) The expected concentrations and quantities of regulated substances in any discharge.
  - (iii) The disposition of the discharge.
  - (iv) A schedule for monitoring, sampling and site inspections.
- (8) A site map showing the location of buildings, roads, property boundaries, remedial equipment locations and other information pertinent to the remedial action.
- (9) A description of the media and parameters to be monitored or sampled during the remedial action.
- (10) A description of the analytical methods to be utilized and an appropriate reference for each.
- (11) A description of the methodology that will be utilized to demonstrate attainment of the selected remediation standard.
- (12) A description of proposed postremediation care requirements, including proposed activity and use limitations to be implemented under an environmental covenant.
- (13) A description of additional items necessary to develop the remedial action plan.
- (14) A description of any water supply that remains affected or diminished, the replacement system that was provided, the analytical results of samples taken, and any maintenance or monitoring required to ensure its functionality until the supply is no longer affected or diminished.
- (b) Following submission of a complete remedial action plan selecting the background or Statewide health standard, the Department will publish an acknowledgment of receipt of the remedial action plan in the *Pennsylvania Bulletin* and do one or more of the following:
- (1) Review and approve the site characterization report and remedial action plan as submitted.
  - (2) Review and approve the site characterization report and remedial action plan with modifications made by the Department.
  - (3) Review and disapprove the site characterization report and remedial action plan, citing deficiencies.
  - (4) Review and disapprove the site characterization report and remedial action plan and direct, require or order the responsible party to perform other tasks or make modifications as prescribed by the Department.
  - (5) Review and disapprove the site characterization report and remedial action plan, prepare a remedial action plan or perform the remedial action in whole or in part, and recover, in accordance with § 245.303(b) (relating to general requirements), the Department's costs and expenses involved in preparing the remedial action plan or performing the remedial action.
  - (6) Publish a notice of its final action in the *Pennsylvania Bulletin*.

(c) Following submission of a complete remedial action plan selecting the site-specific standard, the Department will publish an acknowledgment of receipt of the remedial action plan in the *Pennsylvania Bulletin* and do one or more of the following:

- (1) Review and approve the remedial action plan as submitted.
- (2) Review and approve the remedial action plan with modifications made by the Department.
- (3) Review and disapprove the remedial action plan, citing deficiencies.
- (4) Review and disapprove the remedial action plan and direct, require or order the responsible party to perform other tasks or make modifications as prescribed by the Department.
- (5) Review and disapprove the remedial action plan, prepare a remedial action plan or perform the remedial action in whole or in part, and recover, in accordance with § 245.303(b), the Department's costs and expenses involved in preparing or performing the remedial action plan.

(6) Publish a notice of its final action in the *Pennsylvania Bulletin*.

(d) A remedial action plan is not required and no remedy is required if the site-specific standard is chosen and no current or future exposure pathways exist.

(e) The Department will take one or more of the actions listed in subsection (b) within 60 days of receipt of a remedial action plan to attain the background or Statewide health standard, or the Department will take one or more of the actions listed in subsection (c) within 90 days of receipt of a remedial action plan to attain the site-specific standard. If the Department does not respond, in writing, within the allotted time, the report and plan or plan shall be deemed approved, unless the responsible party and the Department agree, in writing, to an alternative time frame.

(f) If the site characterization report and remedial action plan are submitted to the Department at the same time, the Department will take one or more of the actions listed in subsection (b) within 60 days of receipt of a report and plan to attain the background or Statewide health standard, or the Department will take one or more of the actions listed in subsection (c) within 90 days of receipt of a report and plan to attain the site-specific standard. If the Department does not respond, in writing, within the allotted time, the report and plan shall be deemed approved, unless the responsible party and the Department agree, in writing, to an alternative time frame.

#### Source

The provisions of this § 245.311 amended November 30, 2001, effective December 1, 2001, 31 Pa.B. 6615; November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (354377) to (354378) and (384201) to (384202).

#### Cross References

This section cited in 25 Pa. Code § 78a.66 (relating to reporting and remediating spills and releases); 25 Pa. Code § 245.312 (relating to remedial action); and 25 Pa. Code § 245.435 (relating to reporting and recordkeeping).

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**§ 245.312. Remedial action.**

(a) Upon reasonable notice by the Department to the responsible party, or upon approval of the remedial action plan by the Department, the responsible party shall implement the remedial action plan, or a portion of the remedial action plan, according to the schedule contained therein.

(b) During implementation of the remedial action plan, remedial action progress reports shall be submitted to the Department quarterly or at an alternative interval as determined by the Department.

(c) Each remedial action progress report shall provide the data generated during the reporting period and shall show the progress to date toward attainment of the selected remediation standard. Each report shall be complete and concisely organized and shall contain the following elements, as necessary, based on the nature, extent, type, volume or complexity of the release:

(1) A summary of site operations and remedial progress made during the reporting period.

(2) Data collected from monitoring and recovery wells showing depth to groundwater and thickness and horizontal extent of free product.

(3) Groundwater contour maps depicting groundwater flow direction.

(4) Quantitative analytical results from replacement water supply system, groundwater, surface water, soil and sediment sampling.

(5) Maps for all media and all phases at specified times that indicate the distribution of concentrations of regulated substances.

(6) For fate and transport analyses, the following information, in addition to that required by § 250.204(f)(5) (relating to final report):

(i) An isoconcentration map showing the configuration and concentrations of contaminants within the plume being analyzed.

(ii) Sufficient information from monitoring data to establish whether the plume is stable, shrinking or expanding.

(iii) Input parameters for the analysis and the rationale for their selection.

(iv) Figures showing the orientation of the model or analysis to the field data.

(v) Comparison and analysis of the model or mathematical output to the actual field data.

(7) Reporting period and cumulative amounts of free product recovered, groundwater treated, and soil and sediment treated or disposed.

(8) Treatment and disposal documentation for waste generated during the reporting period.

(9) Demonstration that required Federal, State and local permits and approvals are being complied with.

(10) A summary of data collected from any water supply that remains affected or diminished, and any maintenance performed.

(11) A report of additional items necessary to describe the progress of the remedial action.

(d) The first remedial action progress report shall be received by the Department 3 months following the date of remedial action plan implementation or at an alternative interval as determined by the Department. The final remedial action progress report shall be submitted to the Department as part of the remedial action completion report.

(e) If during implementation of the remedial action plan the responsible party decides to change the remedial action plan, the responsible party shall prepare and submit, to the Department, a new or modified remedial action plan, to include selection of the new remediation standard, if applicable, in accordance with § 245.311 (relating to remedial action plan).

(f) If during implementation of the remedial action plan the responsible party determines that continued implementation of the remedial action plan will cause additional environmental harm, the responsible party shall suspend remedial action and notify the Department, by telephone, within 24 hours of suspension. The responsible party shall prepare and submit a new or modified remedial action plan, to include selection of the new remediation standard, if applicable, to the Department in accordance with § 245.311.

(g) If during implementation of the remedial action plan the Department determines that the remedial action plan will not attain the selected remediation standard or will cause additional environmental harm, the Department may require the responsible party to suspend remedial action and notify the Department, by telephone or e-mail, within 24 hours of suspension. The Department may require the responsible party to prepare and submit a new or modified remedial action plan, to include selection of the new remediation standard, if applicable, to the Department in accordance with § 245.311.

#### Source

The provisions of this § 245.312 amended November 30, 2001, effective December 1, 2001, 31 Pa.B. 6615; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (384202) to (384203).

#### Cross References

This section cited in 25 Pa. Code § 245.308 (relating to onsite storage of contaminated soil); and 25 Pa. Code § 245.435 (relating to reporting and recordkeeping).

### § 245.313. Remedial action completion report.

(a) When the selected remediation standard has been attained, the responsible party shall submit a remedial action completion report to the Department.

(b) The remedial action completion report must be complete and concisely organized and must contain the following elements, as necessary, based on the remediation standard attained:

(1) Data demonstrating that the remedial actions have attained the selected standard for the site in accordance with Chapter 250, Subchapter G (relating to demonstration of attainment).

(2) When the background standard has been attained, the remedial action completion report shall include the requirements in § 250.204(f) and (g) (relating to final report).

(3) When the Statewide health standard has been attained, the remedial action completion report shall include the requirements in § 250.312(a)—(h) (relating to final report).

(4) When the site-specific standard is attained, the remedial action completion report shall include the requirements in § 250.411(c), (d) and (f) (relating to final report).

(5) For fate and transport analyses, the following information, in addition to that required by § 250.204(f)(5):

(i) An isoconcentration map showing the configuration and concentrations of contaminants within the plume being analyzed.

(ii) Sufficient information from monitoring data to establish whether the plume is stable, shrinking or expanding.

(iii) Input parameters for the analysis and the rationale for their selection.

(iv) Figures showing the orientation of the model or analysis to the field data.

(v) Comparison and analysis of the model or mathematical output to the actual field data.

(c) Following submission of the remedial action completion report, the Department will publish an acknowledgment of receipt of the remedial action completion report in the *Pennsylvania Bulletin* and do one or more of the following:

(1) Review and approve the remedial action completion report as submitted.

(2) Review and approve the remedial action completion report with modifications made by the Department.

(3) Review and disapprove the remedial action completion report, citing deficiencies.

(4) Review and disapprove the remedial action completion report and direct, require or order the responsible party to perform other tasks or make modifications as prescribed by the Department.

(5) Review and disapprove the remedial action completion report, perform the site characterization or remedial action and recover, in accordance with § 245.303(b) (relating to general requirements), the Department's costs and expenses involved in preparing the remedial action completion report.

(6) Publish a notice of its final action in the *Pennsylvania Bulletin*.

(d) The Department will take one or more of the actions listed in subsection (c) within 60 days of receipt of the remedial action completion report demonstrating attainment of the background or Statewide health standard, or within 90 days of receipt of a remedial action completion report demonstrating attainment of the

site-specific standard. If the Department does not respond, in writing, within the allotted time, the report shall be deemed approved, unless the responsible party and the Department agree, in writing, to an alternative time frame.

#### Source

The provisions of this § 245.313 amended November 30, 2001, effective December 1, 2001, 31 Pa.B. 6615; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (384203) to (384205).

#### Cross References

This section cited in 25 Pa. Code § 78a.66 (relating to reporting and remediating spills and releases); 25 Pa. Code § 245.435 (relating to reporting and recordkeeping); and 25 Pa. Code § 253.1 (relating to definitions).

### § 245.314. Professional seals.

Reports submitted to satisfy this subchapter containing information or analysis that constitutes professional geologic or engineering work as defined by the Engineer, Land Surveyor and Geologist Registration Law (63 P.S. §§ 148—158.2) shall be sealed by a professional geologist or engineer who is in compliance with the requirements of that statute.

#### Source

The provisions of this § 245.314 adopted November 30, 2001, effective December 1, 2001, 31 Pa.B. 6615.

## Subchapter E. TECHNICAL STANDARDS FOR UNDERGROUND STORAGE TANKS

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**UNDERGROUND STORAGE TANK SYSTEMS: DESIGN,  
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**Source**

The provisions of this subchapter E adopted October 10, 1997, effective October 11, 1997, 27 Pa.B. 5341, unless otherwise noted.

**Cross References**

This subchapter cited in 25 Pa. Code § 245.1 (relating to definitions); 25 Pa. Code § 245.222 (relating to application requirements); and 25 Pa. Code § 245.232 (relating to general requirements).

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**GENERAL****§ 245.401. Purpose.**

This subchapter establishes the operational and technical requirements for underground storage tanks and underground storage tank facilities.

**§ 245.402. Scope.**

This subchapter applies to underground storage tank systems regulated under the act and this chapter.

**Source**

The provisions of this § 245.402 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331061).

**§ 245.403. Applicability.**

(a) *General.* The requirements in this subchapter apply to owners and operators, as well as installers and inspectors of underground storage tank systems as defined in § 245.1 (relating to definitions), except as otherwise provided in subsections (c) and (d).

(b) *Emergency power generator fuel tanks.* Underground storage tank systems that store fuel solely for use by emergency power generators must meet the requirements in §§ 245.441—245.446 (relating to release detection) as follows:

(1) Underground storage tank systems installed on or before November 10, 2007, must meet the requirements in §§ 245.441—245.446 on or before December 21, 2020.

(2) Underground storage tank systems installed after November 10, 2007, must meet the requirements in §§ 245.441—245.446 on or before December 22, 2019.

(3) Underground storage tank systems installed after December 22, 2018, must meet the requirements in §§ 245.441—245.446 at installation.

(c) *Partial exclusions.* Except as provided in paragraph (4), the following underground storage tanks systems are not required to comply with §§ 245.411, 245.421(b)(3) and (4)(ii) and (iii), 245.422(d), 245.432(g) and 245.436—245.446:

(1) A wastewater treatment tank system installed on or after May 7, 1985, that is not part of a wastewater treatment facility regulated under sections 307(b) or 402 of the Clean Water Act (33 U.S.C.A. §§ 1317(b) and 1342).

(2) An underground storage tank system installed on or after May 7, 1985, containing radioactive material that is regulated under the Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011—2296b-7).

(3) An underground storage tank system installed on or after May 7, 1985, that is part of an emergency generator system at a nuclear power generation facility licensed by the United States Nuclear Regulatory Commission and sub-

ject to United States Nuclear Regulatory Commission requirements regarding design and quality criteria, including 10 CFR Part 50 (relating to domestic licensing of production and utilization facilities).

(4) An underground storage tank system referenced in paragraph (1), (2), or (3) installed before May 7, 1985, is not required to comply with §§ 245.411—245.422, 245.424, 245.432, 245.433 and 245.436—245.446.

(d) *Previously excluded underground storage tanks.* Underground storage tank systems that were not required to be registered with the Department prior to December 22, 2018, shall be registered with the Department by February 20, 2019. Underground storage tanks include all of the following:

(1) Field-constructed underground storage tanks installed on or before October 11, 1997, that the Department previously did not require to be registered as a matter of policy. These tanks are temporarily excluded from §§ 245.421, 245.422, 245.431, 245.432, 245.437 and 245.441—245.446, until December 22, 2019.

(2) Underground storage tank systems referenced in subsection (c)(1)—(3) installed on or before December 22, 2018.

#### Source

The provisions of this § 245.403 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331061).

#### § 245.404. Variances.

When unique or peculiar circumstances make compliance with this subchapter technically impractical, infeasible or unsafe, the Department may, upon written application from the owner of a storage tank system subject to this subchapter, grant a variance from one or more specific provisions of this subchapter:

(1) A variance may only be granted when the storage tank system meets alternative technical standards that fully protect human health and the environment.

(2) A written application for a variance shall be submitted to the Department and provide the following information:

(i) The facility name and identification number for which the variance is sought.

(ii) The specific sections of this subchapter from which a variance is sought.

(iii) The unique or peculiar conditions which make compliance with the sections identified in subparagraph (ii) technically impractical, infeasible or unsafe.

(iv) Evidence, including plans, specifications and test results, which supports an alternative design, practice, schedule or method as being no less

protective of human health and the environment than the requirements of the sections identified in subparagraph (ii).

(3) New technologies may be granted a variance. New technologies shall be reviewed and documented by a professional engineer and documentation provided to the Department with the variance request.

(4) When granting the variance, the Department may impose specific conditions necessary to ensure the adequate protection of human health and the environment.

(5) The Department will provide to the applicant a written notice of approval, approval with additional conditions or denial. Granted variances will be published in the *Pennsylvania Bulletin*.

(6) The Department may not grant any variance which would result in regulatory controls less stringent than other applicable Federal or State regulations, such as 37 Pa. Code Chapter 11 (relating to flammable and combustible liquids; preliminary provisions) and 40 CFR Part 280 (relating to technical standards and corrective action requirements for owners and operators of underground storage tanks (UST)).

#### Source

The provisions of this § 245.404 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331061) to (331062).

#### Cross References

This section cited in 25 Pa. Code § 245.435 (relating to reporting and recordkeeping).

### § 245.405. Codes and standards.

(a) The following Nationally-recognized associations and their codes and standards shall be used in conjunction with manufacturer's specifications to comply with this subchapter:

- (1) American Concrete Institute (ACI).
- (2) American National Standards Institute (ANSI).
- (3) American Petroleum Institute (API).
- (4) American Society for Testing and Materials (ASTM).
- (5) Association of Composite Tanks (ACT).
- (6) Fiberglass Petroleum Tank and Pipe Institute.
- (7) NACE International—The Corrosion Society (NACE).
- (8) National Fire Protection Association (NFPA).
- (9) National Leak Prevention Association (NLPA).
- (10) Petroleum Equipment Institute (PEI).
- (11) Steel Tank Institute (STI).
- (12) Underwriters Laboratory (UL).

(b) The most current or latest edition of the codes and standards shall be applied when used to meet the technical standards and requirements of this sub-

chapter. Other Nationally-recognized associations and their codes and standards not referenced in this part may also be used to comply with this subchapter, when approved by the Department.

(c) When Nationally-recognized codes and standards or manufacturer's specifications are updated, facilities or storage tank systems installed to previously existing standards prior to the update will not automatically be required to be upgraded to meet the new standards, unless specifically required in the revised standards or by the Department.

(d) Regulatory requirements shall prevail over Nationally-recognized codes and standards whenever there is a conflict.

#### Source

The provisions of this § 245.405 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979. Immediately preceding text appears at serial pages (234723) to (234724).

#### Cross References

This section cited in 25 Pa. Code § 245.132 (relating to standards of performance); and 25 Pa. Code § 245.432 (relating to operation and maintenance including corrosion protection).

## INSPECTIONS

### § 245.411. Inspection frequency.

(a) *Inspection of underground storage tank systems.* Underground storage tank owners or operators shall have their underground storage tank systems inspected by a certified inspector at the frequency in subsections (b) and (c). The inspection shall include release detection, assessment of the underground storage tank system and ancillary equipment, operation of overfill and spill prevention equipment where practicable, corrosion protection testing, or verification that corrosion protection is functional, and release prevention measures.

(b) *Initial inspections.* Newly installed underground storage tank systems shall be inspected between 6 to 12 months after installation. If the tank ownership changes, an inspection of the underground storage tank system shall be completed between the first 6 to 12 months of operation unless another time frame is agreed to by the Department.

(c) *Subsequent inspections.*

(1) The interval between subsequent inspections may not exceed 3 years (36 months) beginning after the last inspection, except as provided in paragraph (2).

(2) An inspection in addition to those required in subsection (b) and paragraph (1) may be required by the Department when the prior inspection determined release detection, corrosion protection or operational violations occurred, or when the Department determines the inspection is necessary to verify compliance with this subchapter.

(d) *Training.* The Department may require facility owners and operators to successfully complete a release detection, release prevention or operator training course, such as those offered by Nationally recognized associations or professional industry trainers approved under § 245.141 (relating to training approval), when related violations are documented through an inspection. Owners and operators of underground storage tanks that the Department determines through inspection are failing to meet EPA guidelines for significant operational compliance shall be retrained in a manner consistent with the training recommended in Department guidance entitled “Underground Storage Tank Class A and Class B Operator Training Courses.” The owner or operator shall incur the costs of the training.

#### Source

The provisions of this § 245.411 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (347249) to (347250).

#### Cross References

This section cited in 25 Pa. Code § 245.106 (relating to conflict of interest); 25 Pa. Code § 245.113 (relating to certified inspector experience and qualifications); 25 Pa. Code § 245.403 (relating to applicability); 25 Pa. Code § 245.436 (relating to operator training); and 25 Pa. Code § 245.451 (relating to temporary removal from service (out-of-service)).

## UNDERGROUND STORAGE TANK SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION AND NOTIFICATION

### § 245.421. Performance standards for underground storage tank systems.

#### (a) *New underground storage tank systems.*

(1) Underground storage tank systems installed or replaced after November 10, 2007, must have total secondary containment, which consists of double-walled tanks, double-walled piping (for piping that routinely contains and conveys regulated substances (product)) and liquid-tight containment sumps. The sumps must be installed at piping connections that routinely contain and convey product from the tank, such as tank-top sumps and dispenser pan sumps, that allow for release detection monitoring of the system (See PEI RP 100). Also, new or replacement tank systems installed with pressurized product piping systems must be equipped with automatic line leak detectors and automatic pump shutoff devices that meet the requirements of § 245.445(1) (relating to methods of release detection for piping).

(2) At least 30 days prior to the installation of a tank, piping system, replacement or additional dispenser, or underground storage tank system, or within another reasonable time frame agreed upon by the Department, owners

and operators shall notify the Department of the proposed installation on a form provided by the Department.

(3) An owner or operator of an underground storage tank changing from unregulated to regulated service shall provide certification by a Department-certified installer that the underground storage tank system meets new underground storage tank system requirements, on a form provided by the Department, prior to placing product into the tank and operating the storage tank system.

(b) To prevent releases due to structural failure, corrosion or spills and overfills for as long as the underground storage tank system is used to store regulated substances, owners and operators of new and existing underground storage tank systems shall ensure that the system meets the following requirements:

(1) *Tanks.* A tank must be properly designed and constructed. A tank or portion of a tank including the outer metallic wall of a double-walled tank that is underground and routinely contains product shall be protected from corrosion in accordance with a code of practice developed by a Nationally recognized association or independent testing laboratory, using one of the following methods:

- (i) The tank is constructed of fiberglass-reinforced plastic.
- (ii) The tank is constructed of steel and cathodically protected in the following manner:

(A) The tank is coated with a suitable dielectric material.

(B) Field-installed cathodic protection systems are designed by a corrosion expert.

(C) Impressed current systems are designed by a corrosion expert and allow determination of current operating status as required in § 245.432(a)(3) (relating to operation and maintenance including corrosion protection).

(D) Cathodic protection systems are operated and maintained in accordance with § 245.432.

(iii) The tank is constructed of steel and clad or jacketed with a non-corrodible material.

(iv) The tank is constructed of metal without additional corrosion protection measures if:

(A) The tank is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life.

(B) Owners and operators maintain records that demonstrate compliance with clause (A) for the remaining life of the tank.

(2) *Piping.* The piping and ancillary equipment that routinely contain regulated substances shall be protected from corrosion and deterioration. New piping systems that routinely contain and convey regulated substances from the tank must be double-walled with liquid-tight containment sumps installed in

accordance with paragraph (4)(ii). Whenever 50% or more of the existing piping that routinely contains and conveys product from the tank is replaced, the entire piping system that routinely contains and conveys product from the tank shall be replaced meeting the requirements for new piping systems in this section. The portions of the product piping system, including joints, flexible connectors and ancillary equipment that are in contact with the ground must be properly designed, constructed and protected from corrosion in accordance with a code of practice developed by a Nationally recognized association or independent testing laboratory using one of the following methods:

(i) The piping or component is constructed of nonmetallic material such as fiberglass reinforced plastic or other noncorrodible and UL listed material.

(ii) The piping or component is constructed of metal and cathodically protected in the following manner:

(A) The piping is coated with a suitable dielectric material. The wrapping of piping with tape or similar material alone does not meet this requirement.

(B) Field-installed cathodic protection systems are designed by a corrosion expert.

(C) Impressed current systems are designed by a corrosion expert and allow determination of current operating status as required in § 245.432(a)(3).

(D) Cathodic protection systems are operated and maintained in accordance with § 245.432.

(iii) The piping is constructed of metal without additional corrosion protection measures if:

(A) The piping is installed at a site that is determined by a corrosion expert to not be corrosive enough to cause it to have a release due to corrosion during its operating life.

(B) Owners and operators maintain records that demonstrate compliance with clause (A) for the remaining life of the piping.

(3) *Spill and overflow prevention equipment.*

(i) Except as provided in subparagraph (vi), to prevent spilling and overflowing associated with product transfer to the underground storage tank system, owners and operators shall ensure that their systems have the following spill and overflow prevention equipment permanently installed:

(A) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe—for example, a spill catchment basin or spill containment bucket.

(B) Overflow prevention equipment that will do one or more of the following:

(I) Automatically shut off flow into the tank when the tank is no more than 95% full.



- (II) Alert the transfer operator when the tank is no more than 90% full by restricting the flow into the tank or triggering a high-level alarm.
- (ii) Bypassing overfill protection is prohibited. For example, bypassing the ball float valve with coaxial stage-1 vapor recovery systems or a spill containment bucket drain valve is prohibited.
- (iii) Ball float valves may not be used to comply with this subsection when overfill prevention is installed or replaced after December 22, 2018.
- (iv) Existing ball float valves may not be used on suction pump systems having an air eliminator, or on any system having coaxial stage-1 vapor recovery systems or receiving pressurized pump deliveries.
- (v) Spill and overfill prevention equipment must be periodically tested or evaluated in accordance with § 245.437 (relating to periodic testing). Required tests shall be documented on a form provided by the Department and shall be maintained onsite at the storage tank facility or at a readily available alternative site.
- (vi) Owners and operators are not required to use the spill and overfill prevention equipment specified in subparagraph (i) if the underground storage tank system is filled by transfers of no more than 25 gallons at one time.
- (4) *Installation.*
- (i) Underground storage tank systems shall be properly installed and system integrity tested in accordance with a code of practice developed by a Nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions.
- (ii) Spill prevention equipment and containment sumps must be constructed to be liquid-tight, and shall be tested prior to use of the system to confirm liquid-tight construction using a hydrostatic test, vacuum test or other Nationally recognized liquid-tight testing procedure or method recommended by the containment equipment manufacturer.
- (iii) Overfill prevention equipment shall be properly installed and tested in accordance with a code of practice developed by a Nationally recognized association, and in accordance with manufacturer's instructions.

#### Source

The provisions of this § 245.421 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (347250) and (331065) to (331068).

#### Cross References

This section cited in 25 Pa. Code § 245.403 (relating to applicability); 25 Pa. Code § 245.422 (relating to upgrading of existing underground storage tank systems); 25 Pa. Code § 245.425 (relating to reuse of removed tanks); 25 Pa. Code § 245.434 (relating to repairs allowed); 25 Pa. Code § 245.435 (relating to reporting and recordkeeping); 25 Pa. Code § 245.437 (relating to periodic testing); 25 Pa. Code § 245.445 (relating to methods of release detection for piping); and 25 Pa. Code § 245.451 (relating to temporary removal from service (out-of-service)).

**§ 245.422. Upgrading of existing underground storage tank systems.**

(a) *Alternatives allowed.* By December 22, 1998, existing underground storage tank systems shall comply with one of the following requirements:

(1) Underground storage tank system performance standards under § 245.421(b) (relating to performance standards for underground storage tank systems).

(2) The upgrading requirements in subsections (b)—(d).

(3) Closure requirements under §§ 245.451—245.455 (relating to out-of-service underground storage tank systems and closure), including applicable requirements for corrective action under Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties).

(b) *Tank upgrading requirements.* Steel tanks shall be upgraded to meet one of the following requirements in accordance with a code of practice developed by a Nationally recognized association or independent testing laboratory:

(1) *Interior lining.* A tank may only be upgraded by internal lining for corrosion protection prior to November 10, 2007. Existing lined tanks must meet the following conditions:

(i) The lining was installed in accordance with § 245.434 (relating to repairs allowed).

(ii) Within 10 years after lining, and every 5 years thereafter, the lined tank is internally evaluated by, or under the direct onsite supervision of a certified tank liner (TL) or by a professional engineer adhering to the evaluation process developed by a National association (See API 1631 and NLPA 631) and found to be structurally sound with the lining still performing in accordance with original design specifications. The evaluation findings shall be documented on a form approved by the Department and shall be maintained at the facility for the duration of the tank's operating life.

(iii) Lined tank systems that do not meet original design specifications or have not been evaluated as required in subparagraph (ii) shall be emptied, removed from service, and permanently closed in accordance with §§ 245.451 and 245.452 (relating to temporary removal from service (out-of-service); and permanent closure and changes-in-service).

(2) *Cathodic protection.* A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements in § 245.421(b)(1)(ii)(B)—(D) and the integrity of the tank is ensured using one or more of the following methods:

(i) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system.

(ii) The tank is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corro-

sion during its operating life. Owners and operators shall maintain records that demonstrate compliance with this requirement for the remaining life of the tank.

(iii) The tank is assessed for corrosion holes by a method that is determined by the Department to prevent releases in a manner that is no less protective of human health and the environment than subparagraph (i).

(3) *Internal lining combined with cathodic protection.* A tank upgraded prior to November 10, 2007, having both internal lining and cathodic protection must meet the following:

(i) The lining was installed in accordance with the requirements in § 245.434.

(ii) The cathodic protection system meets § 245.421(b)(1)(ii)(B)—(D).

(c) *Piping upgrading requirements.* Metal piping and fittings that routinely contain regulated substances and are in contact with the ground must be one or more of the following:

(1) Replaced with piping meeting the requirements of new piping in § 245.421(b)(2)(i) and (ii).

(2) Cathodically protected in accordance with a code of practice developed by a Nationally recognized association or independent testing laboratory and meets the requirements in § 245.421(b)(2)(ii)(B)—(D).

(3) Installed at a site that is determined to not be corrosive enough to cause a release due to corrosion for the remaining operating life of the piping under § 245.421(b)(2)(iii).

(d) *Spill and overflow prevention equipment.* To prevent spilling and overflowing associated with product transfer to the underground storage tank system, underground storage tank systems must comply with underground storage tank system spill and overflow prevention equipment requirements in § 245.421(b)(3) and (4).

(e) *Under-dispenser containment.* When an existing dispenser is replaced with another dispenser and equipment at or below the shear valve needed to connect the dispenser to the underground storage tank system is replaced, under-dispenser containment meeting the requirements in § 245.421(b)(4)(ii) is required. This equipment may include check valves, shear valves, vertical risers, flexible connectors or other transitional components. Under-dispenser containment shall also be installed when a major modification as defined in § 245.1 (relating to definitions) is performed at the dispenser area involving excavation beneath the dispenser.

#### Source

The provisions of this § 245.422 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 24, 2009, effective December 26, 2009, 39 Pa.B. 7190; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331068) and (347251) to (347252).

**Cross References**

This section cited in 25 Pa. Code § 245.110 (relating to certification of installers); 25 Pa. Code § 245.403 (relating to applicability); 25 Pa. Code § 245.432 (relating to operation and maintenance including corrosion protection); 25 Pa. Code § 245.435 (relating to reporting and recordkeeping); and 25 Pa. Code § 245.451 (relating to temporary removal from service (out-of-service)).

**§ 245.423. [Reserved].****Source**

The provisions of this § 245.423 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; reserved December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (347252) and (331071).

**§ 245.424. Standards for new field constructed tank systems.**

Field constructed tanks shall meet or exceed the technical requirements of a manufactured tank containing the same regulated substance. The system shall also:

- (1) Be designed by a professional engineer having training and experience in the construction of underground storage tank systems.
- (2) Meet the permitting requirements of Subchapter C (relating to permitting of underground and aboveground storage tank systems and facilities).

**Cross References**

This section cited in 25 Pa. Code § 245.403 (relating to applicability).

**§ 245.425. Reuse of removed tanks.**

A storage tank removed from the ground may be reused as a regulated underground storage tank under the following circumstances:

- (1) The tank was properly closed in accordance with § 245.452 (relating to permanent closure and changes-in-service) at the site where previously used.
- (2) The tank is installed at the new site by a certified installer.
- (3) The new installation meets the requirements of § 245.421 (relating to performance standards for underground storage tank systems).
- (4) The tank is compatible with the substance to be stored in accordance with §§ 245.2(c) and 245.433 (relating to general; and compatibility).
- (5) Either the manufacturer, a person certified by the manufacturer or a registered professional engineer warrants that the tank meets the requirements of § 245.421(b)(1).

**Source**

The provisions of this § 245.425 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979. Immediately preceding text appears at serial page (234730).

**GENERAL OPERATING REQUIREMENTS****§ 245.431. Spill and overflow control.**

(a) Owners and operators shall ensure that releases due to spilling or overflowing do not occur. The owner and operator shall ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overflowing and spilling.

(b) The owner and operator shall report, investigate and clean up spills and overfills in accordance with Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties).

**Cross References**

This section cited in 25 Pa. Code § 245.403 (relating to applicability).

**§ 245.432. Operation and maintenance including corrosion protection.**

(a) Owners and operators of metal underground storage tank systems with corrosion protection shall comply with all of the following requirements to ensure that releases due to corrosion are prevented until the underground storage tank system is permanently closed or undergoes a change-in-service in accordance with § 245.452 (relating to permanent closure and changes-in-service).

(1) Corrosion protection systems shall be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances.

(2) Underground storage tank systems equipped with cathodic protection systems shall be tested for proper operation by a qualified cathodic protection tester in accordance with the following requirements:

(i) *Frequency.* Cathodic protection systems shall be tested within 6 months of installation and at least every 3 years thereafter.

(ii) *Inspection criteria.* The criteria that are used to determine that cathodic protection is adequate as required by this section shall be in accordance with a code of practice developed by a Nationally recognized association.

(iii) *Documentation.* Surveys of cathodic protection systems required under this chapter shall be documented on a form provided by the Department and shall be provided to the Department upon request.

- (3) Underground storage tank systems with impressed current cathodic protection systems shall be checked every 60 days to ensure the equipment is functioning as designed. At a minimum, the operator or person conducting the 60-day check shall document the date checked, annotate the system's functioning status, and for systems equipped with a direct current readout meter, record the amount of current indicated on the meter.
- (4) For underground storage tank systems using cathodic protection, records of the operation of the cathodic protection shall be maintained, in accordance with § 245.435 (relating to reporting and recordkeeping) to demonstrate compliance with the performance standards in this section. These records must provide the following:
- (i) The results of the last three checks required in paragraph (3).
  - (ii) The results of testing from the last two surveys required in paragraph (2).
- (b) Monitoring and observation wells shall be clearly identified using industry codes and standards, and caps shall be secured to prevent unauthorized or accidental access.
- (c) Underground storage tank systems and storage tank system components, including tanks, piping, line leak detectors, product sensors and probes, containment sumps, measuring devices (including gauge sticks), gauges, corrosion protection, spill prevention, overfill prevention and other appurtenances whose failure could contribute to a release of product, shall be maintained in a good state of repair to ensure they function as designed.
- (d) Tanks which have been lined and have not had corrosion protection added in accordance with § 245.422(b)(2) (relating to upgrading of existing underground storage tank systems) shall have the lining evaluated by, or under the direct onsite supervision of, a TL certified tank installer or by a professional engineer.
- (1) Evaluations must adhere to an evaluation process developed by a National association identified in § 245.405 (relating to codes and standards) (See API 1631 and NLPAs 631) as follows:
    - (i) Ten years after lining installation.
    - (ii) Every 5 years after the preceding evaluation.
  - (2) Each evaluation finding shall be documented on a form approved by the Department and shall be maintained at the facility for the duration of the tank's operating life.
- (e) Lined tank systems that do not meet original design specifications or have not been evaluated as required in subsection (d)(1) and (2) shall be emptied, removed from service and permanently closed in accordance with § 245.451 (relating to temporary removal from service (out-of-service)) and § 245.452.
- (f) Primary and secondary containment structures, containment sumps and spill prevention equipment must be maintained in a leak-free condition. If any liquid or regulated substance is detected, the liquid or regulated substance shall

be immediately removed and the defective component, if applicable, shall be repaired in accordance with § 245.434 (relating to repairs allowed). Repairs, including those performed to stop infiltration, shall be tested in accordance with § 245.434(4).

(g) A check for water in petroleum tanks shall be performed monthly and excess water shall be promptly removed as necessary. Water may not exceed the tank manufacturer's recommendations, product supplier's guidelines, or 2 inches of accumulation in the bottom of the tank, whichever is less. No amount of water is desirable in gasoline containing ethanol. Therefore, water should not be allowed to accumulate in tanks containing ethanol. Excess water shall be properly managed in accordance with applicable State and Federal requirements, such as Chapter 299 (relating to storage and transportation of residual waste), 40 CFR Part 261, Subpart B (relating to criteria for identifying the characteristics of hazardous waste and for listing hazardous waste) and 29 CFR Part 1910 (relating to occupational safety and health standards).

#### Source

The provisions of this § 245.432 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331072) and (384207) to (384208).

#### Cross References

This section cited in 25 Pa. Code § 78a.57 (relating to control, storage and disposal of production fluids); 25 Pa. Code § 245.403 (relating to applicability); 25 Pa. Code § 245.421 (relating to performance standards for new underground storage tank systems); 25 Pa. Code § 245.434 (relating to repairs allowed); 25 Pa. Code § 245.435 (relating to reporting and recordkeeping); 25 Pa. Code § 245.444 (relating to methods of release detection for tanks); and 25 Pa. Code § 245.451 (relating to temporary removal from service (out-of-service)).

### § 245.433. Compatibility.

(a) Owners and operators shall use an underground storage tank system made of or lined with materials that are compatible with the substance stored in the underground storage tank system.

(b) Upon Department request, an owner and operator of an underground storage tank shall submit on a form provided by the Department information verifying compatibility of the underground storage tank system with the substance stored prior to storing the substance in the underground storage tank.

(c) An owner and operator of an underground storage tank system shall demonstrate compatibility of the underground storage tank system with the substance stored by using one or more of the following:

(1) Certification or listing of the underground storage tank system equipment or component by a Nationally recognized, independent testing laboratory for use with the substance stored.

(2) Equipment or component manufacturer approval. The manufacturer's approval must be in writing, indicate an affirmative statement of compatibility with the substance stored, and be from the equipment or component manufacturer.

(3) Verification by a Pennsylvania-licensed professional engineer who has knowledge, experience and training in materials science that the equipment or component is compatible with the substance stored. The Department may request documentation supporting the professional engineer's verification.

(4) Another option that is determined by the Department to be at least as protective of human health and the environment as those in paragraphs (1)—(3).

#### Source

The provisions of this § 245.433 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (384208).

#### Cross References

This section cited in 25 Pa. Code § 245.403 (relating to applicability); and 25 Pa. Code § 245.425 (relating to reuse of removed tanks).

### § 245.434. Repairs allowed.

Owners and operators of underground storage tank systems shall ensure that repairs will prevent releases due to structural failure or corrosion as long as the underground storage tank system is used to store regulated substances. The repairs must meet the following requirements:

(1) Repairs involving a tank handling activity shall be performed by or under the direct, onsite supervision and control of a certified installer.

(2) Repairs to underground storage tank systems shall be properly conducted in accordance with a code of practice developed by a Nationally recognized association or an independent testing laboratory.

(3) Metal pipe sections and fittings that have released product as a result of corrosion or other damage shall be replaced. Noncorrodible pipes and fittings may be repaired; repairs shall be made in accordance with the manufacturer's specifications.

(4) Repairs to secondary containment areas of tanks and piping, containment sumps and spill prevention equipment shall be tested for tightness according to the manufacturer's instructions, a code of practice developed by a Nationally recognized association or independent testing laboratory prior to returning the underground storage tank system to operating status. All other repairs to tanks, containment sumps and piping shall be tightness tested in accordance with §§ 245.421(b)(4)(ii), 245.444(2) and 245.445(2) (relating to performance standards for underground storage tank systems; methods of release detection for tanks; and methods of release detection for piping),



respectively, prior to placing the underground storage tank system back into service except as provided as follows:

(i) The repaired tank is internally inspected in accordance with a code of practice developed by a Nationally recognized association or an independent testing laboratory.

(ii) Another test method is used that is determined by the Department to be at least as protective of human health and the environment as listed in subparagraph (i).

(5) Within 6 months following the repair of a cathodically protected underground storage tank system, the cathodic protection system shall be tested in accordance with § 245.432(a)(2) and (3) (relating to operation and maintenance including corrosion protection) to ensure that it is operating properly.

(6) Underground storage tank system owners and operators shall maintain records of each repair, including those in response to a release, for the remaining operating life of the underground storage tank system.

#### Source

The provisions of this § 245.434 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331075) to (331076).

#### Cross References

This section cited in 25 Pa. Code § 245.422 (relating to upgrading of existing underground storage tank systems); 25 Pa. Code § 245.432 (relating to operation and maintenance including corrosion protection); and 25 Pa. Code § 245.435 (relating to reporting and recordkeeping).

### § 245.435. Reporting and recordkeeping.

(a) Owners and operators of underground storage tank systems shall maintain records as required under this chapter and provide records, as requested, and cooperate fully with inspections, monitoring and testing conducted by the Department, certified installers or certified inspectors. Owners and operators shall provide records and cooperate fully in response to requests for document submission, testing and monitoring by the owner or operator under section 107(c) of the act (35 P.S. § 6021.107(c)).

(b) Owners and operators shall maintain required records either onsite at the storage tank facility or at a readily available alternative site. Records maintained at the storage tank facility shall be immediately available for inspection by the Department and certified inspectors. If records are maintained offsite, the records shall be easily obtained and provided for inspection or for review by the Department upon request.

(c) *Reporting.* Owners and operators shall submit the following applicable information to the Department:

(1) Notification in accordance with § 245.41 (relating to tank registration requirements) for underground storage tank systems, including change of own-

ership, closure of an underground storage tank system, change of substance stored and change of tank status, and certification of installation for new underground storage tank systems (§ 245.421(c) (relating to performance standards for underground storage tank systems)).

(2) Reports of confirmed releases (§ 245.305(c) (relating to reporting releases)).

(3) A site characterization report (§ 245.310 (relating to site characterization report)).

(4) Remedial action plans (§ 245.311 (relating to remedial action plan)), remedial action progress reports (§ 245.312 (relating to remedial action)) and remedial action completion reports (§ 245.313 (relating to remedial action completion report)).

(5) A notification before installation, permanent closure or change-in-service of a storage tank or storage tank system (§ 245.421(a)(2) and § 245.452(a) (relating to permanent closure and changes-in-service)).

(6) In the case of permanent closure, closure records to the Department when requested.

(d) *Recordkeeping.* Owners and operators shall maintain all of the following records for underground storage tank systems for the operational life of the system and retain the records for a minimum of 1 year after the underground storage tank system has been permanently closed:

(1) A corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used (§ 245.421(b)(1)(iv) and (2)(iii) and § 245.422(b)(2)(iv) and (c)(3) (relating to upgrading of existing underground storage tank systems)).

(2) The corrosion expert's design of an impressed current system or field-installed cathodic protection system or similar information that demonstrates compliance with §§ 245.421(b)(2)(ii)(B) and 245.422(b)(2) and (c)(2).

(3) Documentation of underground storage tank system installation, modification and upgrade activities.

(4) Underground storage tank system assessment records prior to upgrading in accordance with § 245.422(b).

(5) Documentation of the installation testing and commissioning reports required for corrosion protection systems by manufacturers and National standards in accordance with § 245.432 (relating to operation and maintenance including corrosion protection).

(6) Documentation of underground storage tank system repairs.

(7) Tank lining evaluation reports (§ 245.432(d)).

(8) Documentation showing Department approval for a variance or alternate leak detection method (§§ 245.404 and 245.443 (relating to variances; and requirements for hazardous substance underground storage tank systems)).

(9) Documentation showing the owner or operator of an underground storage tank system is continuously participating in the USTIF.

- (10) The current Storage Tank Registration/Permit Certificate.
- (11) Tank and piping release detection records for the past 12 months, including written certifications or performance claims for the release detection methods in use (§ 245.446 (relating to release detection recordkeeping)).
- (12) The last annual check/testing, and maintenance records of leak detection equipment including probes, monitors, line leak detectors and automatic tank gauges that verify they are working properly and tested as required by the equipment manufacturers and this chapter.
- (13) Documentation of the last three impressed current cathodic protection system checks for each 60-day period in accordance with § 245.432.
- (14) The last two cathodic protection surveys, done at 3-year intervals, on impressed current and galvanic cathodic protection systems in accordance with § 245.432.
- (15) Results of the site investigation conducted at permanent closure or change-in-service (§ 245.455 (relating to closure records)).
- (16) A properly completed closure report required under § 245.452(f).
- (17) Documentation of the last test that demonstrates each containment sump and spill prevention equipment installed or repaired after November 10, 2007, were tested and verified to be liquid-tight in accordance with § 245.421(b)(4) and § 245.434(4) (relating to repairs allowed).
- (18) Documentation of operator training, including verification of training for current Class A, Class B and Class C operators, current list of operators and written instructions or procedures for Class C operators in accordance with § 245.436 (relating to operator training).
- (19) For owners and operators conducting periodic testing of containment sumps and spill prevention equipment and evaluations of overfill prevention under § 245.437 (relating to periodic testing), documentation of the last test for the containment sump and spill prevention equipment and evaluation of the overfill prevention equipment.
- (20) For owners and operators conducting periodic testing of containment sumps and spill prevention equipment under § 245.437(a)(1)(i), documentation showing that the equipment is double-walled and the integrity of both walls is periodically monitored in accordance with § 245.438(a)(1)(i) (relating to periodic operation and maintenance walkthrough inspections) for as long as the equipment is monitored by walkthrough inspection.
- (21) Records of walkthrough inspections as required under § 245.438 for the past 12 months. Records must include a list of each area checked, whether each area checked was acceptable or needed action taken, a description of actions taken to correct an issue and delivery records if spill prevention equipment is checked less frequently than every 30 days due to infrequent deliveries.
- (22) Documentation of investigations of suspected releases in accordance with § 245.304 (relating to investigation and reporting of suspected releases).

**Source**

The provisions of this § 245.435 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 24, 2009, effective December 26, 2009, 39 Pa.B. 7190; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331076) and (347253) to (347254).

**Cross References**

This section cited in 25 Pa. Code § 245.432 (relating to operation and maintenance including corrosion protection); 25 Pa. Code § 245.436 (relating to operator training); 25 Pa. Code § 245.446 (relating to release detection recordkeeping); 25 Pa. Code § 245.451 (relating to temporary removal from service (out-of-service)); and 25 Pa. Code § 245.455 (relating to closure records).

**§ 245.436. Operator training.****(a) Requirement for trained operators.**

(1) An owner shall designate Class A, Class B and Class C operators for each underground storage tank system or storage tank facility that has underground storage tanks permitted to operate by the Department.

(2) A storage tank facility may not operate unless operators have been designated and trained as required in this section, unless otherwise agreed upon by the Department.

(3) Trained operators shall be readily available to respond to suspected/confirmed releases, other unusual operating conditions and equipment shut-offs or failures.

(i) The Class A or Class B operator shall be available for immediate telephone consultation when a storage tank facility is in operation. A Class A or Class B operator must be able to be onsite at the storage tank facility within 24 hours.

(ii) Storage tank facilities that dispense motor fuel for retail sales to the general public shall be manned by an onsite Class C operator when open for business with the public in accordance with 34 Pa. Code §§ 14a.115 and 14a.117 (relating to attended self-service stations; and supervision of dispensing). During an unexpected absence of a Class C operator, such as employee no-shows or call-offs, an onsite Class A or Class B operator may fill-in or temporarily substitute for the Class C operator. Storage tank facilities that do not dispense motor fuel to the general public may be manned based on the facility owner's requirements and routine operational needs. Emergency contact information and written instructions and procedures in the event of an emergency shall be immediately available upon request.

(iii) For storage tank facilities that do not dispense motor fuel for retail sales to the general public, a Class C operator shall be available for immediate telephone consultation and shall be able to be onsite within 2 hours of being contacted. Emergency contact information and written instructions and procedures in the event of an emergency must be prominently displayed at the site and visible to the storage tank user.

(4) A person may be designated for more than one class of operator.

(b) *Operator classes.*

(1) *Class A operator.* A Class A operator has primary responsibility to operate and maintain the underground storage tank system and facility. The Class A operator's responsibilities typically include managing resources and personnel, such as establishing work assignments, to achieve and maintain compliance with regulatory requirements. In general, this person focuses on the broader aspects of the statutory and regulatory requirements and standards necessary to properly operate and maintain the underground storage tank system and facility.

(i) A Class A operator assists the owner by ensuring that underground storage tank systems are properly installed and expeditiously repaired, and records of system installation, modification and repair are retained and made available to the Department and certified IUM inspectors.

(ii) A Class A operator shall be familiar with training requirements for each class of operator and may provide required training for Class C operators.

(iii) A Class A operator may prepare site drawings that indicate equipment locations for Class C operators and routine maintenance checklists for Class B operators.

(iv) Department-certified installers and inspectors with current underground storage tank UMX, UMI or IUM certification categories may perform Class A operator duties when employed or contracted by the tank owner to perform these functions.

(A) Department-certified installers and inspectors identified in this subparagraph are excluded from required training under subsection (c), unless required by the Department to successfully complete mandatory operator training under § 245.411(d) (relating to inspection frequency).

(B) A certified IUM inspector may not perform an inspection as required in § 245.411 for a facility where the inspector is also the designated Class A operator. (See § 245.106 (relating to conflict of interest).)

(2) *Class B operator.* A Class B operator implements applicable underground storage tank regulatory requirements and standards in the field or at the storage tank facility. This person oversees and implements the day-to-day aspects of operations, maintenance and recordkeeping for the underground storage tank systems at one or more facilities. For example, the Class B operator ensures that release detection methods, release prevention equipment and related recordkeeping and reporting requirements are met, relevant equipment manufacturer's or third-party performance standards are available and followed, and appropriate persons are trained to properly respond to potential emergencies caused by releases or spills from underground storage tank systems at the facility.

(i) A Class B operator checks spill and overflow prevention equipment and corrosion protection equipment to ensure that they are functioning properly and that any required system tests are performed at required intervals.

(ii) A Class B operator assists the owner by ensuring that release detection equipment is operational, release detection is performed at the proper intervals and release detection records are retained and made available to the Department and certified IUM inspectors.

(iii) A Class B operator shall be totally familiar with Class B and Class C operator responsibilities, and may provide required training for Class C operators.

(iv) Department-certified installers and inspectors with current underground storage tank UMX, UMI or IUM certification categories may perform Class B operator duties when employed or contracted by the tank owner to perform these functions.

(A) Department-certified installers and inspectors identified in this subparagraph are excluded from required training under subsection (c), unless required by the Department to successfully complete mandatory operator training under § 245.411(d).

(B) A certified IUM inspector may not perform an inspection as required in § 245.411 for a facility where the inspector is also the designated Class B operator. (See § 245.106.)

(3) *Class C operator.* A Class C operator is the first line of response to events indicating emergency conditions and may control or monitor the dispensing or sale of regulated substances. This person is responsible for responding to alarms or other indications of emergencies caused by spills or releases from underground storage tank systems and associated equipment failures. The Class C operator shall notify the Class A or Class B operator and appropriate emergency responders when necessary, based on the nature or type of emergency.

(c) *Required training.*

(1) *Class A operators.* A Class A operator shall successfully complete a training course approved under § 245.141 (relating to training approval) that includes a general knowledge of underground storage tank system requirements. Training must provide information that should enable the operator to make informed decisions regarding compliance and to ensure that appropriate persons are fulfilling operation, maintenance and recordkeeping requirements and standards of this chapter or Federal underground storage tank requirements in 40 CFR Part 280 (relating to technical standards and corrective action requirements for owners and operators of underground storage tanks (UST)), or both, including the following:

- (i) Spill and overflow prevention.
- (ii) Release detection and related reporting requirements.
- (iii) Corrosion protection.

- (iv) Emergency response.
- (v) Product and equipment compatibility.
- (vi) Financial responsibility.
- (vii) Notification and storage tank registration requirements.
- (viii) Temporary removal from service (out-of-service) and permanent closure requirements.
- (ix) Operator training requirements.

(2) *Class B operators.* A Class B operator shall successfully complete a training course approved under § 245.141 that includes an in-depth understanding of operation and maintenance aspects of underground storage tank systems and related regulatory requirements. Training must provide specific information on the components of underground storage tank systems, materials of construction, methods of release detection and release prevention applied to underground storage tank systems and components. Training must address operation and maintenance requirements in this chapter or Federal underground storage tank requirements in 40 CFR Part 280, or both, including the following:

- (i) Spill and overfill prevention.
- (ii) Release detection and related reporting requirements.
- (iii) Corrosion protection and related testing.
- (iv) Emergency response.
- (v) Product and equipment compatibility.
- (vi) Reporting and recordkeeping requirements.
- (vii) Class C operator training requirements.

(3) *Class C operators.* At a minimum, training provided by the tank owner or Class A or Class B operator must be site-specific and enable the Class C operator to take action in response to emergencies, such as situations posing an immediate danger or threat to the public or to the environment and that require immediate action, caused by spills or releases and alarms from an underground storage tank system. Training must include written instructions or procedures for the Class C operator to follow and to provide notification necessary in the event of emergency conditions.

(4) *Class A and Class B operators.* Successful completion for Class A and Class B operators means attendance for the entire training course and demonstration of knowledge of the course material as follows:

- (i) Receipt of a passing grade under § 245.141(b)(4), on an examination of material presented in the training course, or demonstration through practical (hands-on) application to the trainer, operation and maintenance checks of underground storage tank equipment, including performance of release detection at the storage tank facility, at the conclusion of onsite training.
- (ii) Receipt of a training certificate by an approved trainer upon verification of successful completion of training under this paragraph.

(5) *Costs of training.* The tank owner or operator shall incur the costs of the training.

(d) *Timing of training.*

(1) An owner shall ensure that Class A, Class B and Class C operators are trained and identified on a form provided by the Department prior to placing the underground storage tank system into use.

(2) When a Class A or Class B operator is replaced, a new operator shall be trained within 30 days of assuming duties for that class of operator.

(3) Class C operators shall be trained before assuming duties of a Class C operator. Written instructions or procedures shall be provided to Class C operators to follow and to provide notification necessary in the event of emergency conditions. Class C operators shall be briefed on these instructions or procedures at least annually (every 12 months), which may be concurrent with annual safety training required by the Occupational Safety and Health Administration, under 29 CFR Part 1910 (relating to occupational safety and health standards).

(e) *Documentation.*

(1) The owner of a storage tank facility shall prepare a list of designated operators. The list must represent the current Class A, Class B and Class C operators for the storage tank facility and include:

(i) The name of each operator, class of operation trained for and the date each operator successfully completed initial training and refresher training, if any.

(ii) For Class A and Class B operators that are not permanently onsite or assigned to more than one facility, telephone numbers to contact the operators.

(2) A copy of the certificates of training for Class A and Class B operators shall be on file and readily available and a copy of the facility list of Class A, Class B and Class C operators and Class C operator instructions or procedures shall be kept onsite and immediately available for storage tank facilities that dispense motor fuel for retail sales to the general public. Storage tank facilities that do not dispense motor fuel for retail sales to the general public shall have this information readily available. (See § 245.435(d)(18) (relating to reporting and recordkeeping).)

(3) Class C operator or owner contact information, including names and telephone numbers, and emergency procedures shall be conspicuously posted at storage tank facilities that do not dispense motor fuel for retail sales to the general public.

#### Source

The provisions of this § 245.436 adopted December 24, 2009, effective December 26, 2009, 39 Pa.B. 7190; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (347254) to (347259).

#### Cross References

This section cited in 25 Pa. Code § 245.41 (relating to tank registration requirements); 25 Pa. Code § 245.106 (relating to conflict of interest); 25 Pa. Code § 245.403 (relating to applicability); and 25 Pa. Code § 245.435 (relating to reporting and recordkeeping).



**§ 245.437. Periodic testing.**

(a) Owners and operators of underground storage tank systems shall ensure installed equipment for release detection and prevention is operating properly by meeting all of the following requirements:

(1) Containment sumps used for interstitial monitoring of piping in accordance with § 245.444(6) (relating to methods of release detection for tanks) and spill prevention equipment must meet one of the following:

(i) When the containment sump or spill prevention equipment is double-walled, the integrity of both walls shall be periodically monitored by maintenance walkthrough inspections as required under § 245.438 (relating to periodic operation and maintenance walkthrough inspections). If walkthrough inspections are discontinued, the owner and operator shall comply with subparagraph (ii) and conduct a test within 30 days of the last inspection.

(ii) Containment sumps and spill prevention equipment shall be tested at least once every 3 years to ensure the equipment is liquid-tight by using vacuum, pressure or liquid.

(2) Overfill prevention equipment shall be evaluated at least once every 3 years. At a minimum, the evaluation shall ensure that overfill prevention equipment is set to activate at the correct level specified in § 245.421(b)(3) (relating to performance standards for underground storage tank systems) and must activate when the regulated substance stored reaches that level.

(3) Electronic and mechanical components of release detection equipment shall be tested for proper operation at least annually. At a minimum, required tests, as applicable to the facility, shall cover all of the following components and criteria:

(i) Automatic tank gauges and other controllers must be tested by:

- (A) Testing alarm.
- (B) Verifying system configuration.
- (C) Testing battery backup.

(ii) Probes and sensors shall be tested by:

- (A) Inspecting for residual buildup.
- (B) Ensuring that floats move freely.
- (C) Ensuring the shaft is not damaged.
- (D) Ensuring cables are free of kinks and breaks.
- (E) Testing alarm operability or running condition and communication with controller.

(iii) Automatic line leak detectors shall be tested to meet criteria in § 245.445 (relating to methods of release detection for piping) by simulating a leak.

(iv) Vacuum pumps and pressure gauges shall be tested to ensure proper communication with sensors and controller.

- (v) Handheld electronic sampling equipment associated with groundwater and vapor monitoring shall be tested to ensure proper operation.
- (b) Owners and operators of underground storage tank systems shall ensure tests and evaluations required under this section are performed in accordance with one of the following criteria:
  - (1) Requirements developed by the manufacturer.
  - (2) Code of practice developed by a Nationally recognized association or independent testing laboratory.
  - (3) Requirements determined by the Department to be no less protective of human health and the environment than the requirements in paragraphs (1) and (2).
- (c) Owners and operators shall comply with the periodic testing requirements in this section as follows:
  - (1) For underground storage tank systems installed on or before December 22, 2018, owners and operators shall ensure tests and inspections as required under this section are performed prior to the next required underground storage tank inspection occurring after December 22, 2019, or not later than December 21, 2021, whichever occurs first.
  - (2) For underground storage tank systems installed after December 22, 2018, these requirements apply at installation.
- (d) Test liquids used to perform tests as required in this chapter shall be reused, treated or disposed in accordance with applicable requirements in Chapters 91, 92a, 260a—270a and 287—299.

#### Source

The provisions of this § 245.437 adopted December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875.

#### Cross References

This section cited in 25 Pa. Code § 245.403 (relating to applicability); 25 Pa. Code § 245.421 (relating to performance standards for underground storage tank systems); 25 Pa. Code § 245.435 (relating to reporting and recordkeeping); and 25 Pa. Code § 245.451 (relating to temporary removal from service (out-of-service)).

### **§ 245.438. Periodic operation and maintenance walkthrough inspections.**

- (a) To properly operate and maintain spill prevention and release detection equipment part of underground storage tank systems, no later than December 22, 2019, owners and operators shall conduct walkthrough inspections at a minimum of every 30 days, with the exception of spill prevention equipment at underground storage tank systems receiving deliveries at intervals greater than every 30 days, which may be checked prior to each delivery. The walkthrough inspection shall include, at a minimum, all of the following:
  - (1) For spill prevention equipment:
    - (i) Visually check for damage.

- (ii) Remove liquid or debris.
  - (iii) Check for and remove obstructions in the fill pipe.
  - (iv) Check the fill cap to make sure it is securely on the fill pipe.
  - (v) For double-walled spill prevention equipment with interstitial monitoring, check for a leak in the interstitial area.
- (2) For release detection equipment:
- (i) Check to make sure the release detection equipment is operating with no alarms or other unusual operating conditions present.
  - (ii) Ensure records of release detection testing are reviewed and current.
- (b) To properly operate and maintain containment sumps and handheld release detection equipment part of underground storage tank systems, no later than December 22, 2019, owners and operators shall conduct walkthrough inspections at a minimum of every 12 months that include, at a minimum, all of the following:
- (1) For containment sumps:
    - (i) Visually check for damage and the presence of liquid or debris.
    - (ii) Remove liquid or debris.
    - (iii) For double-walled sumps with interstitial monitoring, check for a leak in the interstitial area.
  - (2) For handheld release detection equipment, check devices such as tank gauge sticks or groundwater bailers for operability and serviceability.
  - (c) Owners and operators of underground storage tank systems shall ensure operation and maintenance walkthrough inspections required under this section are performed in accordance with one of the following criteria, unless the Department determines that a more stringent requirement is necessary to avoid releases of regulated substances from underground storage tank systems:
    - (1) Requirements developed by the manufacturer.
    - (2) Code of practice developed by a Nationally recognized association or independent testing laboratory.
    - (3) Requirements determined by the Department to be no less protective of human health and the environment than the requirements in paragraphs (1) and (2).

#### Source

The provisions of this § 245.438 adopted December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875.

#### Cross References

This section cited in 25 Pa. Code § 245.403 (relating to applicability); 25 Pa. Code § 245.435 (relating to reporting and recordkeeping); and 25 Pa. Code § 245.437 (relating to periodic testing).

**RELEASE DETECTION****§ 245.441. General requirements for underground storage tank systems.**

(a) Owners and operators of new and existing underground storage tank systems shall provide a method, or combination of methods, of release detection that:

(1) Can detect a release from any portion of the tank and the connected underground piping that routinely contains product.

(2) Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition.

(3) Meets the performance requirements in § 245.444 or § 245.445 (relating to methods of release detection for tanks; and methods of release detection for piping), with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. In addition, methods in §§ 245.444 and 245.445 must be capable of detecting the leak rate or quantity specified for that method in the corresponding section of this subchapter with a probability of detection (Pd) of 0.95 and a probability of false alarm (Pfa) of 0.05.

(i) Test method performance claims shall be verified by an independent third-party using leak rates that are unknown to the tester.

(ii) When the EPA evaluation protocol for a method changes, the manufacturer shall reevaluate the method within 24 months of the new protocol's effective date for its continued use in this Commonwealth.

(b) When a release detection method operated in accordance with the performance standards in §§ 245.444 and 245.445 indicates a release may have occurred, owners and operators shall investigate the suspected release in accordance with Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties).

(c) Owners and operators of underground storage tank systems shall comply with the release detection requirements in this subchapter.

(d) An existing tank system that cannot apply a method of release detection that complies with this subchapter must immediately empty the tank and complete the closure procedures in §§ 245.451—245.455 (relating to out-of-service underground storage tank systems and closure).

**Source**

The provisions of this § 245.441 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (347259) to (347260) and (331079) to (331080).

**Cross References**

This section cited in 25 Pa. Code § 245.403 (relating to applicability); 25 Pa. Code § 245.444 (relating to methods of release detection for tanks); and 25 Pa. Code § 245.446 (relating to release detection recordkeeping).

**§ 245.442. Periodic monitoring requirements for petroleum underground storage tank systems.**

(a) Owners and operators of underground storage tank systems that store petroleum installed after November 10, 2007, and underground piping installed after November 10, 2007, that routinely contain regulated substances shall perform interstitial monitoring in accordance with § 245.444(6) (relating to methods of release detection for tanks) at least once every 30 days. Underground piping installed after November 10, 2007, that conveys regulated substances under pressure must be equipped and operated with an automatic line leak detector with an automatic pump shut off device in accordance with § 245.445(1) (relating to methods of release detection for piping). Release detection is not required for suction piping that meets the requirements in subsection (b)(2)(ii)(A)—(E).

(b) Owners and operators of petroleum underground storage tank systems installed on or before November 10, 2007, shall provide release detection for tanks and piping as follows:

(1) *Tanks.* Tanks shall be monitored at least every 30 days for releases using one of the methods in § 245.444(1)—(8).

(2) *Piping.* Underground piping that routinely contains regulated substances shall be monitored for releases in a manner that meets one of the following requirements:

(i) *Pressurized piping.* Underground piping that conveys regulated substances under pressure shall meet the following requirements:

(A) Be equipped with an automatic line leak detector in accordance with § 245.445(1) (relating to methods of release detection for piping).

(B) Have an annual line tightness test conducted in accordance with § 245.445(2) or have monthly monitoring conducted in accordance with § 245.445(3).

(ii) *Suction piping.* Underground piping that conveys regulated substances under suction shall either have a line tightness test conducted at least every 3 years and in accordance with § 245.445(2), or use a monthly monitoring method conducted in accordance with § 245.445(3). Release detection is not required for suction piping that is designed and constructed to meet the following standards:

(A) The below grade piping operates at less than atmospheric pressure.

(B) The below grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released.

(C) No more than one check valve is included in each suction line.

(D) Check valves are located directly below and as close as practical to or within the suction pump.

(E) A method is provided that allows compliance with clauses (B)—(D) to be readily determined.

#### Source

The provisions of this § 245.442 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331080) to (331081).

#### Cross References

This section cited in 25 Pa. Code § 245.403 (relating to applicability); 25 Pa. Code § 245.444 (relating to methods of release detection for tanks); 25 Pa. Code § 245.445 (relating to methods of release detection for piping); 25 Pa. Code § 245.446 (relating to release detection recordkeeping); and 25 Pa. Code § 252.3 (relating to scope).

### § 245.443. Requirements for hazardous substance underground storage tank systems.

Owners and operators of hazardous substance underground storage tank systems shall provide release detection that meets the following requirements:

(1) Hazardous substance underground storage tank systems installed after November 10, 2007, shall perform interstitial monitoring in accordance with § 245.444(6) (relating to methods of release detection for tanks).

(2) Release detection at hazardous substance underground storage tank systems installed on or before November 10, 2007, must meet the following requirements:

(i) Secondary containment systems.

(A) Secondary containment systems shall be designed, constructed and installed to:

(I) Contain regulated substances released from the tank system until they are detected and removed.

(II) Prevent the release of regulated substances to the environment at any time during the operational life of the underground storage tank system.

(III) Be checked for evidence of a release at least every 30 days.

(3) The provisions of 40 CFR 264.193 (relating to containment and detection of releases) may be used to comply with the requirements in this paragraph.

(i) Double walled tanks shall be designed, constructed and installed to:

(A) Contain a release from any portion of the inner tank within the outer wall.

(B) Detect the failure of the inner wall.

(ii) External liners, including vaults, shall be designed, constructed and installed to:

(A) Contain 100% of the capacity of the largest tank within its boundary.

(B) Prevent the interference of precipitation or ground-water intrusion with the ability to contain or detect a release of regulated substances.

(C) Surround the tank completely making it capable of preventing lateral as well as vertical migration of regulated substances.

(4) Underground piping shall be equipped with secondary containment that satisfies the requirements in subparagraph (i) for example, trench liners, jacking or double-walled pipe. In addition, underground piping that conveys regulated substances under pressure shall be equipped with an automatic line leak detector in accordance with § 245.445(1) (relating to methods of release detection for piping).

(5) Other methods of release detection may be used if owners and operators:

(1) Demonstrate to the Department that an alternate method can detect a release of the stored substance as effectively as any of the methods allowed in § 245.444(1)—(8) can detect a release of petroleum.

(ii) Provide information to the Department on effective corrective action technologies, health risks and chemical and physical properties of the stored substance, and the characteristics of the underground storage tank site.

(iii) Obtain approval from the Department to use the alternate release detection method before the installation and operation of the new underground storage tank system.

#### Source

The provisions of this § 245.443 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331082) to (331083).

#### Cross References

This section cited in 25 Pa. Code § 245.403 (relating to applicability); 25 Pa. Code § 245.435 (relating to reporting and recordkeeping); 25 Pa. Code § 245.446 (relating to release detection recordkeeping); and 25 Pa. Code § 252.3 (relating to scope).

### § 245.444. Methods of release detection for tanks.

Each method of release detection for tanks used to meet the requirements in §§ 245.441 and 245.442 (relating to general requirements for underground storage tank systems; and periodic monitoring requirements for petroleum underground storage tank systems) shall be conducted in accordance with all of the following:

(1) *Manual tank gauging.* Manual tank gauging shall meet the following requirements:

(i) Tank liquid level measurements are taken at the beginning and ending of a period of at least 36 hours during which no liquid is added to or removed from the tank.

(ii) Level measurements are based on an average of two consecutive stick readings at both the beginning and ending of the period.

(iii) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest 1/8 of an inch.

(iv) A leak is suspected and subject to Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) if the variation between beginning and ending measurements exceeds the weekly or monthly standards in the following table:

<i>Nominal Tank Capacity</i>	<i>Minimum Duration of Test</i>	<i>Weekly Standard (one test)</i>	<i>Monthly Standard (average of four tests)</i>	<i>Periodic Tightness Test Required</i>
550 gallons or less	36 hours	10 gallons	5 gallons	No
551—1,000 gallons: 64" diameter tank	44 hours	9 gallons	4 gallons	No
551—1,000 gallons: 48" diameter tank	58 hours	12 gallons	6 gallons	No
551—1,000 gallons	36 hours	13 gallons	7 gallons	Yes

(v) Owners and operators of underground storage tanks of greater than 1,000 gallons nominal capacity may not use this method to meet the requirements in this section.

(2) *Tank tightness testing.* Tank tightness testing, or another test of equivalent performance, must be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table.

(3) *Automatic tank gauging.* Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet one of the following requirements:

(i) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product.

(ii) Tank gauges shall be certified by an independent third-party verifying the gauge's ability to detect the leak rate in subparagraph (i) following EPA evaluation protocol.

(4) *Vapor monitoring.* Testing or monitoring for vapors within the soil gas of the excavation zone must meet the following requirements:



(i) The materials used as backfill are sufficiently porous—for example, gravel, sand or crushed rock—to readily allow diffusion of vapors from releases into the excavation area.

(ii) The stored regulated substance, or a tracer compound placed in the tank system, is sufficiently volatile for example, gasoline—to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank.

(iii) The measurement of vapors by the monitoring device is not rendered inoperative by the groundwater, rainfall or soil moisture or other known interferences so that a release could go undetected for more than 30 days.

(iv) The level of background contamination in the excavation zone will not interfere with the method used to detect releases from the tank.

(v) The vapor monitors are designed and operated to detect any significant increase in concentration above background of the regulated substance stored in the tank system, a component of that substance or a tracer compound placed in the tank system.

(vi) In the underground storage tank excavation zone, the site is evaluated by a licensed professional under the Engineer, Land Surveyor and Geologist Law (63 P. S. §§ 148—158.2) to ensure compliance with subparagraphs (i)—(iv) and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains product. The written site evaluation report authenticated by the person completing the evaluation must be maintained at the facility for the duration of the leak detection method.

(5) *Groundwater monitoring.* Testing or monitoring for liquids on the groundwater must meet the following requirements:

(i) The regulated substance stored is immiscible in water and has a specific gravity of less than one.

(ii) Groundwater is never more than 20 feet from the ground surface and the hydraulic conductivity of the soils between the underground storage tank system and the monitoring wells or devices is not less than 0.01 cm/sec—for example, the soil should consist of gravels, coarse to medium sands, coarse silts or other permeable materials.

(iii) The slotted portion of the monitoring well casing shall be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substances on the water table into the well under both high and low groundwater conditions.

(iv) Monitoring wells shall be sealed from the ground surface to the top of the filter pack.

(v) Monitoring wells or devices intercept the excavation zone or are as close to it as is technically feasible.

(vi) The continuous monitoring devices or manual methods used can detect the presence of at least 1/8 of an inch of free product on top of the groundwater in the monitoring wells.

(vii) Within and immediately below the underground storage tank system excavation zone, the site is evaluated by a licensed professional under the Engineer, Land Surveyor and Geologist Law to ensure compliance with subparagraphs (i)—(v) and to establish the number and positioning of monitoring wells or devices that will detect releases from any portion of the tank that routinely contains product. The written site evaluation report authenticated by the person completing the evaluation must be maintained at the facility for the duration of the leak detection method.

(viii) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering in accordance with § 245.432(b).

(6) *Interstitial monitoring.* Interstitial monitoring between the underground storage tank system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that routinely contains product and also meets one of the following requirements:

(i) For double-walled underground storage tank systems, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains product.

(ii) For underground storage tank systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the underground storage tank system and the secondary barrier.

(A) The secondary barrier around or beneath the underground storage tank system consists of artificially constructed material that is sufficiently thick and impermeable, at least  $10^{-6}$  cm/sec for the regulated substance stored, to direct a release to the monitoring point and permit its detection.

(B) The barrier is compatible with the regulated substance stored so that a release from the underground storage tank system will not cause a deterioration of the barrier allowing a release to pass through undetected.

(C) For cathodically protected tanks, the secondary barrier shall be installed so that it does not interfere with the proper operation of the cathodic protection system.

(D) The groundwater, soil moisture or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than 30 days.

(E) The site is assessed to ensure that the secondary barrier is always above the groundwater and not in a 25-year floodplain, unless the barrier and monitoring designs are for use under these conditions.

(F) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering in accordance with § 245.432(b).

(iii) For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner, and the liner is compatible with the substance stored.

(7) *Statistical Inventory Reconciliation (SIR)*. SIR shall meet the performance standards of paragraph (8)(i) for monthly monitoring.

(i) The owner or operator shall follow the instructions of the SIR manufacturer's protocol.

(ii) A separate report for each tank monitored shall be maintained by the owner or operator in accordance with § 245.446(2) (relating to release detection recordkeeping). Each report shall meet the following requirements:

(A) A valid report shall include the calculated leak rate, positive for out of tank and negative for into tank, minimum detectable leak rate (MDL), leak detection threshold, probability of detection (Pd) and probability of false alarm (Pfa) which the supplied data supports.

(B) A valid report shall also include one of the following test results:

(I) If the calculated leak rate, absolute value, is less than the leak threshold and the MDL is less than or equal to the certified performance standard, the test result is "pass."

(II) If the calculated leak rate, absolute value, is greater than the leak threshold, the test result is "fail."

(III) If the MDL exceeds the certified performance standard and the calculated leak rate is less than the leak threshold, the test result is "inconclusive." An inconclusive result is considered a suspected leak and shall be investigated in accordance with § 245.304 (relating to investigation and reporting of suspected releases).

(8) *Other methods*. Other types of release detection methods, or a combination of methods, may be used if the owner or operator can demonstrate to the Department that one of the following exists:

(i) It can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05.

(ii) It can detect a release as effectively as any of the methods allowed in paragraphs (2)—(7). In comparing methods, the Department will consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator shall comply with conditions imposed by the Department on its use to ensure the protection of human health and the environment.

#### Source

The provisions of this § 245.444 amended November 30, 2001, effective January 1, 2001, 31 Pa.B. 6615; amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331083) to (331088).

**Cross References**

This section cited in 25 Pa. Code § 245.31 (relating to underground storage tank system testing requirements); 25 Pa. Code § 245.403 (relating to applicability); 25 Pa. Code § 245.434 (relating to repairs allowed); 25 Pa. Code § 245.437 (relating to periodic testing); 25 Pa. Code § 245.441 (relating to general requirements for underground storage tank systems); 25 Pa. Code § 245.442 (relating to periodic monitoring requirements for petroleum underground storage tank systems); 25 Pa. Code § 245.443 (relating to requirements for hazardous substance underground storage tank systems); 25 Pa. Code § 245.445 (relating to methods of release detection for piping); 25 Pa. Code § 245.446 (relating to release detection recordkeeping); and 25 Pa. Code § 252.3 (relating to scope).

**§ 245.445. Methods of release detection for piping.**

Each method of release detection for piping used to meet the requirements in § 245.442 (relating to periodic monitoring requirements for petroleum underground storage tank systems) shall be conducted in accordance with the following:

(1) *Automatic line leak detectors.* Methods which alert the operator to the presence of a leak by restricting or automatically shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if they detect leaks of 3 gallons-per-hour at 10 pounds per square inch line pressure within 1 hour. An annual test of the operation of the automatic line leak detector shall be conducted in accordance with the manufacturer's requirements.

(i) Except as provided in subparagraph (ii), underground storage tank systems installed or replaced after November 10, 2007, must have automatic line leak detectors with an automatic pump shut-off device that shuts off the flow of regulated substances through pressurized piping that routinely contains and conveys product from the tank (See § 245.421(a)(1) (relating to performance standards for underground storage tank systems).)

(ii) Owners and operators of underground storage tank systems that store fuel solely for use by emergency power generators shall install methods that trigger an audible or visual alarm to meet the requirements in this subsection.

(iii) Except as provided in subparagraph (ii), pressurized piping installed on or before November 10, 2007, that conveys regulated substances must be equipped with a method that restricts or automatically shuts off the flow of regulated substances and meets the requirements in this section if the storage tank facility is unattended while open for business.

(2) *Line tightness testing.* A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at 1 1/2 times the operating pressure.

(3) *Applicable tank methods.* The methods in § 245.444(4)—(8) (relating to methods of release detection for tanks) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances.

#### Source

The provisions of this § 245.445 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331088) to (331089).

#### Cross References

This section cited in 25 Pa. Code § 245.31 (relating to underground storage tank system testing requirements); 25 Pa. Code § 245.403 (relating to applicability); 25 Pa. Code § 245.421 (relating to performance standards for underground storage tank systems); 25 Pa. Code § 245.434 (relating to repairs allowed); 25 Pa. Code § 245.437 (relating to periodic testing); 25 Pa. Code § 245.441 (relating to general requirements for underground storage tank systems); 25 Pa. Code § 245.442 (relating to periodic monitoring requirements for petroleum underground storage systems); 25 Pa. Code § 245.443 (relating to requirements for hazardous substance underground storage tank systems); 25 Pa. Code § 245.446 (relating to release detection recordkeeping); 25 Pa. Code § 245.523 (relating to aboveground storage tanks in underground vaults); 25 Pa. Code § 252.3 (relating to scope); 25 Pa. Code § 273.275 (relating to leachate collection and storage); 25 Pa. Code § 277.275 (relating to leachate collection and storage); 25 Pa. Code § 288.455 (relating to leachate collection and storage); 25 Pa. Code § 288.555 (relating to leachate collection and storage); 25 Pa. Code § 289.455 (relating to leachate collection and storage); and 25 Pa. Code § 289.555 (relating to leachate collection and storage).

### § 245.446. Release detection recordkeeping.

Underground storage tank system owners and operators shall maintain records in accordance with § 245.435 (relating to reporting and recordkeeping) demonstrating compliance with the applicable requirements of §§ 245.441—245.446 (relating to release detection). These records shall include the following:

- (1) Written performance claims pertaining to a release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, shall be maintained for the entire time the release detection system is in use at the facility.
- (2) The results of any sampling, testing or monitoring shall be maintained for at least 1 year, except that the results of tank tightness testing conducted in accordance with § 245.444(2) (relating to methods of release detection for tanks) shall be retained until the next test is conducted.
- (3) Written documentation of all calibration, maintenance and repair of release detection equipment permanently located onsite shall be maintained for at least 1 year after the servicing work is completed. Schedules of required calibration and maintenance provided by the release detection equipment manufacturer shall be retained for the entire time the equipment is in use at the facility.

**Source**

The provisions of this § 245.446 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331089).

**Cross References**

This section cited in 25 Pa. Code § 245.403 (relating to applicability); 25 Pa. Code § 245.435 (relating to reporting and recordkeeping); 25 Pa. Code § 245.444 (relating to methods of release detection for tanks); and 25 Pa. Code § 245.451 (relating to temporary removal from service (out-of-service)).

**OUT-OF-SERVICE UNDERGROUND STORAGE TANK  
SYSTEMS AND CLOSURE****§ 245.451. Temporary removal from service (out-of-service).**

(a) When an underground storage tank system is temporarily removed from service (out-of-service), the owner shall complete and submit an amended registration form to the Department within 30 days in accordance with § 245.41 (relating to tank registration requirements).

(b) Owners and operators shall continue operation and maintenance of corrosion protection in accordance with § 245.432 (relating to operation and maintenance including corrosion protection), while the tank is temporarily out-of-service. Records shall continue to be kept in accordance with § 245.435 (relating to reporting and recordkeeping).

(c) Owners and operators shall empty a tank being placed temporarily out-of-service prior to submission of the registration form to the Department unless directed otherwise by the Department. Removed contents shall be reused, treated or disposed of in accordance with State and Federal requirements, such as Chapter 299 (relating to storage and transportation of residual waste) and 29 CFR Part 1910 (relating to occupational safety and health standards). Release detection is not required as long as the underground storage tank system is empty. The underground storage tank system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (1 inch) of residue, or 0.3% by weight of the total capacity of the underground storage tank system, remain in the system. Owners and operators shall maintain release detection records required under § 245.446(2) (relating to release detection recordkeeping) for the most recent 12-month period of active operation.

(d) Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) shall be complied with if a release is suspected or confirmed.

(e) Inspection requirements at 3-year intervals in § 245.411(c) (relating to inspection frequency) shall be performed on an underground storage tank system in temporary out-of-service status.

(f) When an underground storage tank system is temporarily removed from service for 3 months or more, owners and operators shall also comply with the following requirements:

- (1) Vent lines shall be open and functioning.
- (2) All other lines, pumps, manways and ancillary equipment shall be capped and secure.

(g) When an underground storage tank system is temporarily removed from service for more than 12 months, owners and operators shall:

- (1) Permanently close the underground storage tank system if it does not meet either performance standards in § 245.421 (relating to performance standards for underground storage tank systems) for new underground storage tank systems or the upgrading requirements in § 245.422 (relating to upgrading of existing underground storage tank systems), except that the spill and overflow equipment requirements do not have to be met.

- (2) Permanently close the substandard underground storage tank system at the end of this 12-month period in accordance with §§ 245.452—245.455, unless the Department provides an extension of the 12-month temporary out-of-service period.

- (3) Complete a site assessment in accordance with § 245.453 (relating to assessing the site at closure or change-in-service) before an extension may be applied for.

(h) Underground storage tank systems that meet performance standards in § 245.421 or the upgrading requirements in § 245.422 shall be permanently closed within 3 years of being placed temporarily out-of-service or by November 10, 2010, whichever is later, unless the Department grants an extension to this temporary out-of-service period. The Department may establish conditions and require submission of documentation associated with extension of the temporary out-of-service period, such as the following:

- (1) Requirements for inspection under § 245.21 (relating to tank handling and inspection requirements) and § 245.411.
- (2) Verification and testing of cathodic protection systems under § 245.432.
- (3) Site assessment under § 245.453.
- (4) Other considerations determined by the Department.

(i) The Department may require tests to be performed of the underground storage tank system in temporary out-of-service status when returning the storage tank system to currently-in-use status. These tests may include tank and line tightness testing, verification of compatibility, operability testing as required under § 245.437 (relating to periodic testing), internal inspection of the tank or other tests to ensure proper operation.

**Source**

The provisions of this § 245.451 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331090) to (331091).

**Cross References**

This section cited in 25 Pa. Code § 245.422 (relating to upgrading of existing underground storage tank systems); 25 Pa. Code § 245.432 (relating to operation and maintenance including corrosion protection); and 25 Pa. Code § 245.441 (relating to general requirements for underground storage tank systems).

**§ 245.452. Permanent closure and changes-in-service.**

(a) At least 30 days before beginning either permanent closure or a change-in-service under subsections (b)—(d), or within another reasonable time determined by the Department, owners and operators shall notify the Department on a form provided by the Department of their intent to permanently close or make the change-in-service, unless the action is in response to corrective action. The required assessment of the excavation zone under § 245.453 (relating to assessing the site at closure or change-in-service) shall be performed after notifying the Department but before completion of the permanent closure or a change-in-service.

(b) To permanently close a tank, owners and operators shall ensure that the tank is empty and clean in accordance with a Nationally recognized code of practice by removing the liquids and accumulated sludges. Tanks being permanently closed shall also be either removed from the ground or filled with a non-shrinking, inert solid material.

(c) Replacement, removal or closure-in-place of underground product piping or remote fill lines connected to a storage tank shall be considered a permanent closure of that part of the underground storage tank system. A major modification to the dispenser involving excavation beneath the dispenser and removal of the dispenser shall also be considered permanent closure of that part of the tank system. The requirements applicable to permanent closure of an underground storage tank system also apply to the permanent closure of system piping, remote fill lines, and dispensers.

(d) Before a change-in-service, owners and operators shall ensure that the tank is empty and clean in accordance with a Nationally recognized code of practice by removing the liquid and accumulated sludge, and conduct a site assessment in accordance with § 245.453.

(e) The owner shall complete and submit an amended tank registration form, signed by the owner and the certified installer that provided direct onsite supervision of the tank handling activity, to the Department within 30 days of either of the following:

- (1) The completion of permanent closure.
- (2) Change-in-service of the tank.



(f) A properly completed closure report is required to permanently close a site, including a change-in-service. A copy of the completed closure report shall be submitted to the Department when requested.

**Source**

The provisions of this § 245.452 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331091) to (331092).

**Cross References**

This section cited in 25 Pa. Code § 245.422 (relating to upgrading of existing underground storage tank systems); 25 Pa. Code § 245.425 (relating to reuse of removed tanks); 25 Pa. Code § 245.432 (relating to operation and maintenance including corrosion protection); 25 Pa. Code § 245.435 (relating to reporting and recordkeeping); 25 Pa. Code § 245.441 (relating to general requirements for underground storage tank systems); and 25 Pa. Code § 245.451 (relating to temporary removal from service (out-of-service)).

**§ 245.453. Assessing the site at closure or change-in-service.**

(a) Before permanent closure or a change-in-service is completed, owners and operators shall measure for the presence of a release where contamination is most likely to be present at the underground storage tank site. Owners and operators shall sample for releases. Sampling may be accomplished in a manner consistent with the Department technical document entitled “Closure Requirements for Underground Storage Tank Systems” or in a manner at least as protective of public health and safety and the environment and which meets all statutory and regulatory requirements.

(b) If contaminated soils, contaminated groundwater or free product as a liquid or vapor is discovered under subsection (a), or by another manner, owners and operators shall begin corrective action in accordance with Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties).

**Source**

The provisions of this § 245.453 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979. Immediately preceding text appears at serial page (317235).

**Cross References**

This section cited in 25 Pa. Code § 245.422 (relating to upgrading of existing underground storage tank systems); 25 Pa. Code § 245.441 (relating to general requirements for underground storage tank systems); 25 Pa. Code § 245.451 (relating to temporary removal from service (out-of-service)); 25 Pa. Code § 245.452 (relating to permanent closure and changes-in-service); and 25 Pa. Code § 245.455 (relating to closure records).

**§ 245.454. Applicability to previously closed underground storage tank systems.**

When directed by the Department, the owner and operator of an underground storage tank system permanently closed before December 22, 1988, shall assess

the excavation zone and close the underground storage tank system in accordance with this subchapter if the underground storage tank system is, in the judgment of the Department, posing a current or potential threat to human health and the environment.

#### **Cross References**

This section cited in 25 Pa. Code § 245.422 (relating to upgrading of existing underground storage tank systems); 25 Pa. Code § 245.441 (relating to general requirements for underground storage tank systems); and 25 Pa. Code § 245.451 (relating to temporary removal from service (out-of-service)).

### **§ 245.455. Closure records.**

Owners and operators shall maintain records in accordance with § 245.435 (relating to reporting and recordkeeping) that are capable of demonstrating compliance with closure requirements under this subchapter. The results of the excavation zone assessment required in § 245.453 (relating to assessing the site at closure or change-in-service) shall be maintained for at least 3 years after completion of permanent closure or change-in-service in one of the following ways:

- (1) By the owners and operators who took the underground storage tank system out of service.
- (2) By the current owners and operators of the underground storage tank system site.
- (3) By mailing these records to the Department if they cannot be maintained at the closed facility.

#### **Cross References**

This section cited in 25 Pa. Code § 245.422 (relating to upgrading of existing underground storage tank systems); 25 Pa. Code § 245.435 (relating to reporting and recordkeeping); 25 Pa. Code § 245.441 (relating to general requirements for underground storage tank systems); and 25 Pa. Code § 245.451 (relating to temporary removal from service (out-of-service)).

## **Subchapter F. TECHNICAL STANDARDS FOR ABOVEGROUND STORAGE TANKS AND FACILITIES**

### **GENERAL**

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**OPERATIONS AND MAINTENANCE**

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- 245.531. General corrosion and deterioration requirements.
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- 245.541. Overfill prevention requirements.
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**ABOVEGROUND STORAGE TANK INSPECTIONS**

- 245.551. General requirements for third-party inspections.
- 245.552. In-service inspections.
- 245.553. Out-of-service inspections.
- 245.554. Installation and modification inspections.

**CLOSURE AND REMOVAL FROM SERVICE REQUIREMENTS**

- 245.561. Permanent closure or change-in-service.
- 245.562. Temporary removal from service (out-of-service).

**Source**

The provisions of this Subchapter F adopted October 10, 1997, effective October 11, 1997, 27 Pa.B. 5341, unless otherwise noted.

**Cross References**

This subchapter cited in 25 Pa. Code § 245.222 (relating to application requirements); 25 Pa. Code § 245.232 (relating to general requirements); and 25 Pa. Code § 245.602 (relating to scope).

**GENERAL****§ 245.501. Purpose.**

This subchapter establishes technical standards and requirements for operations and maintenance, design, construction and installation, corrosion and deterioration prevention, release prevention and leak detection, inspection, and closure and removal from service requirements for large aboveground storage tanks and facilities and aboveground storage tanks in underground vaults regulated under the act. Regulated aboveground storage tanks are defined in § 245.1 (relating to definitions).

**Source**

The provisions of this § 245.501 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331095).

**§ 245.502. Scope.**

The standards and requirements established in this subchapter shall be applied through the use of appropriate current codes of practice developed by Nationally recognized associations such as, but not limited to, those referenced at § 245.504 (relating to referenced organizations) and through the use of manufacturer's specifications and sound engineering practices. This subchapter is not intended to supersede other State and Federal regulations or jurisdictional requirements when they are more restrictive than the requirements in this part. This subchapter does not apply to small aboveground storage tanks unless otherwise referenced in Subchapter G (relating to simplified program for small aboveground storage tanks).

**§ 245.503. Variances.**

When unique or peculiar circumstances make compliance with this subchapter technically impractical, infeasible or unsafe, the Department may, upon written application from the owner of a storage tank system subject to this subchapter, grant a variance from one or more specific provisions of this subchapter.

- (1) A variance may only be granted if the storage tank system meets alternative technical standards that fully protect human health and the environment.

(2) A written application for a variance shall be submitted to the Department and provide the following information:

(i) The facility name and identification number for which the variance is sought.

(ii) Specific sections of this subchapter from which the variance is sought.

(iii) The unique or peculiar conditions which make compliance with the sections identified in subparagraph (ii) technically impractical, infeasible or unsafe.

(iv) Evidence, including data, plans, specifications and test results, which supports an alternative design, practice, schedule or method as being at least as protective of human health and the environment as the requirement of the sections identified in subparagraph (ii).

(3) New technologies may be granted a variance. New technologies shall be reviewed and documented by a professional engineer and documentation provided to the Department with the variance request.

(4) The Department will not grant a variance which would result in regulatory controls less stringent than other applicable Federal or State regulations, such as 34 Pa. Code Chapter 14 (relating to flammable and combustible liquids; preliminary provisions) and 40 CFR Part 112 (relating to oil pollution prevention).

(5) When granting the variance, the Department may impose specific conditions necessary to assure that the variance will adequately protect the public health, safety or welfare and the environment.

(6) The Department will provide to the applicant a written notice of approval, approval with conditions or denial. The Department will publish notice of approved variances in the *Pennsylvania Bulletin*.

#### Source

The provisions of this § 245.503 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331095) to (331096).

#### Cross References

This section cited in 25 Pa. Code § 245.516 (relating to recordkeeping requirements).

### § 245.504. Referenced organizations.

(a) Nationally-recognized associations which are referenced throughout this subchapter are as follows:

- (1) American Concrete Institute (ACI).
- (2) American National Standards Institute (ANSI).
- (3) American Petroleum Institute (API).
- (4) American Society of Mechanical Engineers (ASME).
- (5) American Society for Nondestructive Testing (ASNT).

- (6) American Society for Testing and Materials (ASTM).
- (7) NACE International—The Corrosion Society (NACE).
- (8) National Fire Protection Association (NFPA).
- (9) Petroleum Equipment Institute (PEI).
- (10) SSPC—The Society for Protective Coatings (SSPC).
- (11) Steel Tank Institute (STI).
- (12) Underwriters Laboratory (UL).

(b) Nationally-recognized codes and standards shall be used in conjunction with manufacturer's specifications to comply with this subchapter. When used to meet the technical standards and requirements of this subchapter, the most current or latest edition of the codes and standards shall be applied. Other Nationally-recognized codes and standards, not referenced in this part, may also be used to comply with this subchapter, when approved by the Department.

(c) When Nationally-recognized codes and standards or manufacturer's specifications are updated, facilities or storage tank systems installed to previously existing standards prior to the update, will not automatically be required to be upgraded to meet the new standard, unless specifically required in the revised standards or by the Department.

(d) Regulatory requirements shall prevail over Nationally-recognized codes and standards whenever there is a conflict.

#### Source

The provisions of this § 245.504 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979. Immediately preceding text appears at serial pages (234751) to (234752).

#### Cross References

This section cited in 25 Pa. Code § 245.132 (relating to standards of performance); and 25 Pa. Code § 245.502 (relating to scope).

### § 245.505. Applicability.

Existing tanks that become regulated due to the addition of new regulated substances as defined in § 245.1 ((relating to definitions) (see subparagraph (iii)(A) and (B))), and the regulation of aboveground storage tanks greater than 30,000 gallons capacity, storing heating oil that is consumed on the premises (See definition of "consumptive use" in § 245.1) are subject to the requirements in this chapter and shall be registered with the Department.

#### Source

The provisions of this § 245.505 adopted November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331097) to (331098).

## OPERATIONS AND MAINTENANCE

### § 245.511. General operations and maintenance.

A storage tank facility owner and operator shall implement and have onsite a written operations and maintenance plan which assures conformance with appli-

cable safety and operational standards, compliance with applicable Federal and State regulations, and shall use appropriate work practices and procedures.

**Source**

The provisions of this § 245.511 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331098).

**§ 245.512. Facility operations and spill response plan.**

An initial Spill Prevention Response Plan (Plan), which addresses the requirements in sections 901—904 of the act (35 P.S. §§ 6021.901—6021.904) and this chapter, shall be submitted to the Department for a storage tank facility with an aggregate aboveground storage capacity greater than 21,000 gallons. Plan revisions or any addendum to the initial Plan shall be submitted to the Department in writing or electronically within 180 days of any occurrences as described in section 901(b) of the act. A current copy of the Plan shall be readily available at the facility at all times.

**Source**

The provisions of this § 245.512 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331098).

**§ 245.513. Preventive maintenance and housekeeping requirements.**

(a) A storage tank facility owner and operator shall establish and implement a preventive maintenance and housekeeping program which protects the integrity of the system from degradation and protects the public health and the environment.

(b) The storage tank facility owner and operator shall establish and implement routine maintenance inspection procedures at each storage tank facility.

(1) The facility owner and operator are responsible to assure that a visual inspection is performed once every 72 hours. The visual inspection may be accomplished by or supplemented with electronic surveillance and shall include:

(i) A check of the facility to ensure that no potential hazardous environmental conditions exist. This includes a check for evidence of a release for example, spill, overflow or leakage.

(ii) A check of the containment areas for accumulation of water and a confirmation that containment drain valves are secured in a closed position when not in use. If excessive water has accumulated, it shall be drained off and disposed of in accordance with applicable State and Federal requirements.

(iii) In the case of aboveground storage tanks in underground vaults, a check of the continuous leak detection system, as required under § 245.523(7) (relating to aboveground storage tanks in underground vaults), to ensure the equipment is functioning as designed.

(2) The facility owner and operator are responsible to assure that a maintenance inspection of each aboveground storage tank system is performed each month. The maintenance inspection shall include all of the following:

- (i) An inspection of the tank system exterior surfaces for deterioration and maintenance deficiencies including a visual check for cracks, areas of wear, excessive settlement and deterioration of the foundation and supports.
  - (ii) Ancillary equipment and appurtenances shall be visually checked for operational malfunctions.
  - (iii) An inspection of containment and transfer areas for cracks, defects and fire hazards.
  - (iv) A check of overfill prevention equipment and monitoring of the leak detection system.
  - (v) The monthly maintenance inspection report shall be completed and signed by the individual who conducted the inspections and maintained for 1 year.
- (3) The facility owner and operator are responsible to establish a process to assure that storage tank vents are operational and free of restrictions.
- (c) The storage tank facility owner and operator shall immediately initiate the actions necessary to correct deficiencies noted during the 72-hour visual and monthly maintenance inspections.
- (d) Repairs to aboveground storage tank systems shall be properly conducted in accordance with the manufacturer's instructions, a code of practice developed by a Nationally recognized association or an independent testing laboratory.

**Source**

The provisions of this § 245.513 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331098) to (331099).

**§ 245.514. Security.**

- (a) The storage tank facility owner and operator are responsible to assure that appropriate security measures and procedures based on the facility location are established and implemented to protect the environment and the public. These security measures and procedures may include, but are not limited to monitoring, fencing, lighting, access control, locked entrances and securing of valves and dispensers.
- (b) The owner and operator of an aboveground storage tank facility with an aggregate aboveground storage capacity greater than 21,000 gallons shall maintain a written or electronic log. At a minimum, each log entry must identify the name of the individual performing tank handling and inspection activities, the individual's signature or equivalent verification of presence onsite, the company name, the date of work, start and end times, and a brief description of work performed, including tank identification.

**Source**

The provisions of this § 245.514 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331099).

**Cross References**

This section cited in 25 Pa. Code § 245.516 (relating to recordkeeping requirements).



**§ 245.515. Labeling/marketing of aboveground storage tank systems.**

(a) The storage tank facility owner and operator are responsible to assure aboveground storage tank systems are labeled/marked in accordance with industry standards and in compliance with Federal and State requirements. Tank labels/marks shall be easily legible from outside the containment area and shall be capable of readily identifying the regulated substance stored.

(b) The storage tank facility owner and operator shall be capable of readily identifying the substances transferred in the regulated piping system and be able to determine flow control points, including pumps, valves and dispensers through labeling or other suitable means.

**Source**

The provisions of this § 245.515 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331099) to (331100).

**§ 245.516. Recordkeeping requirements.**

(a) Owners and operators of aboveground storage tank systems shall maintain records as required under this chapter and provide records, as requested, and cooperate fully with inspections, monitoring and testing conducted by the Department, certified installers or certified inspectors. Owners and operators shall provide records and cooperate fully in response to requests for document submission, testing and monitoring by the owner or operator under section 107(c) of the act (35 P.S. § 6021.107(c)).

(b) Owners and operators shall maintain required records either onsite at the storage tank facility or at a readily available alternative site. Records maintained at the storage tank facility shall be immediately available for inspection by the Department and certified inspectors. If records are maintained offsite, the records shall be easily obtained and provided for inspection or for review by the Department upon request.

(c) *Recordkeeping.* Owners and operators shall maintain all of the following records for aboveground storage tank systems for the operational life of the tank system and retain the records for a minimum of 1 year after the tank system has been permanently closed:

- (1) Original installation and modification of aboveground storage tank system design specifications.
- (2) Any variance issued for the aboveground storage tank system under § 245.503 (relating to variances).
- (3) The permits issued under Subchapter C (relating to permitting of underground and aboveground storage tank systems and facilities).
- (4) Tank handling activity installation, relocation, reconstruction and major modification inspection results.
- (5) The notices of releases submitted under § 245.305 (relating to reporting releases).
- (6) Applicable manufacturer's documentation for the aboveground storage tank system and any ancillary equipment.

- (7) Third-party out-of-service inspection reports.
- (8) Written or electronic log entry information as required under § 245.514(b) (relating to security).
- (9) The current registration certificate.
- (10) The leak detection records for the past 12 months.
- (11) The last two results of cathodic protection monitoring, when a cathodic protection system is in use under § 245.532 (relating to cathodic protection systems).
- (12) The routine 72-hour visual and monthly maintenance inspections for the past 12 months.
- (13) The last third-party in-service inspection report.
- (14) A properly completed closure report and results of the site assessment conducted at permanent closure or change-in-service under § 245.561 (relating to permanent closure or change-in-service).
- (15) Documentation of investigations of suspected releases in accordance with § 245.304 (relating to investigation and reporting of suspected releases).
- (16) Documentation of the last three impressed current cathodic protection system checks for each 60-day period under § 245.532.

#### Source

The provisions of this § 245.516 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331100).

#### Cross References

This section cited in 25 Pa. Code § 245.523 (relating to aboveground storage tanks in underground vaults); 25 Pa. Code § 245.532 (relating to cathodic protection systems); 25 Pa. Code § 245.553 (relating to out-of-service inspections); and 25 Pa. Code § 245.554 (relating to installation and modification inspections).

## DESIGN, CONSTRUCTION AND INSTALLATION

### § 245.521. Performance standards for aboveground storage tanks.

(a) Aboveground storage tank construction shall meet or exceed Nationally recognized industry association codes of practice. New aboveground storage tank systems shall be installed in accordance with applicable codes of practice and consistent with manufacturer's or fabricator's specifications as specified in § 245.522 (relating to new aboveground storage tank installations and reconstructions).

(b) Aboveground storage tank modifications shall be in accordance with industry codes of practice as specified in § 245.524 (relating to aboveground tank modifications).

(c) Aboveground storage tanks shall be protected from corrosion and deterioration as specified in §§ 245.531—245.534 (relating to corrosion and deterioration prevention).

(d) A leak monitoring system shall be installed as specified in § 245.543 (relating to leak detection requirements).

(e) A release prevention system shall be installed as specified in §§ 245.541 and 245.542 (relating to overfill prevention requirements; and containment requirements for aboveground storage tank systems).

(f) Aboveground storage tanks shall be tested according to industry standards before being placed in service as specified in §§ 245.522 and 245.524.

(g) Aboveground storage tanks shall be inspected at installation, reconstruction or relocation and when a major modification is performed on a tank as specified in § 245.554 (relating to installation and modification inspections).

#### Source

The provisions of this § 245.521 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331101).

#### Cross References

This section cited in 25 Pa. Code § 245.522 (relating to new aboveground storage tank installations and reconstructions).

### **§ 245.522. New aboveground storage tank installations and reconstructions.**

(a) Aboveground storage tanks shall be designed and constructed in accordance with an appropriate current code of practice developed by Nationally recognized associations such as UL, ACI, API, ASME, ASTM, STI or NACE and will follow applicable engineering specifications.

(b) Aboveground storage tanks must have a stable foundation, capable of supporting the total weight of the tank when full of product without movement, rolling or unacceptable settling. The foundation must minimize corrosion of the tank bottom and meet or exceed the specifications of the tank manufacturer. The foundation design and construction must be based on sound engineering practices.

(c) Aboveground storage tanks shall be tested for tightness in accordance with current codes of practice developed by Nationally recognized associations and manufacturer's specifications. If a pneumatic test is used for manufactured (shop built) tanks, the fittings, welds, joints and connections shall be coated with a soap solution and checked for leaks. Aboveground field constructed storage tanks shall be hydrostatically tested. Deficiencies shall be remedied prior to tanks being placed into service. Hydrostatic test fluids shall be discharged or disposed of in accordance with State and Federal requirements.

(d) Reconstruction of aboveground storage tanks must follow the current codes of practice developed by Nationally recognized associations and be accomplished in accordance with sound engineering practices. Reconstructed aboveground storage tanks must be inspected and hydrostatically tested before being placed into service. Reconstructed aboveground storage tanks must meet or exceed requirements specified in § 245.521 (relating to performance standards for aboveground storage tanks). Hydrostatic test fluids shall be discharged or disposed of in accordance with State and Federal requirements.

(e) Aboveground manufactured storage tanks that are relocated to another service site must meet the performance requirements for aboveground storage tanks and shall be tested according to industry standards and inspected before being put back in service.

(f) The Department may require the tank owner to submit documentation of construction design criteria and engineering specifications for review.

#### Source

The provisions of this § 245.522 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331101) to (331102).

#### Cross References

This section cited in 25 Pa. Code § 245.521 (relating to performance standards for aboveground storage tanks); 25 Pa. Code § 245.552 (relating to in-service inspections); 25 Pa. Code § 245.553 (relating to out-of-service inspections); and 25 Pa. Code § 245.554 (relating to installation and modification inspections).

### § 245.523. Aboveground storage tanks in underground vaults.

The following requirements shall be met when an owner or operator chooses to install an aboveground storage tank in an underground vault:

(1) The vault shall completely enclose the aboveground storage tank. There may be no openings in the vault enclosure except those necessary for access to, inspection of, and filling, emptying and venting of the tank. The walls and floor of the vault must be constructed of reinforced concrete at least 6 inches thick. The top, walls and floor shall be designed to withstand the anticipated loading, including loading from traffic, soil and groundwater.

(2) The vault must be compatible with the stored substance and have a permeability of less than  $1 \times 10^{-7}$  cm/sec for substance stored and be water tight.

(3) An aboveground storage tank must be in its own vault. Adjacent vaults may share a common wall.

(4) There may be no backfill around the aboveground storage tank and there shall be sufficient space between the tank and the vault to allow inspection of the tank and ancillary equipment.

(5) Vaults and aboveground storage tanks must be suitably anchored to withstand uplifting by either water or released substance, including when the tank is empty.

(6) Connections shall be provided to permit venting of each vault to dilute, disperse and remove vapors prior to personnel entering the vault.

(7) A vault must be equipped with a continuous leak detection system capable of detecting vapors and liquids including water. The detection system must activate an alarm that automatically shuts down the dispensing system if vapors or liquids are detected.

(8) A vault must have a means for personnel entry. The entry point must have a warning sign indicating the need for procedures for safe entry into a confined space. An entry point must be secured against unauthorized entry and vandalism.

(9) A suitable means to admit a fire suppression agent shall be provided for each vault.

(10) Aboveground storage tanks and ancillary equipment shall be installed, maintained and inspected in accordance with the requirements for aboveground storage tanks in this subchapter.

(11) Underground piping distribution systems for each aboveground storage tank system used to dispense class I or class II motor fuels for resale must be provided with release detection equivalent to underground piping release detection addressed in § 245.445 (relating to methods of release detection for piping) and monitored as required in paragraph (7) with monitoring records retained for 12 months as required under § 245.516 (relating to recordkeeping requirements).

#### Source

The provisions of this § 245.523 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331102) to (331103).

#### Cross References

This section cited in 25 Pa. Code § 245.513 (relating to preventive maintenance and housekeeping requirements).

### § 245.524. Aboveground tank modifications.

(a) Modifications performed on aboveground storage tank systems shall be designed and implemented in accordance with current codes of practice developed by Nationally recognized associations such as API, ACI, ASME, ASTM, NACE, STI or UL.

(b) Modifications shall be performed in accordance with Nationally recognized codes and manufacturer's specifications or a professional engineer's design requirements.

(c) Aboveground storage tank systems which are modified shall be inspected and tested according to industry standards before being put in service when a major modification has been performed on the storage tank system. Deficiencies shall be remedied before being returned to service.

(d) The Department may require the tank owner to submit documentation of construction modification design criteria and engineering specifications for review.

#### Source

The provisions of this § 245.524 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331103) to (331104).

**Cross References**

This section cited in 25 Pa. Code § 245.521 (relating to performance standards for aboveground storage tanks); 25 Pa. Code § 245.552 (relating to in-service inspections); 25 Pa. Code § 245.553 (relating to out-of-service inspections); and 25 Pa. Code § 245.554 (relating to installation and modification inspections).

**§ 245.525. Ancillary equipment for aboveground storage tanks.**

(a) Ancillary equipment shall be designed and installed in accordance with Nationally recognized codes of practice and manufacturer's specifications such as API, ASME, ASTM, UL, PEI or ANSI. Ancillary equipment shall be in good working order and maintained according to manufacturer's specifications and accepted industry practices. Ancillary equipment shall be compatible with the stored substance.

(b) Aboveground storage tanks must be appropriately vented to protect the tank from over pressurization and excessive vacuums. Vents shall meet or exceed the appropriate codes of practice developed by Nationally recognized associations such as API and NFPA. Normal venting must allow the tank to breathe when transferring the stored product. Emergency venting must ensure that the safe pressure for the tank is not exceeded.

(c) Aboveground storage tank connections through which regulated substance can flow must be equipped with an operating valve adjacent to the tank to control flow of substance. Appropriate valves must be installed to meet or exceed current codes of practice and jurisdictional requirements. Valves shall be designed, installed and maintained according to current codes of practice.

**Source**

The provisions of this § 245.525 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331104).

**§ 245.526. Piping for aboveground storage tanks.**

(a) Piping shall be compatible with the substance stored and properly designed to resist internal and external wear, vibration and shock.

(b) New and replacement piping shall be designed, fabricated and tested in accordance with current codes of practice developed by Nationally recognized associations such as API, ASME, ANSI, NFPA, PEI or STI. Installation of piping shall meet or exceed current codes of practice and be in strict accordance with manufacturer's specifications. Piping shall be tested for tightness before being placed in service and all deficiencies remedied.

(c) Piping in contact with the soil or an electrolyte shall be adequately protected from corrosion in accordance with current codes of practice developed by Nationally recognized associations such as NACE or API.

(d) Piping shall be tested and inspected in accordance with current industry practices and §§ 245.552 and 245.553 (relating to in-service inspections; and out-of-service inspections).

(e) Aboveground piping shall be adequately supported and be protected from physical damage caused by freezing, frost heaving and vehicular traffic.

**Source**

The provisions of this § 245.526 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331104) and (384209).

**CORROSION AND DETERIORATION PREVENTION****§ 245.531. General corrosion and deterioration requirements.**

- (a) Aboveground storage tank systems must be continuously protected from corrosion and deterioration.
- (b) Metallic tank bottoms in direct contact with the soil or other electrolyte shall be evaluated by a corrosion expert to determine if cathodic protection is necessary or appropriate.
- (c) Tank bottoms that are not adequately protected from corrosion and deterioration shall be upgraded to meet §§ 245.532 and 245.534 (relating to cathodic protection systems; and interior linings and coatings).

**Source**

The provisions of this § 245.531 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (384209).

**Cross References**

This section cited in 25 Pa. Code § 78a.57 (relating to control, storage and disposal of production fluids); and 25 Pa. Code § 245.521 (relating to performance standards for aboveground storage tanks).

**§ 245.532. Cathodic protection systems.**

- (a) When required for corrosion prevention, cathodic protection systems must consist of one or more of the following:
  - (1) Sacrificial anodes and dielectric coating.
  - (2) Impressed current.
  - (3) Another method specified in an appropriate Nationally recognized association code of practice.
- (b) Cathodic protection systems shall be designed by a corrosion expert and maintained to provide protection against external corrosion for the operational life of the tank system.
- (c) Each cathodic protection system shall have an access point which enables the owner or operator to check on the adequacy of cathodic protection. The cathodic protection systems shall be tested for proper operation by a qualified cathodic protection tester in accordance with the following requirements:
  - (1) Impressed current cathodic protection systems must be tested at least annually.
  - (2) Galvanic cathodic protection systems must be tested at least every 3 years.
  - (3) Cathodic protection systems must be tested within 6 months following installation and 6 months following repair of the cathodic protection system.

(4) The criteria that are used to determine that cathodic protection is adequate under this section must be in accordance with a code of practice developed by a Nationally recognized association.

(d) Aboveground storage tank systems with impressed current cathodic protection systems must be checked every 60 days to ensure the equipment is running properly. At a minimum, the operator or person conducting the 60-day check must document the date checked, annotate the system's functioning status, and for systems equipped with a direct current readout meter, record the amount of current indicated on the meter.

(e) For aboveground storage tank systems using cathodic protection, records of the operation of the cathodic protection must be maintained under § 245.516 (relating to recordkeeping requirements) to demonstrate compliance with the performance standards in this section. The records must include the following:

- (1) The results of the last three checks required in paragraph (d).
- (2) The results of testing from the last two cathodic protection surveys required in paragraph (c).

(f) Tank and piping connections of two dissimilar metals which create a galvanic cell are prohibited.

#### Source

The provisions of this § 245.532 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (384209).

#### Cross References

This section cited in 25 Pa. Code § 78a.57 (relating to control, storage and disposal of production fluids); 25 Pa. Code § 245.516 (relating to recordkeeping requirements); 25 Pa. Code § 245.521 (relating to performance standards for aboveground storage tanks); 25 Pa. Code § 245.531 (relating to general corrosion and deterioration requirements); 25 Pa. Code § 245.552 (relating to in-service inspections); and 25 Pa. Code § 245.553 (relating to out-of-service inspections).

### § 245.533. Coating exterior tank and piping surfaces.

The exterior surfaces of aboveground storage tanks and piping shall be protected by a suitable coating which prevents corrosion and deterioration. The coating system shall be maintained throughout the entire operational life of the tank.

#### Source

The provisions of this § 245.533 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (384209) to (384210).

#### Cross References

This section cited in 25 Pa. Code § 78a.57 (relating to control, storage and disposal of production fluids); and 25 Pa. Code § 245.521 (relating to performance standards for aboveground storage tanks).

### § 245.534. Interior linings and coatings.

(a) Coating or lining systems may be used to protect aboveground storage tank interiors from corrosion and deterioration. The coating or lining system shall be designed in accordance with current codes of practice. Coating or lining systems must be bonded firmly to the interior surfaces of the tank.



(b) Specific requirements are as follows:

(1) Coatings and linings shall be chemically compatible with the substance to be stored.

(2) Coating material shall be applied and cured in strict accordance with manufacturer's specifications.

(3) Surfaces shall be prepared and inspected in accordance with applicable Nationally-recognized codes and standards.

(4) Coatings used to protect the bottom of a tank shall extend up the side of the tank a minimum of 18 inches, while some forms of lining may cover the entire tank interior.

(5) Coatings shall be examined for blisters and air pockets, and tested for pinholes. The coating thickness shall be checked to assure compliance with manufacturer's specifications.

(6) Defects in coating or lining systems shall be repaired or corrected prior to putting the tank or system into service.

(c) Interior linings or coatings shall be inspected by a third-party, Department-certified, aboveground storage tank inspector at installation, when undergoing a major modification, and at least every 10 years or as warranted or recommended by the manufacturer or design engineer and agreed upon by the Department.

#### Source

The provisions of this § 245.534 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (384210).

#### Cross References

This section cited in 25 Pa. Code § 78a.57 (relating to control, storage and disposal of production fluids); 25 Pa. Code § 245.521 (relating to performance standards for aboveground storage tanks); 25 Pa. Code § 245.531 (relating to general corrosion and deterioration requirements); 25 Pa. Code § 245.552 (relating to in-service inspections); 25 Pa. Code § 245.553 (relating to out-of-service inspections); and 25 Pa. Code § 245.612 (relating to performance and design standards).

### RELEASE PREVENTION AND LEAK DETECTION

#### § 245.541. Overfill prevention requirements.

(a) Owners and operators shall ensure that releases due to spilling or overfilling do not occur. The owner and operator shall ensure that the volume available in the aboveground storage tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling. Immediate action shall be taken to stop the flow of regulated substance prior to exceeding tank capacity or in the event that an equipment failure occurs.

(b) Aboveground storage tanks shall be installed with the following:

(1) A gauge or monitoring device which accurately indicates the level or volume in the tank and is visible to the individual responsible for the transfer

of product. The monitoring device shall be installed, calibrated and maintained in accordance with manufacturer's specifications.

(2) A high-level alarm with an automatic high-level cut-off device or a high-level alarm with a manned operator shutdown procedure in operation. The shutdown procedure must be in writing and shall be provided to the Department upon request.

(c) Existing aboveground storage tanks must have a gauge or monitoring device installed by October 11, 2000.

(d) An existing aboveground storage tank which is taken out of service to perform a scheduled out-of-service inspection or a major modification to the tank shall be upgraded with a high-level alarm with a cut-off device or a high-level alarm with a manned operator shutdown procedure prior to being put back in service.

(e) An existing aboveground storage tank system which has not been required to be taken out of service to perform a scheduled inspection or modification must have overflow protection consistent with National industry standards.

#### Source

The provisions of this § 245.541 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (384210) and (331107).

#### Cross References

This section cited in 25 Pa. Code § 245.521 (relating to performance standards for aboveground storage tanks).

### § 245.542. Containment requirements for aboveground storage tank systems.

(a) Containment structures must be compatible with the substance stored and minimize deterioration to the aboveground storage tank system.

(b) Containment areas shall be designed, maintained and constructed in accordance with sound engineering practices adhering to Nationally recognized codes of practice and in compliance with State and Federal requirements.

(c) Secondary containment under the aboveground storage tank bottom and around underground piping must be designed to direct any release to a monitoring point to meet leak detection requirements. Secondary containment shall be provided on a new tank at installation, and shall be provided on an existing tank at reconstruction or relocation of the tank or when the tank floor is replaced (See API 650 Appendix I). Permeability of the secondary containment must be less than  $1 \times 10^{-7}$  cm/sec at anticipated hydrostatic head and shall be verified at the time of installation.

(d) Aboveground storage tanks must have emergency containment structures, such as dike fields, curbing and containment collection systems, which contain releases from overfills, leaks and spills.

(1) Permeability of newly installed or replacement emergency containment structures or emergency containment structures for aboveground storage tanks installed after October 11, 1997, must be less than  $1 \times 10^{-6}$  cm/sec at antici-

pated hydrostatic head and be of sufficient thickness to prevent the released substance from penetrating the containment structure for a minimum of 72 hours, and until the release can be detected and recovered.

(2) Emergency containment structures for aboveground storage tanks installed on or before October 11, 1997, must meet one of the following standards:

(i) The standards for new emergency containment structures for aboveground storage tanks in paragraph (1).

(ii) Verification by a professional engineer that the emergency containment structure, coupled with the tank monitoring program and response plan, is capable of detecting and recovering a release and is designed to prevent contamination of the waters of this Commonwealth. Verification may be conducted in a manner consistent with the Department's technical document entitled "Verification of Emergency Containment Structures for Aboveground Storage Tanks" or in a manner at least as protective of public health and safety and the environment and which meets all statutory and regulatory requirements. Verification of earthen structures should include determination of the containment structure permeability following Nationally recognized testing methods.

(3) Verification of the containment structure is valid until conditions at the site, monitoring program, response plan or procedures change.

(4) Transfers of regulated substances to an aboveground storage tank within the emergency containment shall be monitored by designated personnel for the duration of the transfer.

(e) Emergency containment areas, such as dike fields, must be able to contain 110% of the capacity of the largest aboveground storage tank in the containment area.

(f) Water shall be removed from the emergency containment area as soon as possible. Water shall be removed from the containment before it comes in contact with the aboveground storage tank or piping and before it reduces the capacity of containment by 10% or more. Manually operated pumps or siphons and manually operated gravity drains may be used to empty the containment. If drain valves are used they shall be secured in the closed position when not in use. Discharge or disposal of substances from the containment structure must comply with applicable State and Federal requirements.

#### Source

The provisions of this § 245.542 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331107) to (331109).

#### Cross References

This section cited in 25 Pa. Code § 245.521 (relating to performance standards for aboveground storage tanks); 25 Pa. Code § 245.552 (relating to in-service inspections); and 25 Pa. Code § 245.553 (relating to out-of-service inspections).

**§ 245.543. Leak detection requirements.**

(a) Aboveground storage tank systems shall be provided with a method of leak detection at installation that is capable of detecting a release. The leak detection method shall be monitored at least monthly and shall be installed, calibrated, operated and maintained in accordance with industry practices and manufacturer's specifications.

(1) The area beneath the aboveground storage tank bottom shall be monitored for leakage by visual, mechanical or electronic leak detection methods.

(2) Observation wells outside of the secondary containment structure do not satisfy the leak detection requirements.

(b) Existing aboveground storage tank systems with secondary containment shall implement a monthly leak detection method as required by subsection (a). Monthly visual inspections shall be an acceptable method of leak detection.

(c) Existing aboveground storage tanks without secondary containment under the bottom of the tank that are in contact with the soil, such as vertical flat bottom tanks, that do not have cathodic protection or an internal lining shall be leak tested at the next scheduled in-service inspection consistent with subsection (d) and continue to be leak tested at each in-service inspection thereafter, until the tank is upgraded.

(d) Tank leak test must follow a Nationally recognized procedure that is based on a volumetric/mass measurement, an acoustic measurement or a soil-vapor monitoring method. The test shall be performed by a third-party inspector or a technician who has experience with the selected method and is qualified by the test equipment manufacturer or certified by the relevant industry association and is not an employee of the tank owner.

(e) Aboveground piping shall be visually checked for leaks in accordance with the facility operations and maintenance plan.

**Source**

The provisions of this § 245.543 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331109) to (331110).

**Cross References**

This section cited in 25 Pa. Code § 245.521 (relating to performance standards for aboveground storage tanks); 25 Pa. Code § 245.552 (relating to in-service inspections); 25 Pa. Code § 245.553 (relating to out-of-service inspections); and 25 Pa. Code § 252.3 (relating to scope).

**ABOVEGROUND STORAGE TANK INSPECTIONS****§ 245.551. General requirements for third-party inspections.**

(a) Aboveground storage tank owners and operators shall have their aboveground storage tank systems inspected by a Department-certified aboveground storage tank inspector at frequencies in this subchapter. Inspections will check for compliance with State and Federal requirements and adherence to current codes

of practice developed by Nationally recognized associations, tank manufacturer's instructions and design engineer's specifications.

(b) Only Department-certified inspectors, certified for the applicable inspector certification category, shall be used to satisfy requirements for:

- (1) In-service inspections.
- (2) Out-of-service inspections.
- (3) Installation and modification inspections.

#### Source

The provisions of this § 245.551 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331110).

#### Cross References

This section cited in 25 Pa. Code § 245.113 (relating to certified inspector experience and qualifications); and 25 Pa. Code § 245.562 (relating to temporary removal from service (out-of-service)).

### § 245.552. In-service inspections.

(a) The in-service inspection must follow the guidelines of a Nationally recognized association such as API 653, API 570 and applicable engineering criteria (See §§ 245.524(b), 245.542(d)(2) and 245.543(d) (relating to aboveground tank modifications; containment requirements for aboveground storage tank systems; and leak detection requirements).)

(b) The in-service inspection must evaluate the following:

- (1) Containment areas.
- (2) Foundation.
- (3) Tank shell.
- (4) Tank roof.
- (5) Appurtenances.
- (6) Ancillary equipment including piping.
- (7) Leak detection method.
- (8) Cathodic protection system, if installed.
- (9) Tank system integrity and suitability for service.

(c) Inspection information shall be submitted to the Department on a form provided by the Department and include the results of the evaluation in subsection (b) and the following:

- (1) A determination of the corrosion rate of the shell and piping.
- (2) A calculation of the life of the tank shell and piping based on corrosion rate.
- (3) The next inspection schedule based on the API 653 calculated service life method or 1/4 of the corrosion rate life with a maximum of 5 years between inspections. Other site-specific conditions, for example, maintenance practices, previous repairs, the nature of the substance stored or soil conditions that may affect corrosion rate life or tank system integrity and should be considered when projecting tank service life and the next inspection interval.
- (4) The recommendations for maintaining tank system integrity.

(d) Except as provided in paragraphs (5) and (6), inspection intervals for in-service inspections are as follows:

(1) Aboveground storage tanks shall be initially inspected within 5 years of installation.

(2) Aboveground storage tanks shall have an in-service inspection within 1/4 of the corrosion rate life with a maximum of 5 years from the previous inspection or installation.

(3) An out-of-service inspection may replace an in-service inspection.

(4) An in-service inspection interval, if agreed upon by the Department, may be delayed under § 245.562 (relating to temporary removal from service (out-of-service)) for an aboveground storage tank that is temporarily removed from service. Prior to placing product in the aboveground storage tank, the delayed inspection shall be conducted, deficiencies noted during inspection shall be addressed and remedied, and an amended registration form shall be completed and submitted to the Department.

(5) Aboveground storage tanks in underground vaults shall have in-service inspections conducted as follows:

(i) Aboveground storage tanks with a capacity greater than 5,000 gallons shall have in-service inspections conducted within 6 and 12 months of installation and at least every 3 years thereafter.

(ii) Aboveground storage tanks storing highly hazardous substances with a capacity greater than 1,100 gallons shall have in-service inspections conducted within 6 and 12 months of installation and at least every 3 years thereafter.

(iii) More frequent in-service inspections may be required by the Department when a prior inspection identifies corrosion, deterioration or other violations of this subchapter.

(6) Existing aboveground storage tanks in underground vaults with scheduled in-service inspections after December 21, 2021, shall be inspected by the next currently scheduled in-service inspection date, unless notified otherwise by the Department. Subsequent in-service inspections shall be conducted in accordance with this section.

(e) Inspection recommendations shall be addressed and deficiencies remedied. When modifications or repairs are necessary to correct deficiencies, they shall be made in accordance with manufacturer's specifications and engineering design criteria (See §§ 245.522(a) and (b), 245.524(b)(2), 245.532(b) and (c) and 245.534(c).) The Department may require submission and review of all documentation relating to these remedies. Required tank handling activities are reported to the Department by the certified installer. Tank handling activities involving major modifications shall also be inspected by a certified aboveground storage tank inspector and reported to the Department.

(f) The complete inspection report shall be kept at the facility until the next out-of-service inspection is completed.

**Source**

The provisions of this § 245.552 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331110) to (331112).

**Cross References**

This section cited in 25 Pa. Code § 245.113 (relating to certified inspector experience and qualifications); 25 Pa. Code § 245.526 (relating to piping for aboveground storage tanks); and 25 Pa. Code § 245.562 (relating to temporary removal from service (out-of-service)).

**§ 245.553. Out-of-service inspections.**

(a) Inspections must follow the guidelines of a Nationally recognized association such as API 653, API 570 or ASME and applicable engineering criteria (see §§ 245.524(b), 245.534(c), 245.542(d)(2) and 245.543(d).)

(b) The out-of-service inspection shall evaluate the following:

- (1) Containment areas.
- (2) Foundation and supports.
- (3) Tank shell.
- (4) Tank roof.
- (5) Tank bottom.
- (6) Appurtenances.
- (7) Ancillary equipment including piping.
- (8) Leak detection method.
- (9) Cathodic protection system, if installed.
- (10) Internal linings and coatings, if installed.
- (11) Aboveground storage tank system integrity and suitability for service.

(c) The aboveground storage tank bottom evaluation of metallic floors must be based on ultrasonic testing and visual examination and include at least one other method of nondestructive examination such as magnetic flux tests or vacuum tests of bottom lap welds (see API 653 and ASTM metallography—nondestructive testing Vol. 03.03). The ultrasonic evaluation must be statistically representative of the whole floor, excluding the release prevention barrier or secondary containment on double bottom tanks.

(d) Inspection information shall be submitted to the Department on a form provided by the Department and include the results of subsection (b) and the following:

- (1) A determination of the corrosion rate for tank shell, bottom plates and piping.
- (2) A calculation of the tank life and piping life based on the corrosion rate.
- (3) The schedule for next out-of-service inspection, based on the API 653 calculated service life method or 1/2 of the corrosion rate life, with a maximum of 20 years between inspections. Other site-specific conditions, for example, maintenance practices, previous repairs, internal linings, the nature of the sub-

stance stored or soil conditions that may affect corrosion rate life and should be considered when projecting tank service life and the next inspection interval.

(4) The recommendations for maintaining aboveground storage tank system integrity and meeting performance standards.

(e) Inspection intervals for out-of-service inspections are as follows:

(1) Aboveground storage tanks shall be initially inspected based on measured corrosion rates. When the corrosion rate is unknown, such as with new tank bottoms, the tank's actual bottom thickness shall be determined by inspection within 10 years of installation to determine the corrosion rate.

(2) Aboveground storage tanks shall have an out-of-service inspection at their API 653 calculated service life or 1/2 of the corrosion rate life, with a maximum of 20 years from the last out-of-service inspection.

(3) If agreed upon by the Department, an out-of-service inspection interval may be delayed under § 245.562 (relating to temporary removal from service (out-of-service)) for a tank that is temporarily removed from service. Prior to placing product in the tank, the delayed inspection shall be conducted, deficiencies noted during inspection shall be addressed and remedied, and an amended registration form shall be completed and submitted to the Department.

(f) Deficiencies noted during the inspection shall be remedied before the aboveground storage tank system is returned to service. Modifications or repairs performed on the aboveground storage tank system shall be made in accordance with manufacturer's specifications or an engineer's design criteria (see §§ 245.522(a) and (b), 245.524(b)(2) and 245.532(b) and (c) (relating to new aboveground storage tank installations and reconstructions; aboveground tank modifications; and cathodic protection systems).) The Department may require submission of and review documentation relating to these remedies. Required tank handling activities shall be reported to the Department by the certified installer. Tank handling activities involving major modifications shall also be inspected by a certified aboveground storage tank inspector and reported to the Department.

(g) Aboveground storage tanks which can be completely inspected from the exterior are excluded from out-of-service inspections, except for tanks that are internally lined.

(h) The completed inspection report for out-of-service inspections shall be kept with the facility records under § 245.516 (relating to recordkeeping requirements).

#### Source

The provisions of this § 245.553 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331112) to (331114).



**Cross References**

This section cited in 25 Pa. Code § 245.113 (relating to certified inspector experience and qualifications); 25 Pa. Code § 245.526 (relating to piping for aboveground storage tanks); and 25 Pa. Code § 245.562 (relating to temporary removal from service (out-of-service)).

**§ 245.554. Installation and modification inspections.**

(a) Aboveground storage tank systems shall be inspected by a Department-certified inspector at the time of installation in accordance with § 245.522 (relating to new aboveground storage tank installations and reconstructions), and current Nationally recognized association's code of practice and manufacturer's specifications.

(b) Major modifications shall be inspected by a Department-certified inspector at the time of modification under § 245.524 (relating to aboveground tank modifications) and current codes of practice developed by Nationally recognized associations prior to being put back in service. When modifications are made to the tank floor, the next inspection date projections shall be determined based on the condition of the tank subsequent to those modifications and reported to the Department by the certified inspector on the appropriate inspection form provided by the Department. Other site-specific conditions, for example, maintenance practices, previous repairs, the nature of the substance stored or soil conditions that may affect corrosion rate life or aboveground storage tank system integrity should be considered when projecting tank service life and the next inspection interval.

(c) Aboveground storage tanks which are relocated or reconstructed shall be inspected by a Department-certified inspector and tested for tightness in accordance with § 245.522 and current codes of practice developed by Nationally recognized associations prior to being put in service.

(d) The completed inspection report for installation and modification inspections shall be retained with the facility records under § 245.516 (relating to recordkeeping requirements).

**Source**

The provisions of this § 245.554 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331114).

**Cross References**

This section cited in 25 Pa. Code § 245.113 (relating to certified inspector experience and qualifications); 25 Pa. Code § 245.521 (relating to performance standards for standards for aboveground storage tanks); and 25 Pa. Code § 245.562 (relating to temporary removal from service (out-of-service)).

**CLOSURE AND REMOVAL FROM SERVICE REQUIREMENTS****§ 245.561. Permanent closure or change-in-service.**

Before permanent closure or change-in-service is completed, the owner and operator shall comply with the following:

- (1) At least 30 days before beginning either a permanent closure or change-in-service, or within a lesser time as determined by the Department, the

owner and operator shall notify the Department of their intent to permanently close or perform a change-in-service, unless the action is in response to a corrective action or waived by the Department.

(2) The owner shall complete and submit an amended tank registration form, signed by the owner and the certified installer that provided direct onsite supervision of the tank handling activity, to the Department within 30 days of either of the following:

- (i) The completion of permanent closure.
- (ii) Change-in-service of the tank.

(3) The owner and operator shall complete a site assessment to measure for the presence of any release from the aboveground storage tank system and a closure report. The assessment of the site shall be made after the notification to the Department and may be conducted in a manner consistent with the Department's technical document entitled "Closure Requirements for Aboveground Storage Tank Systems" or in a manner at least as protective of public health and safety and the environment and which meets all statutory and regulatory requirements. The results of the site assessment and the closure report shall be retained for 3 years.

(4) If contaminated soil, sediment, surface water or groundwater, or free product is discovered or confirmed by either direct observation or indicated by the analytical results of sampling, the owner and operator shall proceed with the corrective action as required in Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) or, if applicable, in accordance with remedial action agreements.

(5) Regulated substance and contents removed from the aboveground storage tank system shall be reused, treated or disposed of in a manner consistent with applicable State and Federal waste management requirements.

(6) Aboveground storage tank systems shall be cleaned, rendered free of hazardous vapors and ventilated if left onsite or shall be emptied and removed from the site in a manner consistent with current industry practices and Bureau of Waste Management requirements such as Chapters 263a and 299 (relating to transporters of hazardous waste; and storage and transportation of residual waste).

(7) Aboveground storage tanks permanently closed and left onsite shall be legibly marked with the date of permanent closure.

(8) The appropriate State agency, county and local jurisdiction shall be notified if the tank is under a fire marshal, flammable and combustible liquids or other State agency, county or local jurisdiction permit.

(9) Aboveground storage tanks that are closed in place shall:

- (i) Be rendered inoperable and incapable of storing liquid substance.
- (ii) Be secured against unauthorized entry.
- (iii) Meet the requirements specified in paragraphs (1)—(8).

**Source**

The provisions of this § 245.561 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331115) to (331116).

**Cross References**

This section cited in 25 Pa. Code § 245.516 (relating to recordkeeping requirements); 25 Pa. Code § 245.562 (relating to temporary removal from service (out-of-service)); and 25 Pa. Code § 245.617 (relating to temporary removal from service (out-of-service)).

**§ 245.562. Temporary removal from service (out-of-service).**

(a) The owner and operator shall complete and submit an amended registration form to the Department within 30 days after the change in tank status.

(b) An aboveground storage tank system shall be emptied and regulated substances and contents shall be reused, treated or disposed of in accordance with State and Federal requirements.

(c) An aboveground storage tank shall be secured against unauthorized entry and all piping entering or exiting the tank, excluding vents, shall be capped or blinded.

(d) Aboveground storage tank system integrity shall be maintained throughout the temporary removal from service time and the tank shall be protected against flotation.

(e) Inspection requirements shall be maintained as specified in §§ 245.551—245.554 (relating to aboveground storage tank inspections). In-service and out-of-service inspection intervals may be delayed for a tank that is temporarily removed from service. The delayed inspections shall be conducted prior to placing regulated substance in a tank and returning the tank to operating status. Deficiencies noted during inspection shall be addressed and remedied and an amended registration form submitted to the Department prior to returning the tank to operating status.

(f) Aboveground storage tanks shall be permanently closed within 5 years of being placed temporarily out-of-service unless the owner requests in writing an extension to the temporary out-of-service period and the Department approves the request.

(g) The Department may impose conditions and require submission of documentation when reviewing and approving a request for an extension of the temporary out-of-service period, including:

(1) Requirements for inspection under §§ 245.552 and 245.553 (relating to in-service inspections; and out-of-service inspections).

(2) Site assessment under § 245.561 (relating to permanent closure or change-in-service).

(3) Other considerations determined by the Department to be necessary to ensure the integrity of the aboveground storage tank.

**Source**

The provisions of this § 245.562 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331116).

**Cross References**

This section cited in 25 Pa. Code § 245.552 (relating to in-service inspections); and 25 Pa. Code § 245.553 (relating to out-of-service inspections).

**Subchapter G. SIMPLIFIED PROGRAM FOR SMALL ABOVEGROUND STORAGE TANKS****GENERAL**

- Sec.  
245.601. Purpose.  
245.602. Scope.  
245.603. General storage tank facility requirements.  
245.604. Referenced organizations.  
245.605. Applicability.  
245.606. Variances.

**TECHNICAL REQUIREMENTS**

- Sec.  
245.611. Testing requirements for new and substantially modified small aboveground storage tanks.  
245.612. Performance and design standards.  
245.613. Monitoring standards.  
245.614. [Reserved].  
245.615. Recordkeeping requirements.  
245.616. Inspection requirements.  
245.617. Temporary removal from service (out-of-service).  
245.618. Permanent closure or change-in-service.

**Source**

The provisions of this Subchapter G adopted October 10, 1997, effective October 11, 1997, 27 Pa.B. 5341, unless otherwise noted.

**Cross References**

This subchapter cited in 25 Pa. Code § 245.222 (relating to application requirements); 25 Pa. Code § 245.232 (relating to general requirements); and 25 Pa. Code § 245.502 (relating to scope).

**GENERAL****§ 245.601. Purpose.**

This subchapter establishes a simplified program of technical standards and requirements for small aboveground storage tanks not exceeding 21,000 gallons

capacity and regulated under the act. Regulated aboveground storage tanks are defined in § 245.1 (relating to definitions).

**§ 245.602. Scope.**

The standards and requirements established in this subchapter shall be applied through the use of appropriate current codes of practice developed by Nationally recognized associations such as, but not limited to, those referenced in § 245.604 (relating to referenced organizations) and through the use of manufacturer's specifications and sound engineering practices. This subchapter is not intended to supersede other State and Federal regulations or jurisdictional requirements when they are more restrictive than the requirements in this part. For certain types of tanks this subchapter may make reference to the requirements for aboveground storage tanks in Subchapter F (relating to technical standards for aboveground storage tanks and facilities).

**§ 245.603. General storage tank facility requirements.**

(a) The owner and operator of a storage tank facility with an aggregate aboveground storage capacity greater than 21,000 gallons shall develop and adhere to a Spill Prevention Response Plan (Plan) which addresses the requirements in sections 901—904 of the act (35 P.S. §§ 6021.901—6021.904). Plan revisions or any addendum to the initial Plan shall be submitted to the Department in writing or electronically within 180 days of any occurrences as described in section 901(b) of the act. A current copy of the Plan shall be readily available at the storage tank facility at all times.

(b) The owner and operator of a storage tank facility are responsible to assure that appropriate security measures and procedures based on the facility location are established and implemented to protect the environment and the public. These security measures may include, but are not limited to, fencing, lighting, access control, locked entrances and securing of valves, drains and dispensers.

(c) The owner and operator of a storage tank facility with an aggregate aboveground storage capacity greater than 21,000 gallons shall maintain a written or electronic log. At a minimum, each log entry must identify the name of the individual performing tank handling and inspection activities, the individual's signature or equivalent verification of presence onsite, the company name, the date of work, start and end times, and a brief description of work performed, including tank identification.

**Source**

The provisions of this § 245.603 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331118).

**Cross References**

This section cited in 25 Pa. Code § 245.615 (relating to recordkeeping requirements).

**§ 245.604. Referenced organizations.**

(a) Nationally-recognized associations which are referenced throughout this subchapter are as follows:

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- (1) American National Standards Institute (ANSI).
- (2) American Petroleum Institute (API).
- (3) American Society of Mechanical Engineers (ASME).
- (4) American Society for Testing and Materials (ASTM).
- (5) NACE International—The Corrosion Society (NACE).
- (6) National Fire Protection Association (NFPA).
- (7) Petroleum Equipment Institute (PEI).
- (8) SSPC—The Society for Protective Coatings (SSPC).
- (9) Steel Tank Institute (STI).
- (10) Underwriters Laboratory (UL).

(b) Nationally-recognized codes and standards shall be used in conjunction with manufacturer's specifications to comply with this subchapter. When used to meet the technical standards and requirements of this subchapter, the most current or latest edition of the codes and standards shall be applied. Other Nationally-recognized codes and standards, not referenced in this part, may also be used to comply with this subchapter, when approved by the Department.

(c) When Nationally-recognized codes and standards are updated, facilities or storage tank systems installed to previously existing standards prior to the update will not automatically be required to be upgraded to meet the new standard, unless specifically required in the revised standards or by the Department.

(d) Regulatory requirements shall prevail over Nationally-recognized codes and standards whenever there is a conflict.

#### Source

The provisions of this § 245.604 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979. Immediately preceding text appears at serial page (234768).

#### Cross References

This section cited in 25 Pa. Code § 245.132 (relating to standards of performance); and 25 Pa. Code § 245.602 (relating to scope).

### § 245.605. Applicability.

Existing aboveground storage tanks that become regulated due to the addition of new regulated substances as defined in § 245.1 ((relating to definitions) (see subparagraph (iii)(A) and (B))) are subject to the requirements in this chapter and shall be registered with the Department.

#### Source

The provisions of this § 245.605 adopted November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331119).

### § 245.606. Variances.

When unique or peculiar circumstances make compliance with this subchapter technically impractical, infeasible or unsafe, the Department may, upon written application from the owner of a storage tank system subject to this subchapter, grant a variance from one or more specific provisions of this subchapter.

- (1) A variance may only be granted if the storage tank system meets alternative technical standards that fully protect human health and the environment.

(2) A written application for a variance shall be submitted to the Department and must provide all of the following information:

(i) The facility name and identification number for which the variance is sought.

(ii) Specific sections of this subchapter from which the variance is sought.

(iii) The unique or peculiar conditions which make compliance with the sections identified under subparagraph (ii) technically impractical, infeasible or unsafe.

(iv) Evidence, including data, plans, specifications and test results, which supports an alternative design, practice, schedule or method as being at least as protective of human health and the environment as the requirement of the sections identified under subparagraph (ii).

(3) New technologies may be granted a variance. New technologies shall be reviewed and documented by a professional engineer and documentation provided to the Department with the variance request.

(4) The Department will not grant a variance which would result in regulatory controls less stringent than other applicable Federal or State regulations, such as 34 Pa. Code Chapter 14 (relating to flammable and combustible liquids; preliminary provisions) and 40 CFR Part 112 (relating to oil pollution prevention).

(5) When granting the variance, the Department may impose specific conditions necessary to assure that the variance will adequately protect the public health, safety or welfare and the environment.

(6) The Department will provide to the applicant a written notice of approval, approval with conditions or denial. Variance approvals will be published in the *Pennsylvania Bulletin*.

#### Source

The provisions of this § 245.606 adopted December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875.

### TECHNICAL REQUIREMENTS

#### § 245.611. Testing requirements for new and substantially modified small aboveground storage tanks.

(a) Aboveground storage tanks shall be tested for tightness at installation in accordance with current codes of practice developed by Nationally recognized associations and manufacturer's specifications, except for manufactured, shop built tanks that meet the requirements in subsection (b). The testing shall be completed, as part of the installation process, prior to putting the tank in service.

(b) Manufactured, shop built tanks that are initially tested after full assembly at the plant do not require additional testing at installation if the manufacturer certifies that the tank was tested at the plant and the manufacturer's installation instructions do not specify additional testing.

(c) Aboveground storage tanks that receive major modifications to the tank shell or the tank bottom shall be tested for tightness, in accordance with current codes of practice developed by Nationally recognized associations or manufacturer's specifications, prior to being returned to service.

**Source**

The provisions of this § 245.611 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331119) to (331120).

**§ 245.612. Performance and design standards.**

(a) Aboveground storage tanks shall be designed, constructed and installed or modified in accordance with current codes of practice developed by Nationally recognized associations and the manufacturer's specifications. Tank handling activities shall be accomplished by a Department-certified aboveground storage tank installer or under the installer's direct, onsite supervision and control.

(b) Aboveground storage tanks must have a stable support or foundation capable of adequately supporting the total weight of the tank and its contents when in use. The support or foundation must meet or exceed the specifications of the tank manufacturer and be designed and constructed in accordance with sound engineering practices.

(c) Ancillary equipment, including piping, shall be designed, installed and modified in accordance with current codes of practice developed by Nationally recognized associations and the manufacturer's specifications. Ancillary equipment must be compatible with the substance stored and must be adequately protected from corrosion, excessive wear and deterioration. Protective coatings shall be maintained throughout the entire operational life of the aboveground storage tank system.

(d) Aboveground storage tanks shall be installed with secondary containment in or under the tank bottom to provide monitoring capability to satisfy leak detection requirements in § 245.613 (relating to monitoring standards) and emergency containment to contain possible releases, such as overfills, leaks and spills. Emergency containment must be sufficiently impermeable to contain any potential release for a minimum of 72 hours and until the release can be detected and fully recovered in an expeditious manner. Double walled tanks may meet both emergency and secondary containment requirements when the tank system is operated with spill and overfill protection controls including the following:

- (1) Permanently installed spill prevention equipment at the tank fill point or containment at the remote fill point.
- (2) An overfill alarm or prevention device or monitoring gauge and written shutdown procedure.
- (3) Block valves on product lines.
- (4) Solenoid valve or antisiphon device, if applicable.

(e) The exterior of the aboveground storage tank system must be protected by an appropriate coating or paint which shall be maintained throughout the entire operational life of the aboveground storage tank system.



(f) Aboveground storage tanks which are internally lined must comply with § 245.534(a) and (b) (relating to interior linings and coatings).

(g) Aboveground storage tanks shall be labeled or marked in a manner consistent with industry standards and which provides for identifying the regulated substance stored from outside the containment area.

(h) Aboveground storage tank systems and storage tank system components whose failure could contribute to a release of product shall be maintained in a good state of repair to ensure they function as designed.

#### Source

The provisions of this § 245.612 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331120) to (331121).

#### Cross References

This section cited in 25 Pa. Code § 245.616 (relating to inspection requirements).

### § 245.613. Monitoring standards.

(a) By October 12, 1998, a method of leak detection shall be in use and monitored at least monthly. An automatic sensing device, mechanical device or other appropriate method may be used. This method, at a minimum, shall provide a visual examination of the storage tank system by the owner and operator or designated representative. If releases are detected, they shall be corrected and the provisions of Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) shall be complied with.

(b) The owner and operator shall assure that a maintenance and general operations check of the aboveground storage tank system is performed at least monthly. Deficiencies noted during the check shall be corrected. The small aboveground storage tank general operations and maintenance checklist provided by the owner and operator shall be used to document the monthly operations and maintenance check. The operations and maintenance check shall include:

- (1) A visual examination of the aboveground storage tank system for deterioration, including the tank, piping, ancillary equipment, foundation, containment structure or facility, and safety equipment.
- (2) A check of the containment areas for accumulation of water and removal of water as necessary.
- (3) Confirmation that containment drain valves are secured in the closed position when not in use.
- (4) Verification of the functionality of the leak detection system.
- (5) A check of vents for restrictions.
- (6) A check of ancillary equipment for operational malfunctions.
- (7) An investigation of conditions that may be a fire or safety hazard, or pose an environmental hazard.
- (8) Observation for evidence of a release of regulated substance from the aboveground storage tank system.

(c) An owner and operator of an aboveground storage tank system with a cathodic protection system must comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the aboveground storage tank system is used to store regulated substances:

(1) An aboveground storage tank system equipped with a cathodic protection system must be tested for proper operation by a qualified cathodic protection tester in accordance with the following requirements:

(i) Impressed current cathodic protection systems must be tested at least annually.

(ii) Galvanic cathodic protection systems must be tested at least every 3 years.

(iii) Cathodic protection systems must be tested within 6 months following installation and 6 months following repair of the cathodic protection system.

(iv) The criteria that are used to determine that cathodic protection is adequate under this section must be in accordance with a code of practice developed by a Nationally recognized association.

(2) An aboveground storage tank system with impressed current cathodic protection systems must be checked every 60 days to ensure the equipment is running properly. At a minimum, the operator or person conducting the 60-day check shall document the date checked, annotate the system's functioning status, and for systems equipped with a direct current readout meter, record the amount of current indicated on the meter.

(3) For an aboveground storage tank system using cathodic protection, records of the operation of the cathodic protection system must be maintained under § 245.615 (relating to recordkeeping requirements) to demonstrate compliance with the performance standards in this section. The records must include the following:

(i) The results of the last three checks required in paragraph (2).

(ii) The results of testing from the last two cathodic protection surveys required in paragraph (1).

#### Source

The provisions of this § 245.613 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331121) to (331122).

#### Cross References

This section cited in 25 Pa. Code § 245.612 (relating to performance and design standards); 25 Pa. Code § 245.615 (relating to recordkeeping requirements); 25 Pa. Code § 245.617 (relating to temporary removal from service (out-of-service)); and 25 Pa. Code § 252.3 (relating to scope).

### § 245.614. [Reserved].

#### Source

The provisions of this § 245.614 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; reserved December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331122) to (331123).

**§ 245.615. Recordkeeping requirements.**

(a) The owner and operator shall maintain required aboveground storage tank system records. If records are maintained offsite, the records shall be easily obtained and provided to the Department upon request.

(b) The following records shall be maintained for the operational life of the aboveground storage tank system unless otherwise stated:

(1) Original aboveground storage tank system installation records and design specifications. This requirement is limited to records currently available for aboveground storage tank systems installed on or before October 11, 1997.

(2) Records of modification to the aboveground storage tank system.

(3) The permits issued under Subchapter C (relating to permitting of underground and aboveground storage tank systems and facilities).

(4) Current registration certificates.

(5) Leak detection records and maintenance checklists for the past 12 months.

(6) Third-party inspection reports.

(7) Documentation of investigations of suspected releases in accordance with § 245.304 (relating to investigation and reporting of suspected releases).

(8) Written or electronic log entry information as required under § 245.603(c) (relating to general storage tank facility requirements).

(9) Documentation of the last three impressed current cathodic protection system checks for each 60-day period in accordance with § 245.613 (relating to monitoring standards).

(10) The last two cathodic protection surveys, done at 3-year intervals on galvanic and annually on impressed current cathodic protection systems in accordance with § 245.613.

**Source**

The provisions of this § 245.615 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331123).

**Cross References**

This section cited in 25 Pa. Code § 245.613 (relating to monitoring standards).

**§ 245.616. Inspection requirements.**

(a) Required inspections of small aboveground storage tank systems shall be conducted by Department-certified aboveground storage tank inspectors according to a current Nationally recognized association's code of practice or according to manufacturer's specifications and applicable engineering criteria (See § 245.612 (relating to performance and design standards).) Deficiencies noted during the inspection shall be addressed and remedied. When modifications or repairs are necessary to correct deficiencies, they shall be made in accordance with manufacturer's specifications and applicable engineering design criteria. The Department may require submission and review of documentation relating to these remedies. The associated tank handling activities are reported to the Department by a certified installer.

(b) Small aboveground field constructed storage tanks shall be inspected at installation, reconstruction or relocation and when a major modification activity is performed on the aboveground storage tank shell or the tank bottom plates.

(c) Except as provided in paragraph (2), the owner and operator of small aboveground storage tanks storing regulated substances with a capacity greater than 5,000 gallons and owners and operators of small aboveground storage tanks storing highly hazardous substances with a capacity greater than 1,100 gallons shall have in-service inspections conducted every 5 years or more often when corrosion, deterioration or other specific conditions necessitate. Other specific conditions may include maintenance practices, previous repairs, the nature of the substance stored and coatings or linings that should be considered when projecting tank service life and the next inspection interval. Internally lined tanks and flat bottom tanks without an interstice or external access to the tank bottom may require further evaluation or internal examination.

(1) Aboveground storage tanks installed after December 22, 2018, shall be initially inspected within 5 years of installation.

(2) Existing aboveground storage tank systems with scheduled in-service inspections after December 21, 2023, shall be inspected by the next currently scheduled in-service inspection date, unless notified otherwise by the Department. Subsequent in-service inspections shall be conducted in accordance with this section.

(d) In-service inspections shall evaluate the following:

- (1) Containment areas.
- (2) Foundation and tank supports.
- (3) Tank shell and tank roof, where a roof exists.
- (4) Appurtenances.
- (5) Ancillary equipment including piping.
- (6) Leak detection method, including leak detection records and maintenance checklists.
- (7) Cathodic protection system, if installed.
- (8) Coatings and protections from deterioration.
- (9) Tank system integrity and suitability for service.

(e) If agreed upon by the Department, an in-service inspection interval may be delayed under § 245.617 (relating to temporary removal from service (out-of-service)) for an aboveground storage tank that is temporarily removed from service. Prior to placing product in the aboveground storage tank, the delayed inspection shall be conducted, deficiencies noted during inspection shall be addressed and remedied, and an amended registration form shall be completed and submitted to the Department.

#### Source

The provisions of this § 245.616 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial pages (331123) to (331125).

**Cross References**

This section cited in 25 Pa. Code § 245.113 (relating to certified inspector experience and qualifications); and 25 Pa. Code § 245.617 (relating to temporary removal from service (out-of-service)).

**§ 245.617. Temporary removal from service (out-of-service).**

(a) The owner and operator shall complete and submit an amended registration form to the Department within 30 days after the change in tank status.

(b) The owner and operator shall empty the aboveground storage tank system of regulated substances and conduct a visual examination of the area surrounding the tank as required under § 245.618(b) (relating to permanent closure or change-in-service), excluding the surface and soil underlying any tank bottom in contact with the ground before placing the tank in temporary removal from service status.

(c) Monitoring standards in § 245.613(a) (relating to monitoring standards) are not required when an aboveground storage tank is reported to the Department as temporarily removed from service.

(d) Inspection requirements shall be maintained as specified in § 245.616 (relating to inspection requirements). In-service inspection intervals may be delayed for a tank that is temporarily removed from service. The delayed inspections shall be conducted prior to placing regulated substance in a tank and returning the tank to operating status. Deficiencies noted during inspection shall be addressed and remedied and an amended registration form submitted to the Department prior to returning the tank to operating status.

(e) Aboveground storage tanks shall be permanently closed within 5 years of being placed temporarily out-of-service unless the owner requests in writing an extension to this temporary removal from service period and the Department approves the request.

(f) The Department may impose conditions and require submission of documentation when reviewing and approving a request for an extension of the temporary removal from service period, including:

(1) Requirements for inspection under § 245.616.

(2) Site assessment under § 245.561 (relating to permanent closure or change-in-service) or § 245.618(b).

(3) Other considerations determined by the Department to be necessary to ensure the integrity of the aboveground storage tank.

**Source**

The provisions of this § 245.617 adopted December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875.

**Cross References**

This section cited in 25 Pa. Code § 245.616 (relating to inspection requirements).

**§ 245.618. Permanent closure or change-in-service.**

(a) Aboveground storage tank systems shall be cleaned, rendered free from hazardous vapors and ventilated if left onsite or emptied and removed from the site in a manner consistent with current industry practices and Bureau of Waste

Management requirements such as Chapters 263a and 299 (relating to transporters of hazardous waste; and storage and transportation of residual waste). Piping shall be removed or capped and fill ports shall be secured, capped or dismantled.

(b) The owner shall conduct a visual examination of the surface, soil and area surrounding and underlying the storage tank system for obvious indications or evidence of a release of regulated substance.

(1) If a release is suspected, it shall be investigated in accordance with § 245.304 (relating to investigation and reporting of suspected releases).

(2) If a release is confirmed, it shall be reported to the appropriate Department regional office responsible for the county in which the aboveground storage tank is located in accordance with § 245.305 (relating to reporting releases).

(c) The owner shall complete and submit an amended tank registration form, signed by the owner and the certified installer that provided direct onsite supervision of the tank handling activity, to the Department within 30 days of either of the following:

- (1) The completion of permanent closure.
- (2) Change-in-service of the tank.

#### Source

The provisions of this § 245.618 adopted December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875.

#### Cross References

This section cited in 25 Pa. Code § 245.617 (relating to temporary removal from service (out-of-service)).

### **Subchapter H. FINANCIAL RESPONSIBILITY REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS AND STORAGE TANK FACILITIES**

Sec.

- 245.701. Purpose.
- 245.702. Scope.
- 245.703. Owner or operator financial responsibility.
- 245.704. General requirements.
- 245.705. Owner and operator liability.
- 245.706. Underground storage tanks not covered by USTIF.
- 245.707. Coverage amounts for financial responsibility.
- 245.708. Failure to maintain financial responsibility.

#### Source

The provisions of this Subchapter H adopted December 23, 1994, effective December 24, 1994, 24 Pa.B. 6515, unless otherwise noted.

#### Cross References

This subchapter cited in 25 Pa. Code § 245.222 (relating to application requirements).

**§ 245.701. Purpose.**

This subchapter sets forth the requirements for an owner or operator of an underground storage tank to comply with the obligation to have adequate financial responsibility, as required by section 701 of the act (35 P. S. § 6021.701), and by Federal regulations at 40 CFR 280, Subpart H (relating to financial responsibility).

**§ 245.702. Scope.**

This subchapter applies to an owner or operator of an underground storage tank regulated under the act.

**§ 245.703. Owner or operator financial responsibility.**

The owner of the underground storage tank shall comply with the financial responsibility requirements of this subchapter, unless there is a written agreement between the owner and the operator of the underground storage tank setting forth a different arrangement between the owner and operator for provision of financial responsibility. The liability of the owner or operator established under the act for corrective action and for compliance with the requirements for the operation of underground storage tanks will not be affected by this section.

**§ 245.704. General requirements.**

(a) An owner or operator of an underground storage tank shall continuously participate in the USTIF by timely paying all applicable fees and conforming with all other requirements for participation in the USTIF, unless the EQB has determined that the underground storage tank is an exempt underground storage tank.

(b) An owner or operator of an underground storage tank shall have sufficient financial resources available to continuously meet the USTIF deductibles for both corrective action and third party liability as determined in accordance with § 245.707 (relating to coverage amounts for financial responsibility). The deductible coverage must be in a method required under section 701(b) of the act (35 P. S. § 6021.701(b)) including a guarantee, surety bond, qualification as a self-insurer, insurance or risk retention coverage, letter of credit, indemnity contract, trust fund, stand by trust fund, or other method approved or deemed satisfactory by the Department.

(c) The owner or operator shall have written documentation of the USTIF deductible coverage readily available and provide this documentation to the Department upon request to demonstrate that the owner or operator has sufficient financial resources to meet the USTIF deductible for both corrective action and third party liability as determined in accordance with § 245.707.

**Source**

The provisions of this § 245.704 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979; amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331126).

**§ 245.705. Owner and operator liability.**

This subchapter does not limit or waive the liability of an owner or operator for corrective action or for third party liability.

**§ 245.706. Underground storage tanks not covered by USTIF.**

(a) The owner or operator of an exempt underground storage tank shall maintain adequate financial responsibility in accordance with 40 CFR 280, Subpart H (relating to financial responsibility).

(b) Upon request of the Department, an owner or operator of an exempt underground storage tank shall submit a written certification or provide other written evidence to the Department that the owner or operator satisfies the requirements of subsection (a). The certification shall be made on a form provided by the Department.

**§ 245.707. Coverage amounts for financial responsibility.**

The owner or operator of an underground storage tank, other than an exempt underground storage tank, shall comply with the financial responsibility requirements of this subchapter by maintaining sufficient financial resources to provide the coverage for both corrective action and third party liability, in the amounts set forth in paragraphs (1) and (2) for the applicable number of tanks:

(1) *For corrective action:*

*Number of tanks    Amount of required coverage*

1—6	1 × USTIF deductible
7—12	2 × USTIF deductible
13—18	3 × USTIF deductible
19—24	4 × USTIF deductible
25—30	5 × USTIF deductible
31—36	6 × USTIF deductible
37—42	7 × USTIF deductible
43—48	8 × USTIF deductible
49—60	9 × USTIF deductible
61—100	10 × USTIF deductible
101—200	11 × USTIF deductible
201—300	12 × USTIF deductible
301—600	13 × USTIF deductible
over 600	14 × USTIF deductible



(2) *For third party liability:*

*Number of tanks*    *Amount of required coverage*

1—100                    1 × USTIF deductible

over 100                2 × USTIF deductible

**Source**

The provisions of this § 245.707 amended November 9, 2007, effective November 10, 2007, 37 Pa.B. 5979. Immediately preceding text appears at serial page (313749).

**Cross References**

This section cited in 25 Pa. Code § 245.704 (relating to general requirements).

**§ 245.708. Failure to maintain financial responsibility.**

The failure of an owner or operator of an underground storage tank to comply with this subchapter shall subject the owner or operator to the enforcement provisions in sections 1301—1315 of the act (35 P.S. §§ 6021.1301—6021.1315).

**Source**

The provisions of this § 245.708 amended December 21, 2018, effective December 22, 2018, 48 Pa.B. 7875. Immediately preceding text appears at serial page (331127).

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