



**PFOA and/or PFOS and related substances in storage tanks**

When a regulated substance is stored in an aboveground or underground storage tank, the storage tank becomes regulated by the Pennsylvania Department of Environmental Protection with the authority established by the Storage Tank and Spill Prevention Act of July 6, 1989, and the rules and regulations promulgated thereunder.

Beginning **July 8, 2024**, amendments to the list of hazardous substances under the Federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) will affect Pennsylvania storage tank owners with tanks storing perfluorooctanoic acid (PFOA) and/or perfluorooctanesulfonic acid (PFOS), including their salts and structural isomers.

The addition of PFOA and PFOS, including their salts and structural isomers, to the CERCLA hazardous substance list, makes any substance containing more than a *De Minimis* concentration, a regulated substance under Pennsylvania’s Storage Tank Regulations (25 Pennsylvania Code Chapter 245). Tank systems storing regulated substances must be registered and permitted with the Pennsylvania Department of Environmental Protection (DEP) Storage Tanks Program.

**What type of PFOA and PFOS substances will be regulated substances beginning July 8, 2024?**

Table 302.4—List of Hazardous Substances and Reportable Quantities

| Hazardous substance  | CASRN     | Statutory code | RCRA waste No. | Final RQ [pounds (kg)] |
|--|-----------|----------------|----------------|------------------------|
| *  | *         | *              | *              | *                      |
| Perfluorooctanesulfonic acid, salts, & structural isomers <sup>v</sup> | N.A.      |                | 5              | 1 (0.454)              |
| Perfluorooctanesulfonic acid <sup>v</sup>                              | 1763-23-1 |                | 5              | 1 (0.454)              |
| Perfluorooctanoic acid, salts, & structural isomers <sup>v</sup>       | N.A.      |                | 5              | 1 (0.454)              |
| Perfluorooctanoic acid <sup>v</sup>                                    | 335-67-1  |                | 5              | 1 (0.454)              |
| *  | *         | *              | *              | *                      |

<sup>v</sup> The Agency may adjust the statutory RQ for this hazardous substance in a future rulemaking; until then the statutory one-pound RQ applies.

Source: May 8, 2024 *Federal Register*

**What type of tanks could contain PFOA and/or PFOS or their salts and structural isomers?**

Since the 1940s, PFOA and PFOS or related substances have been used worldwide in a wide array of consumer and industry products. PFOA and PFOS or related substances are man-made chemicals that were/are used in the production of stain-resistant carpets, stain-resistant fabrics, nonstick cookware, cosmetics, and various consumer goods that are resistant to water, oil, and grease. PFOA and PFOS and related substances were/are also found in certain firefighting foams.

### **Does this amendment to the regulated substance list apply to the storage tanks at my facility?**

See II. General Information - Section C. "Does this action apply to me?" on pages 39133 - 39138 at this link for more information on the types of facilities and storage tanks potentially affected: [Federal Register :: Designation of Perfluorooctanoic Acid \(PFOA\) and Perfluorooctanesulfonic Acid \(PFOS\) as CERCLA Hazardous Substances](#)

### **I think I have a regulated storage tank storing PFOA or PFOS or a related substance. What do I have to do?**

Regulated aboveground storage tanks are stationary, greater than 250 gallons in capacity, contain or will contain a regulated substance, and do not meet any of the exemptions in 25 Pennsylvania Code Chapter 245. Regulated underground storage tanks are greater than 110 gallons in capacity, contain or will contain a regulated substance, and do not meet any of the exemptions in 25 Pennsylvania Code Chapter 245. Owners of storage tanks that contain PFOA and/or PFOS, including their salts and structural isomers, are required to register the storage tank systems with the DEP Storage Tanks Program by **July 8, 2024**. These storage tank systems will also have to be upgraded to meet the technical requirements of 25 Pennsylvania Code Chapter 245, Subchapters E, F, and G, if necessary.

### **How do I register my tanks and meet the technical requirements?**

Start by contacting a DEP-certified company that employs an individual that is appropriately certified by DEP to come view your storage tank system. DEP-certified individuals with "UMX" certification install and modify underground storage tank systems. DEP-certified individuals with "IUM" certification inspect underground storage tank systems. You may use an individual from either category for an underground storage tank system. DEP-certified individuals with "AMMX" install and modify aboveground manufactured metallic storage tank systems. DEP-certified individuals with "AMNX" install and modify aboveground non-metallic storage tank systems. DEP-certified individuals with "IAM" certification inspect aboveground manufactured storage tank systems. You may use an inspector "IAM" category for any manufactured aboveground storage tank system or an installer "AMMX" or "AMNX" appropriate to the material of aboveground storage tank construction. You may find a list of DEP-certified companies at this link: [DEP Certified Storage Tank Companies Report Viewer](#)

Owners of storage tanks containing PFOA and/or PFOS, including their salts and structural isomers, are required to register the storage tank systems with the Department via a "Storage Tank Registration/Permitting Application Form (2630-PM-BECB0514)." The registration form and completion instructions may be found at this link: [Storage Tank Registration/Permitting Application Form and Instructions](#). After completion of the necessary sections of the registration form by the tank owner, the DEP-certified individual should complete all the attributes on the registration form and should not sign the form unless the tank system currently meets all the necessary technical requirements. Instead, the DEP-certified individual should attach a cover letter to the registration form explaining the purpose of the registration form, sign the letter, apply their DEP-certification number on the letter, and explain any necessary items that need to be installed or upgraded on the tank system to meet the current technical requirements. Upon receipt of the registration form, DEP Storage Tanks staff will contact the tank owner to discuss the newly regulated storage tank.

If you have questions or desire clarification of the above information, please contact the Division of Storage Tanks at 1.800.42.TANKS and ask to speak with a member of the Storage Tank Compliance and Enforcement Section.