

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1780 Session of 2021

INTRODUCED BY ARMANINI, MOUL, SMITH, ZIMMERMAN AND CIRESI, AUGUST 12, 2021

SENATOR YAW, ENVIRONMENTAL RESOURCES AND ENERGY, IN SENATE, AS AMENDED, JUNE 20, 2022

AN ACT

1 Amending the act of July 6, 1989 (P.L.169, No.32), entitled "An
2 act providing for the regulation of storage tanks and tank
3 facilities; imposing additional powers and duties on the
4 Department of Environmental Protection and the Environmental
5 Quality Board; and making an appropriation," in general
6 provisions, further providing for definitions AND FOR <--
7 ADVISORY COMMITTEE; and, in financial provisions, further
8 providing FOR UNDERGROUND STORAGE TANK INDEMNIFICATION BOARD, <--
9 for powers and duties of Underground Storage Tank
10 Indemnification Board, for Underground Storage Tank
11 Environmental Cleanup Program and for Underground Storage
12 Tank Pollution Prevention Program.

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

15 Section 1. The definition of "secretary" in section 103 of
16 the act of July 6, 1989 (P.L.169, No.32), known as the Storage
17 Tank and Spill Prevention Act, is amended to read:

18 Section 103. Definitions.

19 The following words and phrases when used in this act shall
20 have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 * * *

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

3 * * *

4 Section 2. Sections 105(A)(1), 703(A)(1)(I), 705(d)(1), <--
5 710(f) and 711(f) of the act are amended to read:

6 SECTION 105. ADVISORY COMMITTEE. <--

7 (A) APPOINTMENT, COMPOSITION, ETC.--A STORAGE TANK ADVISORY
8 COMMITTEE SHALL BE APPOINTED BY THE SECRETARY WITHIN 30 DAYS
9 AFTER THE EFFECTIVE DATE OF THIS ACT. THE COMMITTEE SHALL
10 CONSIST OF NO MORE THAN 17 MEMBERS. FOUR MEMBERS SHALL BE
11 REPRESENTATIVES OF LOCAL GOVERNMENT, SIX MEMBERS SHALL BE
12 REPRESENTATIVES OF THE REGULATED COMMUNITY, ONE MEMBER SHALL BE
13 A REGISTERED PROFESSIONAL ENGINEER WITH THREE YEARS OF
14 EXPERIENCE IN THIS COMMONWEALTH, ONE MEMBER SHALL BE A
15 HYDROGEOLOGIST, FOUR MEMBERS SHALL BE REPRESENTATIVES OF THE
16 PUBLIC AND ONE MEMBER SHALL BE AN ACTIVE COMMERCIAL FARM OWNER
17 OR OPERATOR NOMINATED BY STATEWIDE GENERAL FARM ORGANIZATIONS.
18 MEMBERS SHALL SERVE WITHOUT COMPENSATION OTHER THAN
19 REIMBURSEMENT FOR REASONABLE AND NECESSARY EXPENSES IN
20 ACCORDANCE WITH COMMONWEALTH POLICY OR REGULATIONS AND SHALL
21 SERVE FOR TERMS FIXED BY THE SECRETARY. THE SIX REPRESENTATIVES
22 FROM THE REGULATED COMMUNITY SHALL BE APPOINTED BY THE
23 SECRETARY, ONE EACH FROM A LIST OF THREE NOMINEES PROVIDED BY
24 THE FOLLOWING:

25 (1) THE [ASSOCIATED PETROLEUM INDUSTRIES OF
26 PENNSYLVANIA] AMERICAN PETROLEUM INSTITUTE PENNSYLVANIA.

27 * * *

28 SECTION 703. UNDERGROUND STORAGE TANK INDEMNIFICATION BOARD.

29 (A) ESTABLISHMENT OF BOARD, APPOINTMENT AND TERMS.--THERE IS
30 HEREBY CREATED THE UNDERGROUND STORAGE TANK INDEMNIFICATION

1 BOARD WHICH SHALL CONSIST OF 14 MEMBERS. THE INSURANCE
2 COMMISSIONER AND THE SECRETARY OF ENVIRONMENTAL PROTECTION SHALL
3 BE EX OFFICIO MEMBERS. TWO MEMBERS SHALL BE APPOINTED FROM THE
4 SENATE, ONE MEMBER BY THE PRESIDENT PRO TEMPORE OF THE SENATE
5 AND ONE MEMBER BY THE MINORITY LEADER OF THE SENATE. TWO MEMBERS
6 SHALL BE APPOINTED FROM THE HOUSE OF REPRESENTATIVES, ONE MEMBER
7 BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE MEMBER BY
8 THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES. EIGHT
9 MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, AS FOLLOWS:

10 (1) SIX MEMBERS WHO SHALL BE PERSONS WITH PARTICULAR
11 EXPERTISE IN THE MANAGEMENT OF UNDERGROUND STORAGE TANKS.
12 THREE OF THESE MEMBERS SHALL BE APPOINTED FOR TERMS OF FOUR
13 YEARS AND THREE SHALL BE APPOINTED FOR A TERM OF THREE YEARS.
14 THE GOVERNOR SHALL APPOINT THE MEMBERS, ONE EACH FROM A LIST
15 OF NOMINEES PROVIDED BY EACH OF THE FOLLOWING:

16 (I) THE [ASSOCIATED PETROLEUM INDUSTRIES OF
17 PENNSYLVANIA] AMERICAN PETROLEUM INSTITUTE PENNSYLVANIA.

18 * * *

19 Section 705. Powers and duties of Underground Storage Tank
20 Indemnification Board.

21 * * *

22 (d) Fees.--

23 (1) The board, by regulation, shall establish fees to be
24 paid by the owner, operator or certified tank installer, as
25 appropriate, of underground storage tanks. Fees shall be set
26 on an actuarial basis in order to provide an amount
27 sufficient to pay outstanding and anticipated claims against
28 the Underground Storage Tank Indemnification Fund in a timely
29 manner. Fees shall also include an amount sufficient to meet
30 all other financial requirements of the board. Fees shall be

1 adjusted as deemed necessary by the board, but no more than
2 once a year. The board shall annually evaluate the fee amount
3 to determine if it is sufficient to meet the anticipated
4 expenses of the fund and provide a copy of its evaluation to
5 the Environmental Resources and Energy Committee of the
6 Senate and the [Conservation] Environmental Resources and
7 Energy Committee of the House of Representatives. The board
8 shall analyze the claims experience of storage tanks to
9 determine which types of underground tanks or tank
10 configurations result in less frequent leaks.

11 * * *

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

14 * * *

15 (f) Sunset.--The Underground Storage Tank Environmental
16 Cleanup Program shall cease to exist on [June 30, 2022] December
17 31, 2027, unless it is reestablished by action of the General
18 Assembly.

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

21 * * *

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

26 Section 3. This act shall take effect immediately.