

PARTIALLY EXCLUDED UNDERGROUND STORAGE TANK SYSTEMS

The following types of underground storage tank (UST) systems are considered partially excluded and only need to meet certain requirements in 25 Pa. Code Chapter 245 Administration of the Storage Tank and Spill Prevention Program:

- An underground wastewater treatment tank system that is not 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).
- A UST system containing radioactive material that is regulated under the Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011—2296b-7).
- A UST system that is part of an emergency generator system at a nuclear power generation facility licensed by the United States Nuclear Regulatory Commission and subject 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).

Why are these UST systems regulated by the Pennsylvania Department of Environmental Protection's (DEP) storage tank program?

DEP is required to adopt regulations no less stringent than the federal UST regulations. The Environmental Protection Agency (EPA) has always regulated these UST systems, and owners and operators have been required to comply with "interim prohibition" requirements pertaining to corrosion protection and compatibility with the regulated substance stored since May 7, 1985. The "interim prohibition" requirements were established in 1984 when Subtitle I was added to the Solid Waste Disposal Act, 42 U.S.C.A. §§ 6921—6939g, through the Hazardous and Solid Waste Amendments which authorized the federal program to regulate USTs. On December 22, 1988, the same "interim prohibition" requirements, along with release, response, and corrective action requirements, were promulgated in 40 CFR Part 280, Subparts A and F. At that time, these UST systems were deferred from federal regulation with the exception of Subparts A and F. In its final rulemaking, promulgated in 2015, EPA maintained its position that these regulated USTs only need to comply with Subparts A and F.

On December 22, 2018, DEP published revisions of the state UST regulations found at 25 Pa. Code Chapter 245. The 2018 revisions to 25 Pa. Code Chapter 245 removed the exemption for UST systems identified above in order to meet the federal requirements. Any owner of an existing partially excluded UST system must register the UST system by February 20, 2019.

Requirements for Partially Excluded UST Systems:

Although these USTs are exempt from certain requirements, DEP believes that it is important for owners of these UST systems to register the USTs, use DEP-certified installers and inspectors, and maintain financial responsibility. In addition, specifically with regard to Subchapter E, provisions concerning variances, applicable codes and standards, upgrade requirements for existing UST systems, reuse of removed USTs, spill and overfill control, operation and maintenance including repairs allowed, reporting and recordkeeping, and closure, will apply to these UST systems.

Partially Excluded UST Systems installed before May 7, 1985:

Partially Excluded UST Systems installed before May 7, 1985, do not have to comply with the following sections of 25 Pa. Code Chapter 245:

- 245.411-245.422 (*relating to inspection frequency, performance standards for underground storage tank systems, and upgrading of existing underground storage tank systems*)
- 245.424 (*relating to standards for new field constructed tanks*)
- 245.432 (*relating to operation and maintenance including corrosion protection*)
- 245.433 (*relating to compatibility*)
- 245.436-245.446 (*relating to operator training and release detection*)

Partially Excluded UST Systems installed on or after May 7, 1985:

Partially Excluded UST Systems installed on or after May 7, 1985, do not have to comply with the following sections of 25 Pa. Code Chapter 245:

- 245.411 (*relating to inspection frequency*)
- 245.421(b)(3), 245.421(b)(4)(ii), and 245.421(b)(4)(iii) (*relating to spill and overfill prevention equipment, tightness testing of spill prevention equipment and containment sumps, and testing of overfill prevention equipment*)
- 245.422(d) (*relating to spill and overfill prevention equipment*)
- 245.432(g) (*relating to monthly checks for water in petroleum tanks*)
- 245.436-245.446 (*relating to operator training and release detection*)

If a tank owner owns a Partially Excluded UST System and the UST system is currently not registered with DEP's Division of Storage Tanks, what must the UST owner do?

Owners of Partially Excluded UST Systems must register the UST system no later than February 20, 2019. To register these UST systems, UST owners should retain the services of a DEP-certified UST installer ("UMX") to verify the UST system components. UST owners should then complete the Storage Tanks Registration/Permitting Application Form (2630-PM-BECB0514) by having the form signed by the DEP-certified "UMX" and submit the form to the Division of Storage Tanks at the address below.

For additional information on storage tank registration, see DEP Fact Sheet "Storage Tank Registration" (2630-FS-DEP1457).

For additional information on Pennsylvania's Storage Tank Program or to obtain forms, contact:	
Southeast Region 2 East Main St. Norristown, PA 19401-4915 484-250-5900	Northeast Region 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
South-central Region 909 Elmerton Ave. Harrisburg, PA 17110-8200 717-705-4705	North-central Region 208 W. Third St., Suite 101 Williamsport, PA 17701-6448 570-327-6525
Southwest Region 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000	Northwest Region 230 Chestnut St. Meadville, PA 16335-3481 814-332-6648
Central Office Bureau of Environmental Cleanup and Brownfields Division of Storage Tanks P.O. Box 8762 Harrisburg, PA 17105-8762 Local and Out of State 717-772-5599 800-42-TANKS (in PA only)	
For additional information on DEP regional offices or to determine which regional office is responsible for the county in which a facility is located, please visit www.dep.pa.gov and search "Regional Resources."	

For more information, visit www.dep.pa.gov, Businesses > Land > Storage Tanks.