

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Environmental Cleanup and Brownfields

DOCUMENT NUMBER: 263-2320-001

TITLE: Policy for Existing Field – Constructed Hazardous Substance
Underground Storage Tanks at Facilities Regulated under the Safe
Drinking Water Act

EFFECTIVE DATE: September 8, 2012

AUTHORITY: Storage Tank and Spill Prevention Act of 1989 (P.L. 169)

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 regulated regulations.

PURPOSE: This policy is intended to minimize duplicative regulatory requirements by
excluding existing field-constructed hazardous substance tanks at facilities
regulated under the Safe Drinking Water Act from the definition of
underground storage tank in Act 32 (P.L. 169).

APPLICABILITY: The policy is applicable to owners of underground storage tanks meeting
the criteria established in this policy.

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.
There is no intent on the part of DEP to give the rules in these policies 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.

PAGE LENGTH: 2 pages

**POLICY FOR EXISTING FIELD – CONSTRUCTED HAZARDOUS SUBSTANCE
UNDERGROUND STORAGE TANKS AT FACILITIES REGULATED UNDER
THE SAFE DRINKING WATER ACT**

The definitions applicable to this policy shall be those contained in the Storage Tank and Spill Prevention Act (35 P.S. §6021.103), and the regulations promulgated thereunder (25 Pa. Code §245.1):

In its definition of “underground storage tank,” section 103 of the Storage Tank and Spill Prevention Act (35 P.S. §6021.103) contains a number of specific exclusions. In addition to these specific exclusions, this section also states that “[t]he term shall not include: (13) Any other tank excluded by policy or regulations promulgated pursuant to this act.” This policy excludes the class of underground storage tanks outlined below from the section 103 definition of “underground storage tank.”

The following requirements must be met for an underground storage tank to be excluded from the definition of “underground storage tank” by this policy:

1. The underground storage tank must be field-constructed; it must be a storage tank that is manufactured from metallic or non-metallic materials which has final assembly completed at the job site;
2. Installation of the underground storage tank must have been completed before October 11, 1997;
3. The underground storage tank must store hazardous substances and be part of a facility regulated under the Safe Drinking Water Act (Act of May 1, 1984, P.L. 206, No. 43) and the regulations promulgated thereunder.

Because these tanks are located at facilities that are regulated under the Safe Drinking Water Act, there will still be Department oversight of these tanks after this policy takes effect. In addition, because these tanks store hazardous substances, any release from the tanks would be covered by the Hazardous Sites Cleanup Act and the Clean Streams Law.

The Requirements of the Storage Tank and Spill Prevention Act and Chapter 245 continue to apply to field-constructed underground storage tanks installed after October 11, 1997 at facilities regulated under the Safe Drinking Water Act.