

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Environmental Cleanup and Brownfields

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TITLE: Stationary/Non-Stationary Tanks

EFFECTIVE DATE: August 11, 2018

AUTHORITY: Act 32 of 1989, the Storage Tank and Spill Prevention Act (Act), Act of July 6, 1989, P.L. 169, *as amended*, 35 P.S. §§ 6021.101-6021.2104

POLICY: It is the policy of the Department of Environmental Protection (Department or DEP) to carry out the provisions of the Storage Tank and Spill Prevention Act of 1989 and related regulations.

PURPOSE: Act 32 regulates aboveground storage tanks containing regulated substances over certain sizes. Tanks that qualify as stationary tanks are regulated by the Act. This guidance explains what the Department considers to be stationary and non-stationary aboveground storage tanks.

APPLICABILITY: This guidance is applicable to owners of aboveground storage tanks that are permanently affixed to real property on which the tanks are located.

DISCLAIMER: The policies and procedures outlined in this guidance are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. DEP does not intend to give this guidance that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

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STATIONARY/NON-STATIONARY TANKS

“Stationary tank - an aboveground storage tank that is permanently affixed to the real property on which the tank is located.” (see 25 Pa. Code § 245.1 relating to definitions). Real property can be any stationary permanent physical support on which the tank is resting. This may include the ground, an impermeable pad, building structure, saddles, stilts, etc.

“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.” (see 25 Pa. Code § 245.1). “Not able to be moved” means that the tank is NOT designed to be moved to other service locations. If the piping is affixed to real property and the tank is continuously attached to the piping, the tank is likely to be considered permanently affixed. A tank that is connected to permanent piping by quick-disconnect fittings and moved to other service locations at least once per 12-month period will likely be considered a non-stationary tank.

The Act and regulations define a stationary tank as one that is not able to be moved or is connected to the real property by piping or other structure. Physical connection of a tank to the property can be easily avoided or altered to circumvent this definition. By avoiding regulation in this way, these tanks pose an increase in risk to human health and safety and an increase in environmental liability. A tank with a use that does not require its periodic relocation should be connected to the property to minimize risks. Therefore, any aboveground storage tank (AST) with a use that, under normal operating conditions, would not require relocation to another service site during a 12-month period will be considered a stationary tank even though it may not be structurally connected to the property.

The Storage Tank and Spill Prevention Act of 1989 (Act) regulates stationary ASTs over certain capacities (generally in excess of 250 gallons) that store regulated substances. Tanks that do not qualify as stationary tanks are excluded from regulation under the Act by definition. The intention of this exclusion in the Act was to exempt ASTs that are moved to different service locations.

The Pennsylvania Department of Labor and Industry regulations in Title 34 of the *Pennsylvania Code* prohibit the storage of Class I liquids in skid tanks or similar portable equipment exceeding 1,000 gallons. For portable tanks containing Class II and III liquids, the maximum capacity is 2,000 gallons.

The concept of service locations is also important. A tank that is merely pushed a few feet once every 12 months has not been moved from one service location to another and is not considered to be a non-stationary tank. Additionally, if the use of the tank does not require it to be moved from one service location to another, the Department does not consider the tank to be non-stationary. The Department will evaluate the use of the tank, particularly whether the normal use of the tank requires that it be moved from one service location to another.

The Department generally considers a tank to be stationary if it receives, stores, and dispenses regulated substances at one service location during the service life of the tank or if the use of the tank does not require movement of the tank to other service locations during a 12-month period.

Examples of tanks the Department generally considers to be stationary:

1. A tank that is not physically designed to be moved from the service location.

2. A tank that is physically designed to be moved from the service location but is NOT moved to other service locations within a 12-month period.
3. A tank that is continuously connected to piping affixed to real property and will not be moved for refilling or use.

The Department generally considers a non-stationary tank to be a tank that receives, stores, or dispenses regulated substances at different service locations. To be considered a non-stationary tank both of the following criteria should typically be met:

- The tank is designed and constructed to be moved to other service locations.
- The use of the tank requires that the tank be periodically moved to different service locations at least once in any 12-month period.

Examples of tanks the Department generally considers to be non-stationary:

1. A tank that is physically designed to be moved from the service location and is moved to another service location at least once during a 12-month period.
2. A tank that is disconnected from piping affixed to real property and is moved to another location for refilling or use.