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Study: New WV legislation strips Aboveground Storage Tank Act

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By Mandi Cardosi, Government Reporter [CONNECT](#)

According to a new study, bills moving through the West Virginia Legislature significantly strip the measure enacted last session after a chemical leak.

Downstream Strategies, an environmental consulting company, released a [report](#) Feb. 5 that explains House Bill 2574 and Senate Bill 423 would make numerous changes to the Aboveground Storage Tank Act and the Public Water Supply Protection Act. The two acts, according to Downstream Strategies, are important components of Senate Bill 373, the bill that unanimously passed last session after a Freedom Industries leak of MCHM into the Elk River Jan. 9, 2014.

Among other major changes, experts said the bills would drastically reduce the number of tanks subject to the Aboveground Storage Tank Act by exempting: Tanks outside of zones of critical concern (ZCCs); Tanks that store 10,000 gallons or less; Tanks associated with the oil and gas industry; Tanks certified to be operated and maintained in accordance with American Petroleum Institute (API) or Steel Tank Institute (STI) standards, a groundwater protection plan (GPP), or a spill prevention, control, and countermeasures (SPCC) program.

The Senate's version of the bill was sent to Senate Judiciary Committee and the House version was sent to House Judiciary Committee for debate.

Delegate Bob Ashley, R-Roane, said the House Bill he introduced Feb. 3 would get rid of double regulation on tanks located within zones of critical concern.

"What our bill is trying to do is come back and say to them, prove to the secretary of DEP that you are complying with a program," Ashley said. "And if you are doing so, then you can waive out of this program under the compliance of the new so they are not complying under two or three regulations."

According to the report, the previously passed SB 373 protects West Virginians. Almost 50,000 aboveground storage tanks, which store a wide variety of substances, are located in every county across West Virginia, though the report acknowledges minor adjustments can be made but the regulations maintain fundamental protections of the act.

According to the report, more than 3,000 tanks within the critical zones present the most immediate contamination risks to drinking water, however, as "thousands of additional tanks are located within five miles of surface water or groundwater intakes."

The recommendation from the report says those tanks are crucial to maintaining "strict regulation for other tanks that can easily contaminate surface water or groundwater intakes."



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