

No. 1978-314

AN ACT

HB 2469

Providing for the regulation of natural or man-made caverns which are used for the storage of natural or artificial gas, authorizing the Department of Labor and Industry to prescribe regulations for the use and maintenance of such facilities in order to insure the health and safety of workers and the general public and for the protection of property, providing for the regulation of the construction of such facilities by the Department of Environmental Resources, requiring the posting of a bond and providing penalties.

TABLE OF CONTENTS

- Section 1. Short title.
- Section 2. Definitions.
- Section 3. Rules and regulations.
- Section 4. Bond.
- Section 5. Construction.
- Section 6. Enforcement.
- Section 7. Penalties.
- Section 8. Transition provision.
- Section 9. Repeals.
- Section 10. Effective date.

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

Section 1. Short title.

This act shall be known and may be cited as the "Underground Storage Act."

Section 2. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Commodity" or "stored commodity." Either in a liquid or gaseous state, natural and artificial gas.

"Department." The Department of Labor and Industry.

"Underground storage facility." A natural or man-made cavern used for the storage of a commodity. Excluded are storage facilities which are not natural or man-made caverns and which are registered with the department for the storage of liquified petroleum gas pursuant to the act of December 27, 1951 (P.L.1793, No.475), referred to as the Liquified Petroleum Gas Act and all underground storage facilities subject to the act of November 30, 1955 (P.L.756, No.225), known as the "Gas Operations Well-Drilling, Petroleum and Coal Mining Act" and further excluding underground storage facilities and operations certificated or authorized by

the Federal Energy Regulatory Commission (FERC) or its predecessor under the Natural Gas Act (15 U.S.C. § 717 et. seq.).

“User.” Any person, firm, corporation, partnership or other entity including the Commonwealth and its political subdivisions.

Section 3. Rules and regulations.

(a) In general.—The department shall, in the manner provided by law, promulgate rules and regulations governing:

(1) The use and maintenance of underground storage facilities and associated pumping, venting, safety and other equipment.

(2) Commercial, industrial or construction activity at or near underground storage facility sites.

(b) Nature of regulations.—The regulations shall be as are reasonably necessary for the protection of the health and safety of workers and the general public and for the protection of public and private property located near underground storage facility sites.

(c) Recognized standards.—The regulations shall be in substantial conformity with the generally accepted standards for the storage of commodities in underground storage facilities.

Section 4. Bond.

The user of an underground storage facility shall post a bond in a face amount of \$100,000 or proof of liability insurance coverage in said amount to cover damages which may be caused by the use of such facility or a stored commodity.

Section 5. Construction.

The design and construction of underground storage facilities shall be in accordance with the rules and regulations of the Department of Environmental Resources. No underground storage facility constructed after the enactment date of this act shall be used to store a commodity until a permit has been issued by the Department of Environmental Resources and the user of such facility has furnished the Department of Environmental Resources with the following:

(1) Certification by a geologist or geological engineer that the porosity and structural stability of the surrounding rock formations meet or exceed the minimum standards set by the department.

(2) Certification by a chemist or chemical engineer that the surrounding rock will not react with the stored commodity.

Section 6. Enforcement.

(a) Inspection.—The department shall at least annually, for the purpose of inspection have a right of access to every underground storage facility and associated buildings and equipment. The department shall charge an inspection fee of \$25 for each inspection made by the department.

(b) Suspension of use.—If, in the judgment of the department the continued use of an underground storage facility or associated equipment is found to be dangerous to life or property, the department may order the suspension of use of the facility or equipment until the reasonable and

necessary changes recommended by the department are made. Any such determination shall be subject to the review procedures provided in the act of June 4, 1945 (P.L.1388, No.442), known as the "Administrative Agency Law."

(c) Records.—Adequate records shall be maintained by each user of an underground storage facility and shall be made available to the department upon request. The department may by rule, establish the form and contents of such records.

Section 7. Penalties.

Any user of an underground storage facility who violates any order of the department regarding the use of an underground storage facility or associated equipment, shall upon conviction thereof, be guilty of a summary offense and shall be fined the sum of \$500 for each day of such violation, plus costs.

Section 8. Transition provision.

Any storage facility which is a natural or man-made cavern and which is registered with the department for the storage of liquified petroleum gas pursuant to the Liquified Petroleum Gas Act shall, on and after the effective date of this act, be subject to regulations under this act and not the Liquified Petroleum Gas Act.

Section 9. Repeals.

(a) Specific repeals.—As much of the act of December 27, 1951 (P.L.1793, No.475), entitled "An act providing for the marking of liquefied petroleum gas containers and prohibiting the refilling or use of such containers without authorization by the owner thereof; authorizing the Department of Labor and Industry, after public hearing, to prescribe uniform regulations for safety in the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck or tank trailer and utilizing liquefied petroleum gases for fuel purposes and for the odorization of said gases used therewith; prohibiting the adoption by municipalities or other political subdivisions of ordinances or regulations in conflict with this act; providing for prosecutions for violations of this act by summary proceedings, and prescribing the penalty therefor," as is inconsistent herewith, is hereby repealed to the extent of the inconsistency.

(b) General repeal.—All acts or parts of acts inconsistent herewith are hereby repealed to the extent of the inconsistency.

Section 10. Effective date.

This act shall take effect in 90 days.

APPROVED—The 26th day of November, A. D. 1978.

MILTON J. SHAPP