

**MINUTES OF THE
STORAGE TANK ADVISORY COMMITTEE MEETING
SEPTEMBER 11, 2007**

The Storage Tank Advisory Committee (STAC) met on September 11, 2007, at the Rachel Carson State Office Building, 400 Market Street, 14th Floor, Harrisburg. Seven (7) voting members and alternates were present, which constituted a quorum.

Voting members and alternates in attendance were:

Local Government:

A. Christopher Cap, Pennsylvania State Association of Boroughs

Regulated Community:

John Arnold, Pennsylvania Petroleum Marketers & Convenience Store Association

J. Stephen Hieber, Tank Installers of Pennsylvania

Public Members:

Stephen Benes, Hermitage, PA

Registered Professional Engineer:

Michele A. Cipollone, Glen Mills, PA

Hydrogeologist:

Jan Peter Ilves, JPI Associates, Inc.

Active Commercial Farm Owner/Operator:

Andrea L. Sharretts, Pennsylvania Farm Bureau

Non-voting alternates in attendance were:

Mark Onesky, Onesky Engineering, Inc.

CALL MEETING TO ORDER

John Arnold, Committee Chairperson, called the September 11, 2007, meeting of the STAC to order at 10:08 a.m.

APPROVAL OF MINUTES FROM FEBRUARY 20, 2007 MEETING

The minutes from the February 20, 2007, meeting were approved as submitted, upon motion and seconded.

STAC MEMBERSHIP LIST

John Arnold provided the following update to the STAC:

Currently in the process of reappointing Jo Ellen Litz as member and Kristen Goshorn as alternate member for a 2-year term representing the **County Commissioners Association of Pennsylvania**.

The **Alliance of Automotive Service Providers (AASP) of Pennsylvania** position remains vacant. This is a position provided to the AASP under the Storage Tank and Spill Prevention Act.

Lastly, the terms of Jim Wheeler/Holly Fishel (**PA State Association of Township Supervisors**), John Arnold/John Kulik (**Pennsylvania Petroleum Marketers and Convenience Store Association**), and Theresa Merli/Betty Conner (**League of Women Voters**) will be expiring this coming November 30th. Letters will either be presented to or mailed to these individuals today to begin the reappointment process.

DEP UPDATE

Kurt Klapkowski, DEP Program Counsel for the Storage Tank Program, provided an update on **Federal/State Legislation**. Mr. Klapkowski reported that there is nothing occurring at the federal level pertaining to the storage tank program.

On the state side, the Pennsylvania General Assembly passed legislation (Senate Bill 815) amending the Storage Tank and Spill Prevention Act to reauthorize the Underground Storage Tank Pollution Prevention and Environmental Cleanup Programs for an additional five years through June 30, 2012. This bill was signed into law by Governor Rendell on June 30, 2007 and became Act 20 of 2007. The storage tank program web site has a link to the Storage Tank and Spill Prevention Act, as amended by Act 20 of 2007.

Lastly, Mr. Klapkowski reported that the Environmental Covenants legislation unanimously passed the House of Representatives and is currently in the Senate. This is the third legislative session in which this bill has been introduced and is supported by the DEP. Mr. Klapkowski reported that 15 or 16 states have enacted Environmental Covenants legislation.

Dawn Heimbach, DEP, presented an update on the **Pump and Plug Program**. Since 1998, 942 grants have been approved for a total of over \$4.75 million. For fiscal year 2006-2007, 52 grants have been approved for a total of over \$332,000. There are 2 applications pending.

Charlie Swokel, DEP, and Kurt Klapkowski provided an update on the **Chapter 245 final rulemaking**. Since the February STAC meeting, the Environmental Quality Board (EQB)

considered and unanimously approved (without comment or question) the Chapter 245 final rulemaking on June 19th. Following the EQB approval, the final rulemaking was reviewed and approved by the Governor's Office of General Counsel. The final rulemaking is currently with the House/Senate Environmental Resources and Energy Committees and the Independent Regulatory Review Commission (IRRC). The IRRC will consider the final rulemaking at its next public meeting scheduled for September 20th. If the IRRC approves the final rulemaking, the Office of Attorney General will need to review as the final step in the regulatory process. A mid- to late-November publication date in the *Pa. Bulletin* is anticipated. The rulemaking becomes effective upon publication in the *Pa. Bulletin*.

The program has scheduled training sessions with regional office staff during September/October to cover the regulatory amendments in order to provide for consistent implementation. The program is also available to provide an overview of the regulatory amendments to any group, association or organization affected by the final rulemaking. A presentation will be made at the Pennsylvania Petroleum Marketers and Convenience Store Association Conference on September 18th in State College. The program will also be providing training to certified installers/inspectors in each of our regional offices in the December/January time period. Anyone interested in a written overview of the regulatory amendments for inclusion in newsletters and the like should contact the program.

Charlie Swokel provided a report on the **Underground Storage Tank Indemnification Board (USTIB) allocation requests**. These are the annual allocation requests that are made by the DEP at the third quarter USTIB meeting to support the various programs implemented by the DEP that are supported by the Underground Storage Tank Indemnification Fund (USTIF). This year's third quarter USTIB meeting will be held on September 20th. In addition to requesting the annual allocations, the third quarter USTIB meeting is also significant in that the actuary reports on the financial status of the USTIF. Based on the actuarial analysis of the USTIF, the USTIB discusses and votes on any change to the USTIF throughput/capacity fees for the next calendar year.

At the September 20th USTIB meeting, DEP will make 4 separate allocation requests. The first, for the Environmental Cleanup Program, provides DEP with funding to address state-lead projects and administer the heating oil cleanup grant program. The Catastrophic Release allocation allows DEP to deal with the more problematic and costly state-lead projects. Currently, DEP is funding 3 catastrophic release projects. The third allocation supports the "pump and plug" grant program through which DEP provides funding to tank owners to assist with the closure of substandard underground storage tanks. The final allocation request will be to pay for the administrative costs relating to the corrective action program that are not covered by the federal Leaking Underground Storage Tank (LUST) Trust Fund grant.

Next on the agenda, Charlie Swokel reported on the status of **federal grant funding for federal fiscal year 2008**. Mr. Swokel indicated that traditional Underground Storage Tank (UST) grant funding has been approximately \$188,000 per year. For federal fiscal year (FFY) 2007, which ends September 30th, DEP did receive an additional \$250,000. For FFY 2008, which begins October 1st, DEP expects to receive \$680,000. This is \$492,000 over the traditional amount of \$188,000. For FFY 2009 and 2010, EPA has requested that DEP apply for \$300,000 for each

year. Mr. Swokel stated that any additional amount of federal funding saves on Storage Tank Fund expenditures.

With regards to the LUST Trust Fund grant, DEP received no additional funding for FFY 2007. The base LUST Trust Fund grant is just shy of \$1.4 million. EPA requested that DEP apply for the same base amount for FFY 2008 through 2010. However, EPA did indicate to DEP to expect an additional \$250,000 for FFY 2008. Mr. Swokel stated that this is very disappointing with regards to the LUST Trust Fund grant given the Federal Energy Act mandates and the large balance in the LUST Trust Fund. J. P. Ilves asked how these amounts compare to what other states are receiving. Mr. Swokel responded that Pennsylvania receives more than most states because the funding allocations are based on the number of underground storage tanks and number of confirmed releases.

Ray Powers, DEP, provided the following update on the **implementation of the Federal Energy Policy Act**.

Mr. Powers reported that EPA has issued all 6 final grant guidelines under the Federal Energy Policy Act. (Note: EPA did issue 7 final grant guidelines; however, the *Tribal Strategy* grant guideline does not apply in Pennsylvania.) DEP is in excellent shape in terms of meeting or working toward all grant requirements.

Mr. Powers reported that with regards to *Secondary Containment or Financial Responsibility and Installer Certification*, DEP has chosen the secondary containment option. Requirements for new and replacement tanks and piping to be double-wall is included in the final rulemaking.

The *Delivery Prohibition* requirements are also contained in the final rulemaking. In addition, the program has developed a draft guidance to further describe how the delivery prohibition requirements will be implemented. The draft guidance will be published on or soon after the date of final rulemaking publication in the *Pa. Bulletin*.

With regards to the *Inspection* guidelines, the 3-year on-site inspection requirement is included in the final rulemaking. In addition, the requirement to have all facilities not inspected since December 1998 inspected by August 8, 2007, has been met.

The *State Compliance Report on Government USTs* was provided to EPA on August 8, 2007 (the date the report was due). This is a report of all federal, state and local government-owned USTs in non-compliance. The report showed that nearly 96% of all government-owned USTs are in compliance. When EPA provides the reports to the public (as required), DEP will provide the link to that information on our web site.

The *Public Record* grant guidelines require posting some additional summary information concerning compliance and releases on our web site beginning in December 2008. The program has made a few changes to allow for collection and compilation of the data and will begin collecting the necessary information on October 1st in accordance with the guidelines.

Finally, EPA issued the final *Operator Training* grant guidelines on August 8, 2007. Under the guidelines, a state program is to be in place by August 8, 2009, and all operators are to be trained

by August 8, 2012. Mr. Powers stated that DEP would like to begin discussions in January with a small (8- to 12-member) stakeholders' group. The work of the stakeholders' group will be developed through further work with the STAC into a draft rulemaking addressing the operator training requirements. Mr. Powers requested that anyone interested in serving on the stakeholders' group should contact him.

John Arnold asked for any **Old Business**. There being none, under **New Business** John Arnold reported that the proposed meeting dates for 2008 are March 11, June 10, September 9, and December 9. The meeting dates for 2008 were approved upon motion and second.

The **meeting was adjourned** at 10:51 a.m., upon motion and second. The next scheduled advisory committee meeting is December 11, 2007.