

No. 2007-20

AN ACT

SB 815

Amending the act of July 6, 1989 (P.L.169, No.32), entitled, as amended, "An act providing for the regulation of storage tanks and tank facilities; imposing additional powers and duties on the Department of Environmental Protection and the Environmental Quality Board; and making an appropriation," further providing for underground storage tank environmental cleanup program and for underground storage tank pollution prevention program.

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

Section 1. Section 710(b.2) and (f) of the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, amended or added January 30, 1998 (P.L.46, No.13) and July 5, 2005 (P.L.97, No.36), are amended to read:

Section 710. Underground Storage Tank Environmental Cleanup Program.

(b.2) Additional allocation.—No more than \$500,000 of the annual allocation for the Underground Storage Tank Environmental Cleanup Program may be used for costs of corrective action to assist owners of underground storage tanks with a capacity of 3,000 gallons or less used for storing heating oil for consumption on the premises where stored. Payments made for eligible releases shall be limited in amount to the actual costs of corrective action or to \$5,000, whichever is less. The amount allowed shall be subject to a \$1,000 deductible which shall be paid first by the claimant. **[This subsection shall expire June 30, 2007. On or before that date the board shall make a report to the General Assembly with recommendations.]** The board may promulgate regulations to carry out the provisions of this subsection.

(f) Sunset.—The Underground Storage Tank Environmental Cleanup Program shall cease to exist on June 30, ~~[2007]~~ 2012, unless it is reestablished by action of the General Assembly.

Section 2. Section 711 of the act, added January 30, 1998 (P.L.46, No.13), is amended to read:

Section 711. Underground Storage Tank Pollution Prevention Program.

(a) Establishment.—The board is hereby authorized to establish an Underground Storage Tank Pollution Prevention Program for the purpose of reimbursing eligible owners, as defined in subsection (d), for the costs of removing regulated substances from and sealing the fill pipes of underground storage tanks which have not been upgraded to comply with the technical requirements of Federal and State regulations. The board shall establish

guidelines for eligible expenses and procedures for reimbursement from the Underground Storage Tank Indemnification Fund.

(b) Allocation.—The board may allocate up to \$1,000,000 annually from the Underground Storage Tank Indemnification Fund for the Underground Storage Tank Pollution Prevention Program as long as the allocation does not impede the actuarial soundness of the fund's ability to pay claims.

(c) Implementation.—The Department of Environmental Protection shall assist the board with the implementation of this program and shall be reimbursed by the board from the fund for actual reimbursements made to eligible owners, but in no event shall the department be reimbursed from the fund for any administrative costs.

(d) Eligibility.—Owners of six or fewer underground storage tanks shall be eligible to participate in this program.

(e) Annual report.—The board shall annually transmit to the General Assembly a report outlining actions taken and expenditures made under this section for the preceding Commonwealth fiscal year.

(f) Sunset.—The Underground Storage Tank Pollution Prevention Program shall cease to exist on June 30, [2007] 2012, unless it is reestablished by action of the General Assembly.

Section 3. This act shall take effect immediately.

APPROVED—The 30th day of June, A.D. 2007.

EDWARD G. RENDELL