

**MINUTES OF THE
STORAGE TANK ADVISORY COMMITTEE MEETING
DECEMBER 5, 2017**

The Storage Tank Advisory Committee (STAC) met on December 5, 2017, at the Rachel Carson State Office Building, 400 Market Street, Room 105, Harrisburg. Twelve (12) voting members were present, which constituted a quorum.

VOTING MEMBERS OR ALTERNATES PRESENT

Local Government:

Mike Pries, County Commissioners Association of Pennsylvania
Dennis Hameister, Pennsylvania State Association of Township Supervisors (Vice Chair)

Regulated Community:

H. Michael Matri, Associated Petroleum Industries of Pennsylvania
Nancy Maricondi, Petroleum Retailers and Auto Repair Association, Inc.
Scott Nowicki, Pennsylvania Chemical Industry Council
J. Stephen Hieber, Tank Installers of Pennsylvania

Public:

Robert May, Synergy Environmental, Inc. (Chair)
Timothy Bytner, Babst Calland
David Gallogly, Pennsylvania Environmental Council
Charles Frey, Jr., Highland Tank & Manufacturing Company
Eric Wolfer, Highland Tank & Manufacturing Company

Registered Professional Engineer:

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

Active Commercial Farm Owner or Operator:

Michael Platt, PM Farms, Inc.

CALL MEETING TO ORDER

Robert May called the December 5, 2017, meeting of the STAC to order.

APPROVAL OF MINUTES FROM THE MARCH 7, 2017, MEETING

The minutes from the June 6, 2017, meeting were approved as submitted, upon motion and seconded.

STAC MEMBERSHIP LIST

Kris Shiffer, DEP, reported that 14 of the 16 positions on the STAC are filled. Vacancies that currently exist are a local government seat and membership representing the Pennsylvania Petroleum Association.

Since the last meeting, Michael Pries and Lisa Schaefer were reappointed as the member and alternate member, respectively, representing the County Commissioners Association of Pennsylvania. In addition, Mr. H. Michael Matri was appointed as the member to represent the Associated Petroleum Industries of Pennsylvania. No current member terms are scheduled to expire prior to 2019.

DEP UPDATE

Mr. Shiffer began the discussion by introducing Mr. Randy Martin, who was hired as the new Environmental Group Manager overseeing both the Underground Storage Tank (UST) and Aboveground Storage Tank (AST) Units. Mr. Martin began his career with DEP in 2003 and has held positions in both UST and AST Units.

Mr. Shiffer reviewed the Draft Technical Guidance Document (TGD) “Guidelines for Reuse and Disposal of Hydrostatic Test Liquids.” The TGD is a new document drafted by DEP to assist the regulated community in understanding what is expected when handling and disposing of test water used to hydrostatically test spill prevention equipment and containment sumps. Current proposed regulations, in response to federal regulatory revisions, will require periodic testing of this equipment.

Mr. Bytner commented that he believed there is a National Pollutant Discharge Elimination System (NPDES) permit that could be obtained for the discharge of test water. Mr. Shiffer replied that the TGD mentions NPDES permits in relation to an oil-water separator system; however, it does not provide details on obtaining an NPDES permit for the general discharge of test water.

Mr. May asked why an owner of multiple locations would not want to reuse the test water at their own locations to minimize the generation of wastewater. Mr. Shiffer stated that current regulations allow for this if the test water being used is not considered a waste. The TGD only references DEP’s recommendation that test water not be taken to another location for use; however, the facility owner may still choose to reuse the test water if it is still considered a substitute for the original test water.

Mr. May asked why DEP does not consider test water that becomes contaminated with benzene to be exempt from the hazardous waste requirements via the exemption for corrective actions under federal regulations. Mr. Shiffer stated the test water would not qualify for this exemption from the hazardous waste requirement for several reasons. First, the test water is not consistent with the terms “media” or “debris” as defined in federal regulations in that it has not been contaminated by an outside source. Second, the test water and its removal would not be

considered a corrective action under federal storage tank regulations. The Environmental Protection Agency (EPA) has already reviewed this issue and has concluded that test water does not meet this exemption.

Mr. Hieber expressed concern over the statement within the TGD that generators of hazardous waste in excess of 220 pounds in any given month should obtain a generator identification number. Mr. Bytner informed the group that this requirement comes directly from the Resource Conservation and Recovery Act (RCRA), Subtitle C. Mr. Hieber believes if testing of test water for determination of hazardous waste must occur for every containment sump, costs for hydrostatic tests will increase dramatically. Mr. Shiffer commended the group for the feedback received, but he cautioned that DEP cannot change federal requirements. Mr. Hieber believes educating the regulated community on the requirements for handling and disposal of test water under federal and state law will be crucial. Mr. Gallogly suggested that the NPDES permit process should be explored to assist testing companies in the disposal of used test water. Mr. Shiffer informed the committee that the program would again contact DEP staff in the Waste and Water programs and communicate STAC's concerns.

In terms of recordkeeping, Mr. May asked how DEP will be ensuring the UST owner is retaining all disposal records. Mr. Shiffer explained that the TGD recommends the documentation that should be retained. The storage tank regulation only requires the actual test form, signed by the DEP certified individual performing the test, to be retained by the UST owner.

Mr. Shiffer asked that if STAC members are aware of any common practices currently being performed in the handling and disposal of test water, they should contact him with those specifics. He will present this information to DEP's Waste and Water program personnel for further discussion.

Next, Mr. Shiffer provided an overview of the Division of Storage Tanks' Online Registration and Fee Payment System. The system was built and underwent testing by DEP staff from November 13 through December 1, 2017, and is scheduled to go live December 6. DEP is not publicizing the release of the system at this point so that selected clients can try out the system and any issues can be addressed to ensure everything is working smoothly before informing all storage tank owners of the system's availability. DEP is planning to update the language on the registration invoice for the Northeast Region invoicing cycle in February 2018. Instructions on how to access and utilize the system will be published on the Storage Tank Program's webpage at that time.

Next on the agenda, Mr. Shiffer provided an update on the status of the Chapter 245 proposed rulemaking since the June 6, 2017, STAC meeting. The Office of Attorney General (OAG) received the proposed rulemaking on December 4 and will have 30 days to review it. Following OAG approval, it will be delivered to the House and Senate Environmental Resources and Energy Committees, the Independent Regulatory Review Commission, and the Legislative Reference Bureau. Currently, the regulations are on track to be published for public comment in early February 2018; however, this can change depending on feedback from the previously mentioned entities. Mr. Shiffer thanked the STAC members for their input throughout the regulatory process.

Mr. Shiffer next updated the members on several items of interest. House Bill 290, which calls for the extension of the Pollution Prevention Grant Program, the Heating Oil Reimbursement Grant Program, the Environmental Cleanup Program, and the ability to request additional funding to support the Storage Tank Program, is currently in the Rules Committee of the House of Representatives. DEP is hopeful that it will soon be passed and on the Governor's desk for signature.

Compatibility of storage tank systems remains a concern. Pennsylvania has a form that is required to be submitted for storage tank systems that store alternative fuel blends or biodiesel. Mr. Shiffer provided examples of recent compatibility concerns regarding fiberglass tank systems and interstitial monitoring sensors. Mr. Shiffer also expressed concern over repairs that may be attempted on storage tank systems due to the increase in periodic testing being proposed in the draft rulemaking. Mr. Shiffer likened these repairs to what occurred during the 1998 timeframe. Mr. Shiffer stated that DEP will be monitoring repair work to ensure that it is being performed in accordance with industry standards and manufacturers' instructions.

Mr. Shiffer informed the membership that Pennsylvania currently has over 17,000 regulated aboveground storage tanks and over 22,000 regulated underground storage tanks. Approximately 21% of Pennsylvania's UST population is greater than 30 years old. This may result in an increase in follow-up work for DEP staff due to tank removals, repairs, and upgrades. Mr. Shiffer also informed the committee of initiatives currently being reviewed by the program, including becoming more efficient with how DEP staff follow up with facilities found to be in violation, mobile inspections, online registration, and a technical compendium that will allow the regulated community and DEP staff to find commonly asked questions.

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 non-STAC member in attendance wished to provide public comment. There being no additional comments, the meeting dates for 2018, currently proposed as March 6, June 5, September 4 and December 5, were approved, upon motion and seconded.

ADJOURNMENT

The meeting was adjourned at 11:24 a.m., upon motion and seconded.