

VIRGINIA MUST PROTECT RESIDENTS FROM TOXIC CHEMICAL SPILLS

Aboveground storage tank (AST) spills contaminate communities and waterways in Virginia, and as flooding and storms become more frequent, many more tanks will fail.

The Commonwealth must protect Virginians from chemical spills that threaten water resources and communities already overburdened by pollution.



Enacting a registration program for unregulated chemical storage tanks will advance protection of Virginians' health and safety, and the environment. A registration program will adopt the 2016 recommendations made by the Virginia departments of Health, Emergency Management, and Environmental Quality to the General Assembly, pursuant to SB811 (2015), patroned by former Senator Watkins and unanimously passed by the Senate and the House.

Without registration, state and local emergency planners and environmental regulators lack the most basic and critical information about the number, location, contents, and condition of unregulated hazardous chemical storage facilities throughout the Commonwealth, because these tanks are not subject to state or federal rules. If enacted, the registration program will support efforts to prevent, plan for, and respond to hazardous chemical spills and other releases that may harm public safety and drinking water resources.

The Center for Progressive Reform supports legislation that:

Creates registration requirements for new and existing hazardous substance storage tanks and makes registration information publicly available

Operators of tanks storing at least 250 gallons of a liquid hazardous substance must register their tank and disclose its location, date of installation, contents, type of construction, and inspection history. On-farm tanks are exempted. This program will place Virginia on par with the requirements imposed by Pennsylvania and Delaware.

Empowers state regulators to conduct inspections of tanks as necessary to prevent or respond to discharges

Inspections are essential to identifying threats before a release occurs. Relying on operators to self-report tank damage invites unscrupulous owners to conceal their findings and postpone essential repairs, leading to incidents like a fatal tank explosion in Delaware and contamination of drinking water for 300,000 in West Virginia, which led those states to enact comprehensive regulatory programs.

Requires tank owners to immediately report discharges upon discovery

Any delay in reporting a spill after it is discovered will result in additional contamination of land and water resources. The proposed law would require tank operators to act immediately in order to make state regulators and the public aware of spills as soon as possible.

Establishes a fund for the administration costs of the registration program

The bill will create a nonreverting fund supplied by registration fees collected by the program. Establishing such a fund ensures that state regulators have access to the necessary resources to implement the law's requirements.

Authorizes the Commonwealth to collect penalties for violation of the registration requirement

In order to achieve compliance, the proposed law provides state regulators with tools to enforce violations and obtain relief and allows regulators to tailor relief to the circumstances, accounting for the financial resources of an operator or the location of a spill.