

Aboveground Storage Tank Regulatory Update

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Environmental Enforcement



WV Code Chapter 22, Article 30

- “AST Act”
- Originally established via Senate Bill 373 in the 2014 Legislative Session
- Revised via Senate Bill 423 in the 2015 Legislative Session
- Response to the Freedom Industries Spill



Applicability of the AST Act

- Statutory Tank Definition
- Found at 22-30-3(1)
- A tank is:
 - Made to contain 1,320 gallons of fluid
 - 90% above the ground, non-earthen
 - Remains in one location for 365 days



Applicability of the AST Act

- A tank is not:
 - A shipping container regulated by Railroad Safety Act or DOT
 - Barges or boats
 - Swimming Pools
 - Process Vessels including wastewater treatment devices
 - Devices containing water (drinking water, surface water, groundwater...)



Applicability of the AST Act

- A tank is not:
 - Device containing food or food grade materials used for human or animal consumption
 - Located on a farm and contents are not distributed commercially except when the tank is in a Zone of Critical Concern
 - Empty Tanks held inventory or offered for sale
 - Pipe lines and liquid traps
 - Electrical Equipment



What Must a “Tank” do?

- Register by July 1, 2015
 - (previously October 1, 2014)
 - Nearly 50,000 tanks have been registered since June 10, 2014
 - Registration is electronic
 - Lots of tank data is now available



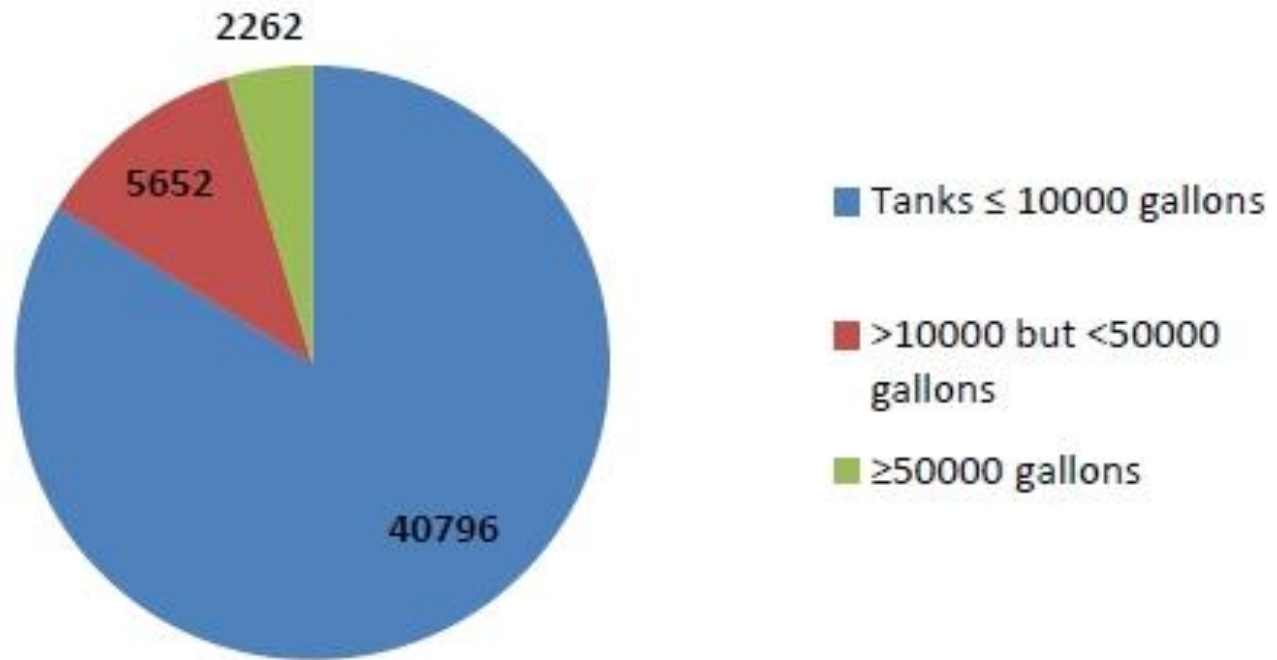
What Must a “Tank” do now?

- Display the required signage
- Owner’s / operator’s emergency contact phone number
- DEP Spill Line (800-642-3074)
- Tank registration number
 - 3 digit county code and 8 more numbers



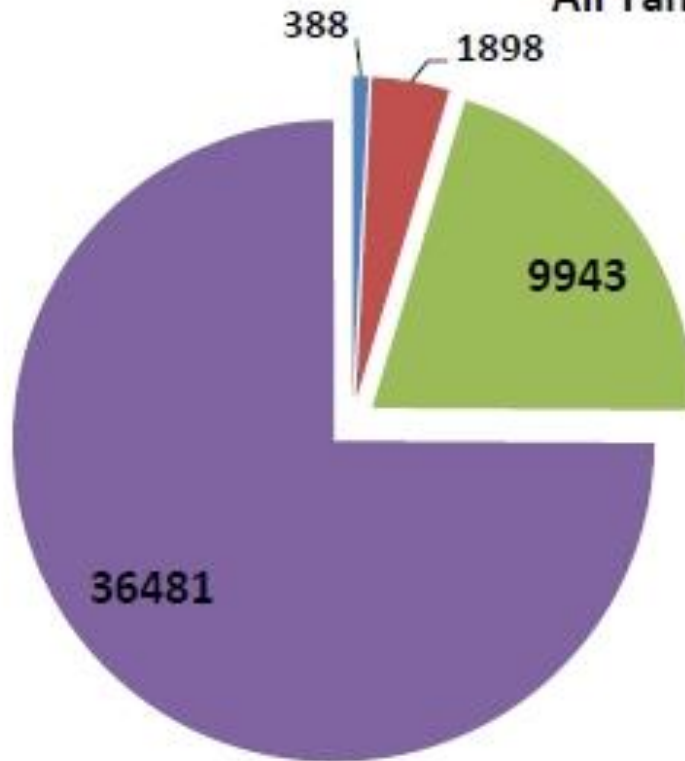
Tank Capacity

All Tanks



Tank Ages

All Tanks



■ Tanks >75 years old

■ Tank between 50 to 75 years old

■ Tanks between 30 to 49 years old

■ Tanks < 30 years old

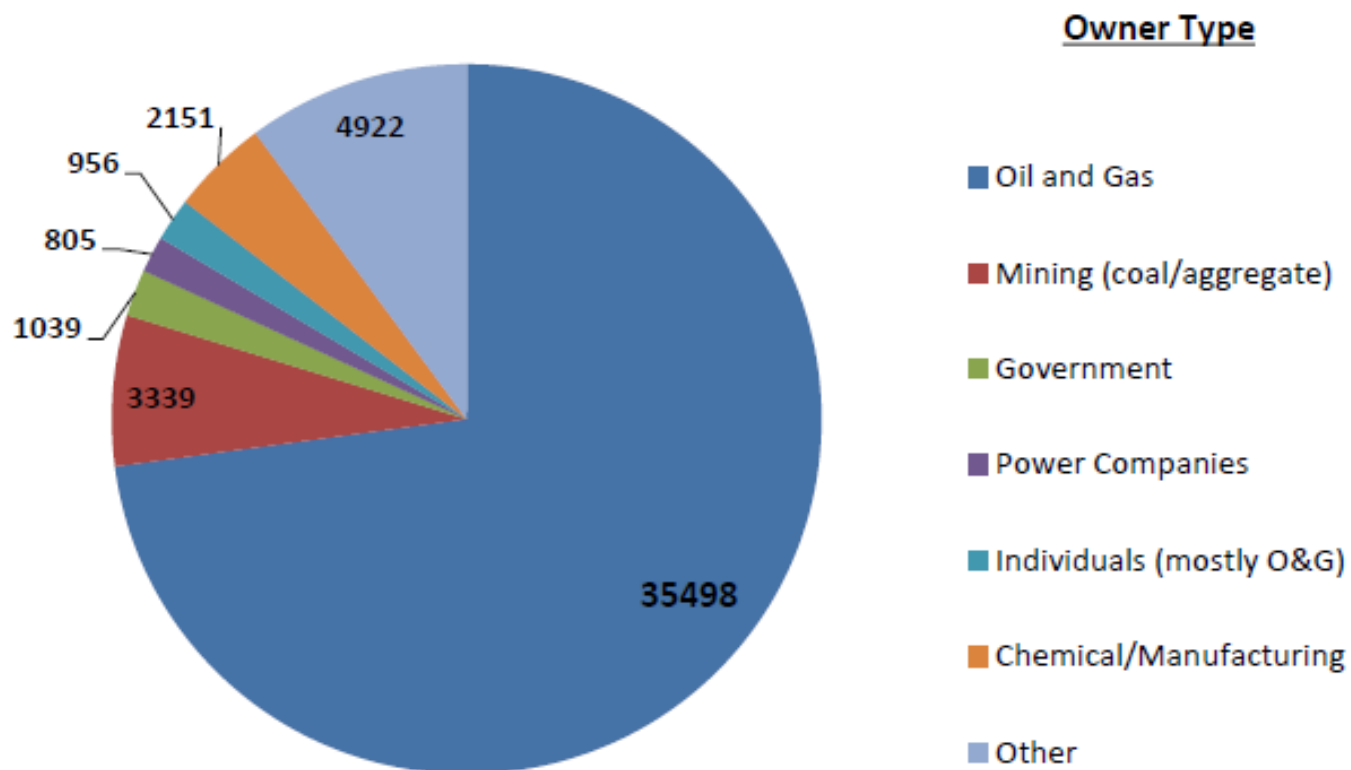


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Generalized Owner Type

All Tanks



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Noteworthy AST Data

- Oldest tank
 - 124 years old
 - Installed in 1891
 - 4,200 gallon tank (100 barrel)
 - Crude and brine
- Tanks over one million gallons
 - 248
- Largest Tank
 - 9.2 million gallon
 - Natural gas condensates



Important Definitions

- Regulated Level 1 tank
 - Located in a ZCC, source water protection area or public surface water influenced groundwater supply source area; or
 - Contains substance that appears on the “List of Lists” in a concentration of 1% or greater; or
 - CERCLA, EPCRA and 112(r) of the CAA
 - Does not include petroleum (CERCLA petroleum exclusion)
 - 50,000 gallons or greater in size regardless of contents or location

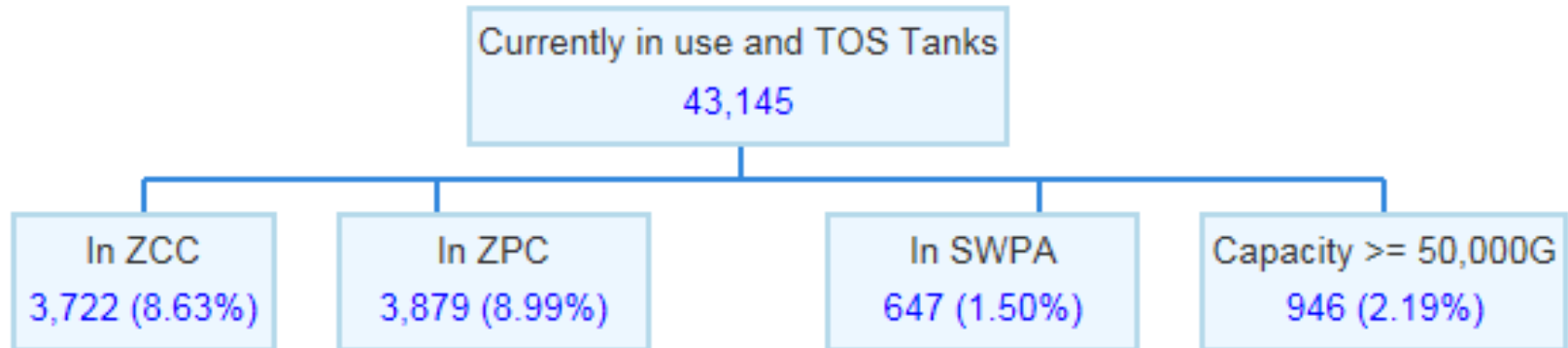


More Important Definitions

- Regulated Level 2 tank
 - Located in a ZPC and is not a Level 1



Tank Locations



List of Lists

- 1,836 contain material found on the list of lists
- 1,391 are level one because of contents ONLY



How many tanks will be regulated?

11,000_(ish)



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AST Act Requirements

- Register Tanks and collect a Fee
- Regulate Level 1 to a higher standard
- Promulgate Rules
 - Design, construction and maintenance of ASTs and secondary containment
 - Leak detection
 - Record Keeping
 - Corrosion prevention
 - Closure Requirements
 - Fees



AST Act Requirements

- Permit Amendments
- AST Evaluation and Certification at regular intervals
 - Evaluation by PE, API or STI Certified Individuals
- Financial Responsibility
- Corrective Action
- Spill Prevention Response Plans or certification of a GPP or SPCC



AST Act Requirements

- Notice to Government and Water Companies
 - Public water system, state, county and municipal emergency response organizations
- Signage
- Public Access to Information



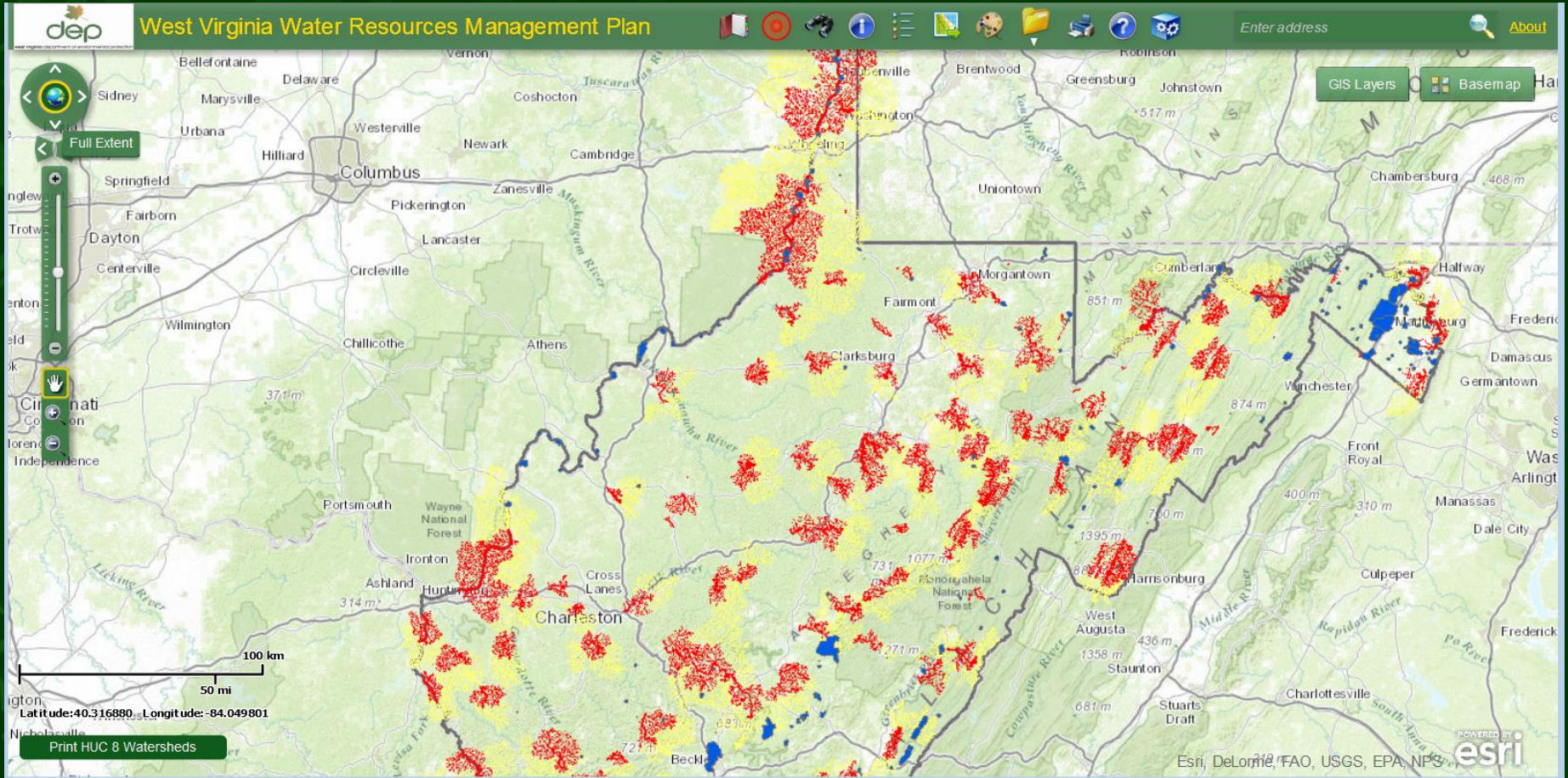
Legislative Rules

- 47 CSR 63 – AST Rule
 - Specific tank operation and management requirements
- 47 CSR 64 – AST Fee Rule
 - Annual fees for regulated tanks
- 47 CSR 65 – Administrative Penalty Rule
 - Resolution of enforcement actions and assessment of penalties



Mapping Tools

<http://tagis.dep.wv.gov/WVWaterPlan/>



www.dep.wv.gov/tanks

The screenshot shows a web browser window displaying the website for the West Virginia Department of Environmental Protection (WV DEP). The browser's address bar shows the URL <http://www.dep.wv.gov/WWE/abovegroundst>. The website header includes the WV DEP logo and the text "west virginia department of environmental protection - Promoting a Healthy Environment". A search bar is visible in the top right corner.

The main content area is titled "Aboveground Storage Tanks (ASTs)" and features several informational boxes:

- Do I need to register my AST?** with a "Learn more" link.
- Do I need to modify my existing registration due to the updated AST Act, effective June 12, 2015?** with a "Learn more" link.
- AST Registration Graphical Information** with a pie chart icon.
- Featured Links** section containing:
 - Enrolled Final Version Senate Bill No. 373 (Original Act)
 - Enrolled Final Version Senate Bill No. 423 (Amended Act)

A sidebar on the left contains a navigation menu with the following items:

- INDEX-alphabetic
- HOT TOPICS
- Aboveground Storage Tanks
- Enrolled Final Version Senate Bill No. 373
- Industry Standards, Organizations & Other Resources
- Interim Spill Prevention Response Plan Guidance for ASTs
- Submitting a Spill Plan or Spill Plan Certification
- Interim Guidance for...

The main text area below the featured links provides an "Overview of the Aboveground Storage Tank Act and Its Implementation", mentioning Senate Bill 373 and the Public Water Supply Protection Act §22-31, signed into law by Governor Earl Ray Tomblin on April 1, 2014.

Thank You!!

Questions?

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