

**MINUTES OF THE
STORAGE TANK ADVISORY COMMITTEE MEETING
SEPTEMBER 9, 2020**

The Storage Tank Advisory Committee (STAC) met on September 9, 2020, virtually via WebEx at 10:00 a.m. Ten (10) voting members were present, which constituted a quorum.

VOTING MEMBERS OR ALTERNATES PRESENT

Local Government:

Dennis Hameister, Pennsylvania State Association of Township Supervisors

Regulated Community:

Brandie Lehman, Associated Petroleum Industries of Pennsylvania
Jonathan Lutz, Associated Petroleum Industries of Pennsylvania
Michael DeBerdine, III, Pennsylvania Petroleum Association
Gauttam Patel, Petroleum Retailers and Auto Repair Association, Inc.
J. Stephen Hieber, Tank Installers of Pennsylvania

Public:

Robert May, Montrose Environmental Group, Inc. (Chair)
Charles Frey, Jr., Highland Tank & Manufacturing Company
Eric Wolfer, Highland Tank & Manufacturing Company
Timothy Bytner, Babst Calland
Daniel Hido, Babst Calland

Hydrogeologist:

Mark Miller, P.G. Moddy and Associates, Inc.

Registered Professional Engineer:

Francis Catherine, PE, P. Joseph Lehman, Inc. Consulting Engineers

CALL MEETING TO ORDER

Robert May called the September 9, 2020, meeting of the STAC to order.

APPROVAL OF MINUTES FROM THE DECEMBER 4, 2019, MEETING

The minutes from the December 4, 2019, meeting were approved as submitted, upon motion and seconded.

STAC MEMBERSHIP LIST

Kris Shiffer, DEP, reported that since the last meeting, there have been several reappointments and appointments to the committee. They were as follows:

- Gauttam D. Patel, member and Dinesh Mittal, alternate, representing the Petroleum Retailers & Auto Repair Association Inc. were reappointed. Both Mr. Patel and Mr. Mittal are experienced owners and operators of retail gasoline stations. We once again welcome their expertise and point of view.
- Mr. David Redman, member and Abby Foster, alternate member, have been nominated to represent the PA Chemical Industry Council. Mr. Redman is a registered professional engineer in the United States and Canada with more than 18 years of experience in engineering and management related to design and construction of storage tanks and vessels. Ms. Foster, current President of the PA Chemical Industry Council, oversees operations, finances and membership development for the organization. If appointed they will replace Scott Nowicki and Jeffrey Logan.
- Mr. Bob May, Professional Engineer and Senior Project Professional with Montrose Environmental Group, Inc. was reappointed representing the public.
- Mr. Tim Bytner, member and Mr. Daniel Hido alternate member, both legal counsel at Babst Calland have been reappointed representing the public.
- Mr. David Gallogly no longer wished to serve. Mr. Scott Nowicki Technical Director of Inspection Services for TTI Environmental, Inc., has been nominated to serve in his place and represent the public.
- Mr. Charlie Frey, member, and Mr. Eric Wolfer, alternate, both with Highland Tank and Manufacturing Company serving as Vice President and Regional Sales Manager respectively, have been nominated to be reappointed representing the public. Their term currently expires on September 30, 2020.
- Mr. John Bell, Environmental Counsel with the PA Farm Bureau was appointed to replace Bill Neilson as alternate member representing the Active Commercial Farm Owner/Operators. Mr. Michael Platt with PM Farms, Inc. continues to serve as the member.
- County Commissioners Association of Pennsylvania has elected to appoint Ms. Ashley White, current Director of Government Relations as their alternate member on STAC replacing Lisa Schaeffer who recently became the Executive Director of the Association. Ms. White has over 12 years of experience in education management and knowledge of public and non-profit administration and program development. Mike Pries, Dauphin County Commissioner continues to serve as the member

Mr. Shiffer reported that once all current nomination packages are approved, 15 of the 16 memberships will be filled. The lone remaining vacancy remains a representative from local government.

USTIF UPDATE

Next on the agenda, the Underground Storage Tank Indemnification Fund (USTIF) provided an update on their program activities. Richard Burgan, Director, Bureau of Special Funds, Department of Insurance, and Executive Director, Underground Storage Tank Indemnification Board (USTIB), attended representing the USTIF.

Mr. Burgan stated that at the end of the last fiscal year (June 30, 2020), the USTIF program had assets totaling \$414,187,593. Mr. Burgan noted that imbedded in that amount are loans made to the General Fund totaling \$116,344,834. USTIF is required by the comptroller to count those loans as assets. Removing those loans as assets, USTIF has approximately \$297.8 million in assets at the end of the fiscal year. At the end of the previous fiscal year (June 30, 2019), USTIF had total assets of 396.5 million. In regard to revenue at the end of the last fiscal year, USTIF had total revenue of \$64,827,589. In the previous fiscal year, revenue totaled \$78,444, 447. Mr. Burgan stated that this difference shows revenue was down over \$13.6 million, mainly due to loss of revenue as part of a decrease in gasoline usage and loss of income investments due to the current pandemic. Expenditures for the last fiscal year totaled \$45 million; resulting in an excess of \$19.9 million. Mr. Burgan mentioned that the unfunded liability now totals approximately \$45 million. The \$45 million in unfunded liability is a direct result from the \$30 million loan to the General Fund, and loss of income due to the current pandemic

Mr. Burgan stated that 150 new claims have been submitted thus far in 2020, averaging about 18 new claims per month. If trend continues, it is expected new claim totals for the year will be 215 to 220 new claims.

Mr. Burgan stated that the entire USTIF staff is teleworking. Several staff members do come into the office periodically to process some paper checks that are still being submitted. Mr. Burgan stated that currently 82% of all USTIF clients are making payments online. As of last week, 3,318 individuals have accounts through USTIF's online system. This includes 50 DEP staff members that utilize the program to determine if regulated storage owners are delinquent in USTIF fee payments. Mr. Burgan stated that USTIB meetings have continued and have been virtual. Mr. Burgan provided the members with instructions on how to access the USTIB meeting information.

DEP UPDATE

Mr. Shiffer provided an update on the current status of telework. All storage tank program staff across the Commonwealth are currently teleworking. Mr. Shiffer pointed out that the e-initiatives DEP undertook in previous years are now seeing the true benefits. This includes OnBase, ePermitting, and Mobile Inspections. In the last quarter, the program has seen an increase in the use of online fee payments.

Mr. Shiffer then provided a brief update on the Storage Tank Mobile Inspection App (Tanks App). Several new features of the Tanks App includes an ability to add a site diagram to the inspection report and in the latest test version, the ability for DEP inspectors to select standardized requested actions for the storage tank owner and operator to take to resolve known violations. This will help with consistency across all six DEP regions in what is requested from a storage tank facility owner. Other avenues being explored is the ability to have the storage tank facility owner and operator participate in online training at the facility upon being advised items are in violation. For example, if no tank release detection is being performed, the DEP inspector could upload training specific to the current method of tank release detection that is required to be performed at the storage tank facility and help educate the owner and operator on the requirements by completing the training on the DEP staff's iPad.

Mr. Eric Lingle, Environmental Group Manager, Division of Storage Tanks, next presented an update on the storage tank program's ePermitting application. The program's ePermitting system allows a user to pay registration fees online with just the invoice number with over \$1.1 million processed to date. The storage tank program also recently processed its first registration application documenting a storage tank removal submitted through the online ePermitting application. Removal applications require both a third-party certified installer and an owner signature for proper submission. The ePermitting application can now accept most storage tank registration amendments, including new tank installations, tank removals, status and substance changes, and contact information changes, with additional capabilities under development. Increased use of the ePermitting application will significantly reduce the amount of time required to provide updated registration certificates to storage tank owners.

Mr. Lingle stated that the current COVID-19 pandemic forced the cancellation and postponement of training courses required for the renewal of installer and inspector certification categories. These training courses include both DEP-provided inspector and administrative training, as well as third-party vendor-provided technical training. Since the availability of these courses is unknown for the foreseeable future, DEP took the following steps at the beginning of the pandemic:

- Individual installer/inspector certifications expiring from January 1, 2020 through December 30, 2020 were automatically extended until December 31, 2020.
- DEP will allow individuals to attend training up until November 10, 2020 and to submit the completed renewal application within 7 calendar days from November 10 to ensure their certification application would be reviewed and a final decision on the application would be issued prior to the December 31, 2020 expiration date.
- If renewed, future certification expiration dates will revert back to expiration cycles that existed prior to DEP's extension of the expiration date to December 31, 2020. For example, if a certified installer's expiration date was April 2, 2020, DEP has extended the expiration date to December 31, 2020. Once training is completed, the application is submitted, and renewal issued, the next certification expiration date would be April 2, 2023.

In addition, Mr. Lingle informed the members that program staff have thus far conducted four online training seminars, via WebEx, for DEP-certified individuals. Additional online training seminars are scheduled. These training seminars are normally held annually in each region to provide an open forum to discuss current storage tank inspection and installation topics and issues. The training seminars also provide the DEP-certified individuals with the required administrative and technical training prior to renewing their certification. DEP staff provided these online training seminars, via WebEx, to prevent unnecessary delays to the recertification process for the DEP-certified individuals while observing social distancing practices during the COVID-19 pandemic.

Mr. Randy Martin, Environmental Group Manager, Division of Storage Tanks, next lead a discussion on the new spill prevention equipment testing requirements and how some installations have raised questions on what is required. Mr. Martin began the discussion by providing an overview of the testing regulations. Next, he showed the committee two different types of installations where uncertainty of meeting the requirements have been raised. The first is where the delivery hose is never disconnected from the fill pipe connection at the tank top located within a concrete spill catchment basin. Instead, the delivery hose is disconnected from the delivery tanker and simply hung on a pipe tree or pipe hanger in the concrete spill catchment basin until the next delivery. Sometimes, the catchment basin has a drain that is connected to an oil/water separator. This set up has been found at truck stops where the facility receives multiple deliveries a day and the delivery hose remains connected to save the driver time.

Furthermore, NFPA 30A in Section 9.2.2.5.2 does states that, "Underground tanks and tanks in below grade vaults shall be filled through a liquid tight connection within a spill container."

There has also been some discussion, that this type of flexible nitrile rubber delivery hose construction is not designed to continuously be attached to the fill pipe and should not be continuously exposed to the elements. Fill pipe construction should be metallic and hard piped with an aboveground spill box around the fill connection to provide necessary protection from spills during the delivery.

DEP views the concrete spill catchment basin as the spill prevention equipment that must be tested every three years.

The second installation type is where there is a raised concrete berm surrounding a drainage grate that is connected to an oil/water separator. A metallic fill pipe extends into this concrete drainage area. DEP has directed owners with this type of spill prevention equipment installation, that the entire concrete drainage area, including the drainage line to the oil/water separator must be tested every three years.

Solutions to these installations where meeting the spill prevention equipment testing requirement could be difficult include installing a metallic above grade spill box around the fill or installation a traditional spill bucket

Mr. Shiffer followed by informing the members of minor revisions on two existing technical guidance documents. The first, Storage Tank Modification and Maintenance Issues, 263-0900-011, the program is deleting references to an inspection required following major modification

on UST systems and tank handling activities on field constructed UST systems and deleting the position that removal of underground piping from chase piping is a minor modification. Both of these changes are needed to remain consistent with 25 PA Code Chapter 245.

The second, Closure Requirements for Aboveground Storage Tank Systems, 263-4200-001, the program is deleting the reference to the term “Reportable Release” as that definition has been deleted as part of the December 2018 regulation amendments to Chapter 245.

Mr. Frey commented that the illustration of an aboveground storage tank found at Figure 3, page 5 within the Storage Tank Modification and Maintenance Issues is not a good illustration. Mr. Shiffer replied that it is an existing picture within the document. Mr. Frey stated that he would provide DEP with an illustration that he would recommend using.

Mr. Shiffer then presented the committee a scenario where previous DEP policy does not match current regulatory requirements. The present issue is regarding underground piping systems that are removed from chase piping. DEP’s position since March 2011 is that replacement of product piping through a chase is a minor modification but new piping requirements must be met. Mr. Shiffer then proceeded to systematically review current regulatory requirements and defined terms found in 25 Pa Code Chapter 245. After discussion, to be consistent with regulatory requirements and defined terms, replacement of product piping through a chase is a permanent closure of that part of the storage tank system, requiring a UMR certified individual. The replacement/removal of this piping will always require a site assessment. However, that does not necessarily mean samples will be required. One proposal is if the product piping being removed tests tight within 30-days of the removal or at last use, then no samples would be required. These changes will be reflected in a pending revision of Technical Guidance Document, Closure Requirements for Underground Storage Tank Systems, 263-4500-601.

If product piping is being installed following the removal of the existing product piping, a UMX certified individual would be required to install the new piping.

OTHER BUSINESS

Mr. May asked the committee if there was any old business to discuss. There being none, under new business, Mr. May asked if any STAC member or member of the public in attendance wished to provide public comment. There being no public comments, the remaining meeting date for 2020 was stated as December 2, and at this time will be held virtually.

ADJOURNMENT

The meeting was adjourned at 11:17 a.m., upon motion and seconded.