

REGULATED STORAGE TANKS CORRECTIVE ACTION PROCESS RELEASE REPORTING

The Corrective Action Process (CAP) regulations (25 Pa. Code, §§ 245.301-245.314) establish suspected release investigation, release reporting, and corrective action requirements for owners and operators of regulated aboveground and underground storage tank systems and storage tank facilities, and other responsible parties. This fact sheet discusses the release reporting requirements found in § 245.305 of the CAP regulations.

What is a release?

A release includes the spilling, leaking, emitting, discharging, escaping, leaching, or disposing from a storage tank into surface waters, groundwaters, soils, or subsurface soils in an amount equal to or greater than the reportable released quantity for the substance as determined under Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), or in an amount equal to or greater than a discharge as defined in Section 311 of the Federal Water Pollution Control Act.

A release also includes the spilling, leaking, emitting, discharging, escaping, leaching, or disposing from a storage tank into a containment structure or facility that poses an immediate threat of contamination of soils, subsurface soils, surface water, or groundwater. Similar to releases directly into environmental media, an immediate threat of contamination occurs when a spill into containment is equal to or greater than the reportable released quantity for the substance as determined under Section 102 of CERCLA, or an amount equal to or greater than a discharge as defined by Section 311 of the Federal Water Pollution Control Act. For storage tank systems containing petroleum, an immediate threat of contamination also includes the spilling, leaking, emitting, discharging, escaping, leaching, or disposing of less than 25 gallons of petroleum into a liquid-tight containment sump or emergency containment structure as a result of a tank handling activity unless the following three conditions are satisfied:

- 1) The certified installer providing direct onsite supervision has control over the regulated substance;
- 2) The regulated substance is completely contained; and
- 3) Prior to the certified installer leaving the storage tank facility, the total volume of the regulated substance is recovered and removed.

Where are the reportable quantities under CERCLA?

A list of regulated substances and corresponding reportable quantities is available in the Department of Environmental Protection (DEP) *Regulated Substances List* booklet (Doc. # 2630-BK-DEP2724), which may be obtained from the DEP website at www.dep.pa.gov, search term: Storage Tanks. The reportable quantity under CERCLA for an individual substance depends on the category to which it is assigned and ranges from 1 to 5,000 lbs.

For liquid compounds, pounds may be converted to gallons using the following formula:

$$\text{ReportableQuantity(Gallons)} = \frac{\text{ReportableCERCLA Quantity(Lbs.)}}{8.34 \times (\text{SpecificGravity of Substance})}$$

Are all releases from aboveground and underground storage tank systems reportable?

All releases of hazardous substances must be reported. However, certain releases of petroleum may not need to be reported if certain conditions are met.

Release reporting is not required for the following petroleum 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:**

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

How do owners or operators report a release to DEP?

Owners or operators must first notify, by telephone, the appropriate DEP regional office as soon as possible, but no later than 24 hours after confirming a release. This verbal notification must describe, to the extent information is available:

- The type and quantity of the regulated substance involved.
- When and where the release occurred.
- The cause of the release.
- The affected environmental media (soil, sediment, surface water, groundwater, bedrock, and air).
- Relevant, available information concerning the impacts to water supplies, buildings, or to sewer or other utility lines.
- Interim remedial actions planned, initiated, or completed.

The telephone numbers to call when reporting a release are listed at the end of this fact sheet.

Within 15 days of the telephone notice, the owner or operator must follow up with an additional written notification to the appropriate DEP regional office, to each municipality in which the release occurred, and to each municipality where the release has impacted environmental media, water supplies, buildings, or sewer or other utility lines. This written notice must be provided on a form provided by DEP (see below), must include the same information as provided in the telephone notification, and should also include any new information discovered since the telephone notification.

DEP has prepared a form, *Notification of Release – Notification of Contamination* (Doc. # 2620-FM-BECB0082), that must be used to satisfy this initial written notification requirement. This form must also be used by certified installers and inspectors to satisfy their reporting obligations under Subsections 245.132(a)(4) and 245.132(a)(6) of the certification regulations. Under these performance standards, certified installers and inspectors are required to report to DEP within 48 hours of observing any of the following while performing services as a certified installer or inspector: a release of a regulated substance; suspected or confirmed contamination of soil, surface or groundwater from regulated substances; or a regulated substance in a containment structure or facility.

The *Notification of Release – Notification of Contamination* form is available at www.dep.pa.gov, search term: Storage Tank Cleanup.

Are impacts discovered after the initial written notification reportable?

Yes. The owner or operator must provide additional written notification of newly discovered impacts to environmental media or water supplies, buildings, or sewer or other utility lines. This notification must be made to the appropriate DEP regional office and each impacted municipality within 15 days of discovering the new impact. The *Notification of Release – Notification of Contamination* form must also be used to comply with this follow-up notification requirement.

Only the first occurrence of an impact in each impacted municipality needs to be reported. For example, if contamination of groundwater is discovered in a monitoring well drilled in a municipality not previously known to be impacted by groundwater contamination from the release, then DEP and that municipality must be notified, in writing, of the impact to groundwater. If another well is drilled in that municipality and contaminated groundwater is again discovered, additional notification that groundwater is impacted in that particular municipality is not required. However, if groundwater contamination is discovered in yet another municipality, it must be reported to that municipality and to DEP.

Do owners or operators need to report contamination that is discovered during closure of a storage tank?

Yes. If obvious contamination is discovered during the site assessment conducted at the time of a storage tank closure, DEP must be notified by telephone within 24 hours of its discovery. If the contamination is instead discovered as a result of soil or groundwater sampling and analysis, the owner or operator must notify DEP by telephone within 24 hours of receipt of the laboratory analyses by the owner or operator. Additionally, within 15 days of the telephone notification, written notification must be made to the appropriate DEP regional office and each municipality impacted by the contamination.

Are there any additional reporting requirements?

Yes. All owners or operators of storage tanks must immediately notify the local fire authority where fire, explosion, or safety hazards exist at the site of the release.

Where releases pose an immediate threat to public health and safety, DEP or DEP in concert with the responsible party may disseminate information concerning the release to the general public. The dissemination of information could take the form of a notice in a newspaper of general circulation serving the area or may involve other means

of keeping the public informed on a regular basis, depending upon the level of severity and general public interest in the details of the release.

Owners or operators of aboveground storage tank facilities with a total aboveground storage capacity greater than 21,000 gallons must immediately notify the following agencies when a release occurs at the facility:

- The county emergency management agency.
- The Pennsylvania Emergency Management Agency (717-651-2001, anytime).
- The appropriate DEP regional office (see telephone numbers at the end of this fact sheet).

In addition, owners or operators of aboveground storage tank facilities with a total aboveground storage capacity greater than 21,000 gallons must notify the following entities, within two hours, of a release that enters a surface water supply or threatens the surface water supply of downstream users:

- Downstream water companies within 20 miles.
- Downstream municipalities within 20 miles.
- Downstream industrial users within 20 miles.

Downstream water companies, downstream municipalities and downstream industrial users must be notified on a priority basis, with those downstream users closest to the release being notified first.

Are the CAP release reporting requirements affected by the pollution notification requirements of DEP's Water Resources Regulations in 25 Pa. Code, § 91.33?

An owner and operator must comply with the release reporting obligations under § 245.305 of the CAP. An owner or operator's reporting obligations under the Storage Tank Act are not satisfied by compliance with the pollution notification requirements in Chapter 91. Chapter 91 notification requirements apply to all other incidents causing or threatening pollution, which may include releases from non-regulated storage tanks that cause or threaten pollution to Pennsylvania waters.

Questions about release reporting may be directed to your DEP regional office or to the DEP Bureau of Environmental Cleanup and Brownfields, Site Remediation Division, at P.O. Box 8471, Harrisburg, PA 17105-8471, 717-787-0886.

To report a release, contact the local DEP regional office:

Northwest Region

230 Chestnut St.
Meadville, PA 16335-3481
Phone: 814-332-6945
(8:00 a.m. to 4:00 p.m. M-F)
800-373-3398
(after hours, weekends, and holidays)
Counties: *Armstrong, Butler, Clarion, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean, Mercer, Venango, and Warren*

Southwest Region

400 Waterfront Drive
Pittsburgh, PA 15222-4745
Phone: 412-442-4000
(24-hour number including weekends and holidays)
Counties: *Allegheny, Beaver, Cambria, Fayette, Greene, Somerset, Washington, and Westmoreland*

North-central Region

208 W. Third St., Suite 101
Williamsport, PA 17701-6448
Phone: 570-327-3636
(24-hour number including weekends and holidays)
Counties: *Bradford, Cameron, Clearfield, Centre, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, and Union*

South-central Region

909 Elmerton Ave.
Harrisburg, PA 17110-8200
Phone: 717-705-4705
(8:00 a.m. to 4:00 p.m., M-F)
800-541-2050 (24-hour number including weekends and holidays)
Counties: *Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, and York*

Northeast Region

2 Public Square
Wilkes-Barre, PA 18701-1915
Phone: 570-826-2511
(24-hour number including weekends and holidays)
Counties: *Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne, and Wyoming*

Southeast Region

2 East Main St.
Norristown, PA 19401-4915
Phone: 484-250-5900
(24-hour number including weekends and holidays)
Counties: *Bucks, Chester, Delaware, Montgomery, and Philadelphia*

For more information, including additional fact sheets, visit www.dep.pa.gov, search term: Storage Tank Cleanup.