

NEW UNDERGROUND STORAGE TANK OWNER FEE COMPLIANCE OR WAIVER APPLICATION INSTRUCTIONS

(Rev. 6-9-2025)

Underground Storage Tank Indemnification Fund (“USTIF”) regulations permit USTIF to waive delinquent fees following a change in ownership. 25 Pa. Code § 977.22(b). To ensure the fair and consistent treatment of all participants in the USTIF program, new facility owners are provided several alternatives to bring their facilities into compliance with USTIF fee requirements:

Satisfying throughput fee delinquency.

1. *Demonstrate throughput fees have been paid.* A new owner may submit proof that throughput fees were paid the six months prior to when the USTs at the facility changed ownership or were taken out of service. The new tank owner must provide documentary evidence demonstrating that throughput fees were paid by the previous tank owner for the six months preceding the change of ownership or when the tanks entered temporary out of service status, whichever is earlier.
2. *Pay estimated throughput fees.* A new owner may be unable to submit proof that a facility’s throughput fees were paid six months prior to the change of ownership or the USTs at the facility being placed into temporary out of service status, whichever is earlier. In that case, the owner may pay an estimated throughput fee for the six months prior to the USTs changing ownership or being placed into temporary out of service status, whichever is earlier, with a five percent per month penalty and interest. The estimated throughput fee is based on USTIF’s analysis of representative facilities in the geographic region or the Commonwealth, as appropriate.

Satisfying capacity fee delinquency.

3. *Pay outstanding capacity fees.* A new owner may elect to pay the delinquent USTIF capacity fees in full, with a five percent per month penalty and interest.

Satisfying capacity and throughput fee delinquencies.

4. *Pay outstanding capacity fees and demonstrate throughput fees have been paid.* A new owner may elect to pay the delinquent USTIF capacity fees in full, with a five percent per month penalty and interest, and submit proof that throughput fees were paid for the six months prior to when the USTs at the facility changed ownership or were taken out of service. This option eliminates any lapse in USTIF participation, which would make the site ineligible for USTIF coverage. The new tank owner must provide documentary

evidence demonstrating that throughput fees were paid by the previous tank owner for the six months preceding the change of ownership or when the tanks entered temporary out of service status, whichever is earlier.

5. *Pay outstanding capacity fees and pay estimated throughput fees.* A new owner may be unable to provide proof that a facility's throughput fees were paid six months prior to the change of ownership or the USTs at the facility being placed into temporary out of service status, whichever is earlier. In that case, the owner may pay the delinquent USTIF capacity fees in full, with a five percent per month penalty and interest, and pay an estimated throughput fee for the six months prior to the USTs changing ownership or being placed into temporary out of service status, whichever is earlier, with a five percent per month penalty and interest. The estimated throughput fee is based on USTIF's analysis of representative facilities in the geographic region or the Commonwealth, as appropriate.

Request Fee Waiver and acknowledge potential liability.

6. *Apply for a waiver of all outstanding USTIF fees.* A new owner may seek the waiver of all outstanding fees for the facility by providing a current Phase II Environmental Site Assessment for the facility conducted within 90 days of the application, compliant with:
 - The most recent Phase II ASTM standard (ASTM E1903 – Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process), and
 - Pennsylvania Department of Environmental Protection (“DEP”) Document Number: 263-4500-601 (Closure Requirements for Underground Storage Tank Systems) to the extent it provides guidance to ensure that the appropriate number and type of samples are collected within reasonable proximity to the system components.

(collectively, “Phase II Environmental Site Assessment”), along with a signed affidavit signed by the facility owner as well as a property owner acknowledgement, if the facility owner and property owner are two different persons (blank form enclosed).

After the new facility owner submits the Phase II Environmental Site Assessment and the signed fee waiver affidavit, USTIF will review the Phase II Environmental Site Assessment to determine whether it meets industry standards. If the Phase II Environmental Site Assessment is sufficient, USTIF will send the new tank owner a letter acknowledging that the outstanding fee balance for the facility is waived but that all pre-waiver releases or

contamination are not subject to USTIF coverage. For new facility owners considering applying for fee waiver, there are several items to bear in mind:

- If contamination is discovered during the Phase II Environmental Site Assessment, the DEP must be notified. The DEP may direct the immediate remediation of the site, which would not be eligible for USTIF indemnity payments.
- Any remediation expenses, DEP directed or otherwise, associated with contamination identified in the Phase II Environmental Site Assessment or attributed to releases prior to your ownership of the USTs and/or the facility will not be eligible for USTIF indemnity payments.
- If contamination is found, USTIF may prorate any future claim payments where previously reported contamination on the site has not been remediated to Statewide Health Standards (“SHS”) or where contamination discovered after the Phase II Environmental Site Assessment is determined to be the result of a pre-waiver release.
- The costs of completing the Phase II Environmental Site Assessment, which can range from \$10,000 to more than \$20,000, are not reimbursable by USTIF and USTIF is not liable for any damages caused or contamination discovered during that assessment process.

All applications must include a copy of the Storage Tanks Registration/Permitting Application Form reflecting the change of ownership that was filed with DEP, along with all supporting documentation.

Where a new tank owner seeks to establish that throughput fees were paid six months prior to the change of ownership or the USTs at the facility being placed into temporary out of service status, whichever is earlier, the owner must submit additional documentation with their application.

Submitting an application sets the date for the calculation of penalties and interest for all outstanding capacity and estimated throughput fees, if applicable.

Completed applications can be sent by email to ra-ustif@pa.gov.

**NEW UNDERGROUND STORAGE TANK OWNER FEE COMPLIANCE OR WAIVER
APPLICATION**
(Rev. 6-9-2025)

I. PURPOSE OF SUBMITTAL (Check all that apply.)	
<input type="checkbox"/>	Provide evidence that throughput fees have been paid.
<input type="checkbox"/>	Pay estimated throughput fees.
<input type="checkbox"/>	Pay outstanding capacity fees.
<input type="checkbox"/>	Apply for a waiver of all outstanding USTIF fees and acknowledge potential liability.

* A copy of the Storage Tanks Registration/Permitting Application Form submitted to the Pennsylvania Department of Environmental Protection reporting the change of ownership must be attached, with supporting documentation.

II. NEW TANK OWNER	
Facility ID No.:	
Facility eFACTS ID No.:	
Company Name:	
Contact Name:	
Contact Title:	
Email:	
Phone No.:	

III. PROPERTY OWNER	
<input type="checkbox"/>	Same as Tank Owner Identified in Section II
<input type="checkbox"/>	Different than Tank Owner Identified in Section II; identified below.
Company Name:	
Contact Name:	
Contact Title:	
Email:	
Phone No.:	

*Where the property owner is different than the tank owner identified in Section II and a Fee Waiver is being requested, the property owner must sign the attached acknowledgment.

IMPORTANT: Where the waiver of outstanding fees is sought, a Phase II Environmental Site Assessment for the facility must be conducted within 90 days of the date of this application. The Phase II Environmental Site Assessment must be compliant with:

- The most recent Phase II ASTM standard (ASTM E1903 – Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process), and
- Pennsylvania Department of Environmental Protection (“DEP”) Document Number: 263-4500-601 (Closure Requirements for Underground Storage Tank Systems) to the extent it provides guidance to ensure that the appropriate number and type of samples are collected within reasonable proximity to the system components.

(collectively, “Phase II Environmental Site Assessment”). Once conducted, a complete copy of the Phase II Environmental Site Assessment must be submitted along with an executed affidavit provided by USTIF in accordance with 25 Pa. Code § 977.22(b). USTIF will accept a Phase II Environmental Site Assessment only if it determines that it complies with industry standards and, otherwise, the fee waiver request will be denied. Fee waiver denials may be appealed to the USTIF Executive Director within 35 days of the date of the determination.

IV. PROPERTY OWNER AND APPLICANT ACKNOWLEDGEMENTS

Property Owner Acknowledgment of Potential Liability

FEE WAIVER ACKNOWLEDGEMENT (if applicable): I consent to the completion of the Phase II Environmental Site Assessment to obtain the waiver of delinquent USTIF fees and understand that I may be liable for any damages or harm that occurs during that process. I also acknowledge that I will appropriately alert DEP of contamination found pursuant to my obligations under the Storage Tank and Spill Prevention Act (“Tank Act”), Act of July 6, 1989, P.L. 169, No. 32, as amended, 35 P.S. §§ 6021.101-6021.2104, and accompanying regulations. I understand that USTIF will consider for coverage only a release that is determined to have occurred after the date that the Phase II Environmental Assessment was completed and otherwise meets the eligibility requirements found in 25 Pa. Code § 977.31. I understand that if contamination is found, USTIF may prorate any claim payments where previously reported contamination on the site has not been remediated to Statewide Health Standards (“SHS”), where contamination discovered after the Phase II Environmental Assessment is determined to be the result of a pre-waiver release, or where pre-waiver and post-waiver releases are comingled at the site.

Property Owner Signature

Date

Printed Name: _____

Business Name: _____

Title: _____

Applicant Signature and Acknowledgment of Potential Liability

FEE WAIVER ACKNOWLEDGEMENT (if applicable): I consent to the completion of the Phase II Environmental Site Assessment to obtain the waiver of delinquent USTIF fees and understand that I may be liable for any damages or harm that occurs during that process. I also acknowledge that I will appropriately alert DEP of contamination found pursuant to my obligations under the Storage Tank and Spill Prevention Act (“Tank Act”), Act of July 6, 1989, P.L. 169, No. 32, as amended, 35 P.S. §§ 6021.101-6021.2104, and accompanying regulations. I understand that USTIF will consider for coverage only a release that is determined to have occurred after the date that the Phase II Environmental Assessment was completed and otherwise meets the eligibility requirements found in 25 Pa. Code § 977.31. I understand that if contamination is found, USTIF may prorate any claim payments where previously reported contamination on the site has not been remediated to Statewide Health Standards (“SHS”), where contamination discovered after the Phase II Environmental Assessment is determined to be the result of a pre-waiver release, or where pre-waiver and post-waiver releases are comingled at the site.

GENERAL ACKNOWLEDGEMENT: I declare, pursuant to 18 Pa.C.S. § 4904, that the foregoing statements are true and correct based upon my personal knowledge, information and belief.

Applicant Signature

Date

Printed Name: _____

Business Name: _____

Title: _____