

**MINUTES OF THE
STORAGE TANK ADVISORY COMMITTEE MEETING
JUNE 7, 2011**

The Storage Tank Advisory Committee (STAC) met on June 7, 2011, at the Rachel Carson State Office Building, 400 Market Street, 14th Floor, Harrisburg. Fourteen (14) voting members were present, which constituted a quorum.

Voting members in attendance were:

Local Government:

Edward Knittel, Pennsylvania State Association of Boroughs
Jo Ellen Litz, County Commissioners Association of Pennsylvania
Dennis Hameister, Pennsylvania State Association of Township Supervisors

Regulated Community:

Judy Brackin, Associated Petroleum Industries of Pennsylvania
John Arnold, Pennsylvania Petroleum Marketers & Convenience Store Association
Nancy Maricondi, Petroleum Retailers & Auto Repair Association, Inc.
Samuel Capri, Pennsylvania Chemical Industry Council
Walter Rimmer, Tank Installers of Pennsylvania

Public:

Robert May, Synergy Environmental, Inc.
Timothy Bytner, Babst, Calland, Clements, & Zomnir, P.C.
David Gallogly, Pennsylvania Environmental Council

Registered Professional Engineer:

Francis Catherine, Kimball Engineering

Hydrogeologist:

Jan Peter Ilves, JPI Associates, Inc.

Active Commercial Farm Owner/Operator:

William Neilson, Pennsylvania Farm Bureau

Non-voting alternates in attendance were:

Timothy Donnellon, Donnellon Environmental, LLC (Public)

CALL MEETING TO ORDER

John Arnold, Committee Chairperson, called the June 7, 2011, meeting of the STAC to order.

APPROVAL OF MINUTES FROM JUNE 8, 2010, MEETING

The minutes from the June 8, 2010, meeting were approved as submitted, upon motion and seconded.

INTRODUCTION OF NEW STAC MEMBERS

Kris Shiffer, DEP, reported on the new STAC appointments since the June 8, 2010, meeting:

1. David Gallogly (member) and Jack Ubinger (alternate) representing the **public** and the **PA Environmental Council**. David Gallogly was in attendance.

David Gallogly is President of Letterle & Associate, LLC (& Affiliates), Allison Park, PA. David is responsible for running multiple businesses that include environmental consulting and contracting doing business primarily in western PA and WV at petroleum contaminated sites. He is currently a Board member of both the PA Environmental Council and the Allegheny Valley Conservancy based in Franklin, PA. David was an Assistant Counsel with DER from 1989-1994.

2. Jim Harbach (member) and Bill Neilson (alternate) representing **active commercial farm owners and operators**. Bill Neilson was in attendance.

Bill Neilson is Natural Resources Director of the PA Farm Bureau. As the Natural Resources Director, Bill is frequently involved in regulatory matters and their impact on agriculture. He meets with members of the Natural and Environmental Resources Committee assisting with policy development and presents new environmental initiatives along with updates on any changes in existing environmental regulations.

3. Lisa Schaefer (alternate) representing **local government** and the **County Commissioners Association of PA (CCAP)**. Jo Ellen Litz is the member.
4. Frank Catherine (alternate) representing the **Registered Professional Engineers**. Mark Onesky is the member. Frank Catherine was in attendance.

Frank Catherine is the Assistant Operations Manager, Civil and Environmental Division, Kimball Engineering, Ebensburg, PA. Frank is a project engineer responsible for the management of aboveground and underground storage tanks, including installation and removals, and the investigation and remediation of leaking tanks. He is a PA Registered Professional Engineer, PA Underground Storage Tank Inspector, and Certified Underground Storage Tank Cathodic Protection Tester.

USTIF UPDATE

Next on the agenda, **USTIF** provided an **update** on their program activities. Jim Miceli, Claims Manager, attended representing the USTIF. Mr. Miceli indicated that the USTIF continues to see a decline in the number of reported claims and remains in a good position to continue to pay reasonable costs associated with claims. Mr. Miceli will be retiring from Commonwealth service effective close of business on June 10.

DEP UPDATE

Kurt Klapkowski, DEP Program Counsel for the Storage Tank Program, provided an update on **Federal/State Legislation**. Mr. Klapkowski reported that all is quiet on the legislation front at both the federal and state levels.

Troy Conrad, Director, DEP **Land Recycling Program**, stated that the revised Chapter 250 rulemaking became effective on January 8. Major revisions included adoption of EPA's revised Risk Assessment Guidelines for Superfund, adoption of new toxicological information that is utilized to arrive at the statewide health standards, and requirement that a remediator evaluate the vapor intrusion pathway when selecting the statewide health standard.

Mr. Conrad stated that Chapter 253 became effective in December 2010 and was established to implement the Uniform Environmental Covenants Act. Chapter 253 addresses the form and content of the environmental covenant, the submission process, the conversion of prior instruments (i.e. deed restrictions), the fee associated with the environmental covenant submission, and provisions for PennDOT to remove covenants when they acquire property through eminent domain.

This year, the Land Recycling Program has worked on and continues to work on revisions to the Technical Guidance Manual. No major changes are anticipated. However, the series of questions and answers available on the web site will be included in the revision to the Technical Guidance Manual. Mr. Conrad also stated that the Vapor Intrusion Guidance is being reviewed and will be updated. A public registry that includes all sites where there are environmental covenants is now available on the web site. Lastly, Mr. Conrad indicated that the monitoring and reporting requirements associated with Act 2 limitations are being reviewed. With regards to the Vapor Intrusion Guidance, David Gallogly stated that the DEP requires summa canisters to be used to take air samples. It was noted that summa canisters are difficult to use and expensive. Mr. Gallogly indicated that other states allow for smaller glass or stainless steel vials to be used to sample air. Allowing vials to be used in lieu of summa canisters may result in consultants and regulated entities performing sampling more often.

Dawn Heimbach, DEP, presented an update on the **Underground Storage Tank (UST) Pollution Prevention Program**. Since 1998, 1,059 grants have been approved for a total of \$5,437,543.94. For state fiscal year 2010-2011, 23 grants were approved for a total of \$113,100.94. There are no applications pending.

Craig Olewiler, DEP, provided an update on the **UST Environmental Cleanup Program**. For state fiscal year 2010-2011, DEP is addressing 16 state-lead and special projects having

expended over \$1.376 million. For fiscal year 2010-2011, 134 Heating Oil Cleanup Program grants have been awarded totaling over \$497,300. There are nine applications pending that will be processed after July 1 when fiscal year 2011-2012 funding becomes available. By statute, the maximum amount that can be paid out in a fiscal year is \$500,000. The Heating Oil Cleanup Program will sunset on June 30, 2012, unless reauthorized. DEP will pursue a legislative amendment to not only reauthorize the program, but to increase the \$500,000 cap that currently exists. Concerning the catastrophic release allocation, three projects continue to be addressed. For fiscal year 2010-2011, over \$361,000 has been expended.

George Hartenstein, DEP, reported that **Federal Leaking Underground Storage Tank (LUST) Stimulus Funding** in the amount of approximately \$6,163,000 was received by Pennsylvania under a LUST Trust Fund grant. Mr. Hartenstein stated that 70 sites are being addressed utilizing the funding that is available for use through September 30, 2011. To date, \$5.4 million or 88% of the grant money has been expended. As compared to other states and territories that have receive stimulus grant funding, Pennsylvania ranks 5th in funds expended and 9th in percentage of the grant expended. Field work has been conducted at 70 sites and has included the removal of 130 underground storage tanks, the elimination of the source of the contamination at 39 sites, along with considerable site assessment work.

Next on the agenda, Mr. Hartenstein reported on the **USTIB Allocation Requests**. The Underground Storage Tank Indemnification Board (USTIB) voted to approve the DEP allocation requests at their fourth quarter meeting on December 16, 2010. All amounts received should enable DEP to carry out the following programs through June of 2012.

Under the UST Pollution Prevention "Pump and Plug" Program, DEP did not request an allocation. The "Pump and Plug" program provides grants to encourage small tank owners to remove the environmental threat that unused and unsafe non-upgraded tanks pose to the Commonwealth. Under the UST Environmental Cleanup Program allocation that provides DEP with funding to conduct site investigation and remedial action activities at state-lead sites, and to provide grants to owners of underground heating oil storage tanks, DEP requested and received a \$3.0 million allocation. Included are administrative costs to oversee state-lead projects, and to administer the heating oil grant program. Under the UST Environmental Cleanup Program "Catastrophic Release" allocation that provides funding to address releases that pose a significant risk to human health and the environment, DEP requested and received a \$400,000 allocation. Included are administrative costs to oversee the catastrophic release projects. At the present time, DEP is addressing three release sites with this funding: Blue Bell Gulf, Whitpain Township, Montgomery County; Tranguch Tire, City of Hazleton, Luzerne County; and Lehman Sunoco, Lehman Township, Luzerne County. Lastly, DEP requested and received \$3.225 million to pay for DEP's UST administrative costs relating to corrective action. In total, under all four allocations, DEP requested and received \$6.625 million.

Mr. Shiffer then reported on **Significant Operational Compliance**. On April 8, the Division of Storage Tanks transmitted the Federal Fiscal Year (FFY) 2011 LUST Prevention Grant Mid-Year Performance Measures Report to EPA Region 3. DEP reported a compliance rate of 91.9% for release prevention (spill, overflow and corrosion), 85.2% for release detection, and 79.1% for both release prevention and release detection (the overall significant operational compliance (SOC) rate). SOC is measured by the results of initial third-party inspections conducted during

the prior 12 months. Mr. Shiffer noted that the overall SOC rate of 79.1% was the second highest reported since 2004. Of the 56 states and territories, Pennsylvania ranks 15th in terms of highest overall SOC rate. Further, Mr. Shiffer stated that of the 22 states with 10,000 or more regulated USTs, Pennsylvania ranks 3rd (behind only Texas and New Jersey) in overall SOC. Lastly, Mr. Shiffer reported that of the 9 states with 20,000 or more regulated USTs, Pennsylvania ranks 2nd in overall SOC behind only Texas.

The status of the **UST Operator Training** implementation was the next topic of discussion. Mr. Shiffer reported that the operator training information (pink) sheet continues to be provided to owners in registration invoice and inspection letter mailings, certified installers and inspectors, and DEP regional staff. Mr. Shiffer stated that all Class A, B and C operators must be designated and trained by August 8, 2012. Class A and B operators must attend a formal training course that is approved by DEP. To date, DEP has approved 12 vendors to provide Class A and B training. In addition, a handful of training programs are currently under review including two on-line courses. The names of the approved vendors are posted on the Storage Tank Program website. The vendors do their own marketing of the operator training programs. In talking with approved vendors, DEP has determined that approximately 1,500 operators have been trained. Mr. Shiffer noted that the program has conducted several audits of approved vendors training courses to assure that quality training is being provided. Class C operators do not have to attend formal training, but must be trained by the owner, Class A, or Class B operator as to how to respond to emergencies. In response to questions, Mr. Shiffer indicated that the DEP, by regulation, has 120 days to review a training course proposal; and that training courses approved by other states may be recognized in Pennsylvania (reciprocity); however, the course must address Pennsylvania-specific requirements.

Next on the agenda, Mr. Shiffer discussed **USTs** that are in **Temporarily Out-of-Service** status. There are approximately 1,500 USTs in temporarily out-of-service (TOS) status. These are USTs that contain less than one inch of product and are not being used. By regulation, USTs may only remain in TOS status for a period of three years. After that time, the owner must bring the UST back into active status, permanently close the UST, or request an extension of the TOS status. As the three-year deadline approaches, program staff sends a letter to the owner requesting what the owner intends to do with the UST or USTs in TOS status. If the program receives no response, a second letter will be sent and the facility may be referred to the appropriate regional office for follow-up. If a facility owner requests an extension and the facility is in compliance with all program requirements, a three-year extension will be granted. Mr. Hameister asked if a facility owner can receive a second three-year extension. Mr. Shiffer responded that facility owners can continue to receive extensions as long as the USTs are in full compliance, as these tanks pose no threat to the environment.

Mr. Shiffer then gave a presentation to the committee on the **EPA E15 Waiver**. In March 2009, Growth Energy and 54 ethanol manufacturers petitioned EPA for a waiver to introduce 15% ethanol into gasoline in order to meet ethanol usage mandates. EPA granted a waiver for model year 2001 and newer vehicles. A condition of the waiver requires that retail fuel dispensers must have labels indicating that E15 is only for use in model year 2001 and newer motor vehicles. In issuing the waiver, EPA focused its testing on the durability of vehicle emissions control systems. No testing was performed to determine what effects E15 may have on UST systems and their components. The American Petroleum Institute stated that the issuance of the waiver

by EPA was premature, arguing that more testing was needed before making a decision whether or not to approve the waiver. Mr. Shiffer stated that staff from other states and EPA has performed tests on select UST systems and found evidence of accelerated corrosion on metallic components from ethanol blended fuels. Mr. Shiffer showed the committee several photos of accelerated corrosion affecting the submersible turbine pump and piping within tank top sumps. In some cases, this corrosion occurred in a matter of months. Rapid corrosion has been observed in some ethanol blended gasoline submersible turbine pump sumps with limited ventilation. These sumps contain high ethanol vapor concentrations (as a result of some vapor leakage from the UST system) with microbial activity forming acetic acid. Water condensate and temperature appear to influence the rate of corrosion. Future studies need to be performed to determine the severity of the sump corrosion and the best ways to control the corrosion. Mr. Shiffer stated that the program has informed DEP regional staff and DEP-certified inspectors to be on the look-out for and report such accelerated corrosion, and requested that committee members do the same.

Lastly, under the DEP Update, Eric Lingle, DEP, presented information on the Storage Tank **Permitting Requirements** that pertain to the **Natural Gas Industry**. Mr. Lingle stated that storage tanks on the well pad are not regulated by the Storage Tank Program. Instead, storage tanks located on permitted drilling site are regulated by the Bureau of Oil and Gas Management. However, companies providing services to the drilling industry that have storage tanks located off of the drilling site may be subject to regulation under the Storage Tank Program if the tanks store regulated substances. For example, tanks containing synthetic oil used in the production of drilling mud, drilling mud itself that contains synthetic oil, acids used in producing hydrofracking fluids, lube oil and diesel fuel are generally regulated by the Storage Tank Program. Mr. Lingle explained that “frac tanks” are commonly used on the drilling site and at off-site locations. “Frac tanks” are typically single-walled, factory-manufactured storage tanks with wheels. “Frac tanks” are regulated by the Storage Tank Program if they are located at an off-site location and are considered stationary tanks in accordance with the program’s “Stationary/Non-Stationary Tanks” guidance document. If the “frac tank” is single-walled and regulated by the Storage Tank Program, some form of containment is required. Regulated storage tanks usually require a site-specific installation permit. Many of the service companies are from out-of-state and often must be educated in Pennsylvania’s Storage Tank Program requirements. Permit applications for proposed new storage tank facilities are noticed in the *Pennsylvania Bulletin*, and the public has 30 days to provide comments on the proposal. In deciding whether or not to issue a permit, the program looks at the potential of the storage tanks to cause environmental harm. Local government officials are responsible for assuring that the proposed storage tank location is properly zoned for the intended use.

Mr. Arnold asked the committee if there was any **old business** to discuss. There being none, under **new business**, Mr. Arnold reminded everyone of the **remaining meeting dates for 2011**, which are as follows: September 13 and December 6.

Also under new business, Mr. Arnold informed the committee of the **appointment of the Nominating Committee** for the **election of officers** to be held at the next STAC meeting. Officer positions to be filled are the Chairperson and Vice-Chairperson. The Nominating Committee will be comprised of Judy Brackin as Chairperson, John Kulik, and Sam Capri. No nominations from the floor were made. The Nominating Committee will gather the names of nominees for both the Chairperson and Vice-Chairperson and submit the nominees to Mr.

Swokel by August 12. Mr. Swokel, in accordance with committee by-laws, will provide the required notification of nominees to all committee members in time for the next meeting.

Finally, under new business, Mr. Arnold noted that Bill Baker, DEP, will be retiring on June 17 and wished him well in his retirement.

The meeting was then **adjourned**, upon motion and second.