
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 290 Session of
2017

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

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JULY 8, 2017

AN ACT

1 Amending the act of July 6, 1989 (P.L.169, No.32), entitled, as
2 amended, "An act providing for the regulation of storage
3 tanks and tank facilities; imposing additional powers and
4 duties on the Department of Environmental Protection and the
5 Environmental Quality Board; and making an appropriation," in
6 financial provisions, further providing for Underground
7 Storage Tank Indemnification Board, for Underground Storage
8 Tank Environmental Cleanup Program ~~and~~, for Underground <--
9 Storage Tank Pollution Prevention Program AND FOR <--
10 INVESTIGATION AND CLOSURE COSTS.

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

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

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

20 ~~Section 703. Underground Storage Tank Indemnification Board.~~ <--

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

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

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

21 ~~(ii) The Pennsylvania Petroleum Association.~~

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

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

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

30 ~~(vi) The Tank Installers of Pennsylvania.~~

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

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

10 ~~* * *~~

11 SECTION 703. UNDERGROUND STORAGE TANK INDEMNIFICATION BOARD. <--

12 (A) ESTABLISHMENT OF BOARD, APPOINTMENT AND TERMS.--THERE IS
13 HEREBY CREATED THE UNDERGROUND STORAGE TANK INDEMNIFICATION
14 BOARD WHICH SHALL CONSIST OF [TEN] 14 MEMBERS. THE INSURANCE
15 COMMISSIONER AND THE SECRETARY OF [THE DEPARTMENT OF]
16 ENVIRONMENTAL PROTECTION SHALL BE EX OFFICIO MEMBERS. TWO
17 MEMBERS SHALL BE APPOINTED FROM THE SENATE, ONE MEMBER BY THE
18 PRESIDENT PRO TEMPORE OF THE SENATE AND ONE MEMBER BY THE
19 MINORITY LEADER OF THE SENATE. TWO MEMBERS SHALL BE APPOINTED
20 FROM THE HOUSE OF REPRESENTATIVES, ONE MEMBER BY THE SPEAKER OF
21 THE HOUSE OF REPRESENTATIVES AND ONE MEMBER BY THE MINORITY
22 LEADER OF THE HOUSE OF REPRESENTATIVES. EIGHT MEMBERS SHALL BE
23 APPOINTED BY THE GOVERNOR, AS FOLLOWS:

24 (1) SIX MEMBERS WHO SHALL BE PERSONS WITH PARTICULAR
25 EXPERTISE IN THE MANAGEMENT OF UNDERGROUND STORAGE TANKS.
26 THREE OF THESE MEMBERS SHALL BE APPOINTED FOR TERMS OF FOUR
27 YEARS AND THREE SHALL BE APPOINTED FOR A TERM OF THREE YEARS.
28 THE GOVERNOR SHALL APPOINT THE MEMBERS, ONE EACH FROM A LIST
29 OF NOMINEES PROVIDED BY EACH OF THE FOLLOWING:

30 (I) THE ASSOCIATED PETROLEUM INDUSTRIES OF

1 PENNSYLVANIA.

2 (II) THE PENNSYLVANIA PETROLEUM ASSOCIATION.

3 (III) THE SERVICE STATION DEALERS AND AUTOMOTIVE
4 REPAIR ASSOCIATION OF PENNSYLVANIA AND DELAWARE AND THE
5 PETROLEUM RETAILERS AND AUTO REPAIR ASSOCIATION, INC.

6 (IV) [THE MIDDLE ATLANTIC TRUCK STOP OPERATORS.] A
7 STATEWIDE ORGANIZATION REPRESENTING FUEL RETAILERS AND
8 FOOD MERCHANTS.

9 (V) THE PENNSYLVANIA FARM BUREAU, PENNSYLVANIA STATE
10 GRANGE AND PENNSYLVANIA FARMERS UNION.

11 (VI) THE TANK INSTALLERS OF PENNSYLVANIA.

12 (2) ONE LOCAL GOVERNMENT MEMBER WHO SHALL HAVE KNOWLEDGE
13 AND EXPERTISE IN UNDERGROUND STORAGE TANKS. THE LOCAL
14 GOVERNMENT MEMBER SHALL BE APPOINTED FOR A TERM OF TWO YEARS.

15 (3) ONE PUBLIC MEMBER WHO SHALL NOT BE AN OWNER OR
16 OPERATOR OF STORAGE TANKS NOR AFFILIATED IN ANY WAY WITH ANY
17 PERSON REGULATED UNDER THIS ACT. THE PUBLIC MEMBER SHALL BE
18 APPOINTED FOR A TERM OF THREE YEARS.

19 * * *

20 (F) MEETINGS; QUORUM.--THE BOARD SHALL MEET AT LEAST
21 QUARTERLY. ADDITIONAL MEETINGS MAY BE HELD UPON REASONABLE
22 NOTICE AT TIMES AND LOCATIONS SELECTED BY THE BOARD. THE BOARD
23 SHALL MEET AT THE CALL OF THE CHAIRMAN OR UPON WRITTEN REQUEST
24 OF THREE MEMBERS OF THE BOARD. [SIX] EIGHT MEMBERS SHALL
25 CONSTITUTE A QUORUM AND A QUORUM MAY ACT FOR THE BOARD IN ALL
26 MATTERS.

27 Section 710. Underground Storage Tank Environmental Cleanup
28 Program.

29 * * *

30 (B.2) ADDITIONAL ALLOCATION.--NO MORE THAN [\$500,000]

<--

1 \$750,000 OF THE ANNUAL ALLOCATION FOR THE UNDERGROUND STORAGE
2 TANK ENVIRONMENTAL CLEANUP PROGRAM MAY BE USED FOR COSTS OF
3 CORRECTIVE ACTION TO ASSIST OWNERS OF UNDERGROUND STORAGE TANKS
4 WITH A CAPACITY OF 3,000 GALLONS OR LESS USED FOR STORING
5 HEATING OIL FOR CONSUMPTION ON THE PREMISES WHERE STORED.
6 PAYMENTS MADE FOR ELIGIBLE RELEASES SHALL BE LIMITED IN AMOUNT
7 TO THE ACTUAL COSTS OF CORRECTIVE ACTION OR TO \$5,000, WHICHEVER
8 IS LESS. THE AMOUNT ALLOWED SHALL BE SUBJECT TO A \$1,000
9 DEDUCTIBLE WHICH SHALL BE PAID FIRST BY THE CLAIMANT. THE BOARD
10 MAY PROMULGATE REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS
11 SUBSECTION.

12 * * *

13 (f) Sunset.--The Underground Storage Tank Environmental
14 Cleanup Program shall cease to exist on June 30, [2017] 2022,
15 unless it is reestablished by action of the General Assembly.
16 Section 711. Underground Storage Tank Pollution Prevention
17 Program.

18 * * *

19 (B) ALLOCATION.--THE BOARD MAY ALLOCATE UP TO [\$1,000,000] <--
20 \$350,000 ANNUALLY FROM THE UNDERGROUND STORAGE TANK
21 INDEMNIFICATION FUND FOR THE UNDERGROUND STORAGE TANK POLLUTION
22 PREVENTION PROGRAM AS LONG AS THE ALLOCATION DOES NOT IMPEDE THE
23 ACTUARIAL SOUNDNESS OF THE FUND'S ABILITY TO PAY CLAIMS.

24 * * *

25 (f) Sunset.--The Underground Storage Tank Pollution
26 Prevention Program shall cease to exist on June 30, [2017] 2022,
27 unless it is reestablished by action of the General Assembly.
28 SECTION 713. INVESTIGATION [AND], CLOSURE, COMPLIANCE AND <--
29 ENFORCEMENT COSTS.

30 (A) [INVESTIGATION AND CLOSURE REVIEW COSTS] GENERAL RULE.--

1 THE DEPARTMENT MAY REQUEST THE BOARD TO REIMBURSE THE DEPARTMENT
2 UP TO [\$3,000,000] \$7,000,000 ANNUALLY FOR ITS COSTS RELATED TO
3 INVESTIGATING, DETERMINING RESPONSIBILITY, OVERSEEING
4 REMEDIATION AND THIRD PARTY RESPONSE AND CLOSING OUT CASES OF
5 SPILLS AND LEAKS RELATED TO STORAGE TANKS AND FOR INSPECTING,
6 DETERMINING COMPLIANCE AND TAKING ENFORCEMENT ACTIONS AGAINST
7 OWNERS OF STORAGE TANKS BEGINNING IN FISCAL YEAR [2007-2008]
8 2017-2018.

9 * * *

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

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

13 ~~(I) THIS SECTION.~~

14 ~~(II) THE AMENDMENT OF SECTIONS 710(F) AND 711(F) OF~~
15 ~~THE ACT.~~

16 SECTION 2. IF THIS SECTION TAKES EFFECT AFTER JUNE 30, 2017, <--
17 THE FOLLOWING PROVISIONS SHALL APPLY RETROACTIVELY TO JUNE 30,
18 2017:

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

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

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

22 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
23 IMMEDIATELY:

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

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

26 (III) SECTION 2 OF THIS ACT.

27 (IV) THIS SECTION.

28 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
29 DAYS.