



HB 4083 – Alternating the Definition of Aboveground Storage Tank

Protect Drinking Water Supplies, Reject Further Rollbacks to the Aboveground Storage Tank Act

766 oil and gas tanks located closest to public drinking water intakes would be exempt from the Act. These types of tanks, located in “zones of critical concern”, are a risk to drinking water supplies based on their close proximity to intakes, their documented history of failure, and the toxicity of their contents to human health. Operators of these tanks self-report that 87% of these tanks contain chemicals other than “brine”. See this [info packet](#) for more information. If these tanks are exempted from the Act, then the fallback is oversight under the DEP Office of Oil and Gas which only has nine inspectors overseeing 75,000 wells and 28,000 tanks – from a practical standpoint, there would be no meaningful oversight.

Shut-off valves would no longer be regulated and could be located outside of secondary containment, making it more likely that toxic chemicals will leak into rivers and streams.

Tank shut-off valves (also called “first points of isolation”) would be entirely excluded from regulation. Further, shut-off valves would no longer be required to be located within the secondary containment. Without regulation, leaks would be more likely to occur, and leaks that occur outside of secondary containment are more likely to impact rivers and streams. This change would apply to all ASTs, including those holding the most toxic chemicals and those located closest to rivers and streams. These changes to the AST Act appear to conflict with existing state and federal regulations.

Owners/operators of tanks that leak and become empty would no longer be required to remediate the site or follow other closure rules.

Under current law, if an AST leaks, operators must follow strict rules to remediate the land and water polluted by the spilled substance. But according to HB 4083, as soon as an AST is empty, the remediation rules would no longer apply. Some of the most important parts of the AST Act, the requirements for site remediation and other closure rules, would very rarely, if ever, be triggered again.

Spills and leaks will be allowed to occur directly into rivers and streams.

By creating a loophole in the definition of “release,” HB 4083 explicitly allows certain spills and leaks from ASTs into rivers and streams. This is an unacceptable policy, and it is also inconsistent with state and federal laws and regulations.

Regulatory agencies and downstream water utilities would no longer be informed of oil and gas waste tanks upstream from drinking water intakes.

HB 4083 would remove the requirement for oil and gas waste tanks to register, whether they’re very close to drinking water intakes or further away. Tanks would also be exempt from labeling requirements and requirements to notify downstream water utilities. Approximately **27,000 ASTs that hold oil and gas waste would be erased from view.**