

**DRAFT MINUTES OF THE
STORAGE TANK ADVISORY COMMITTEE MEETING
DECEMBER 6, 2022**

The Storage Tank Advisory Committee (STAC) met on December 6, 2022, at the Rachel Carson State Office Building, 400 Market Street, Room 105, Harrisburg and virtually via Microsoft Teams at 10:00 a.m. Twelve (12) voting members were present, which constituted a quorum.

VOTING MEMBERS OR ALTERNATES PRESENT

Local Government:

Holly Fishel, Pennsylvania State Association of Township Supervisors
Dennis Hameister, Pennsylvania State Association of Township Supervisors
Jo Ellen Litz, Commissioner, County Commissioners Association of Pennsylvania

Regulated Community:

Jonathan Lutz, Associated Petroleum Industries of Pennsylvania
Michael DeBerdine, III, Pennsylvania Petroleum Association
J. Stephen Hieber, Tank Installers of Pennsylvania

Public:

Charles Frey, Jr., Highland Tank & Mfg. Co.
Timothy Bytner, Babst Calland
Scott Nowicki, TTI Environmental, Inc.
Robert May, P.E., Montrose Environmental Group, Inc

Active Commercial Farm Owner/Operator:

Michael Platt, PM Farms, Inc.

Registered Professional Engineer:

Francis Catherine, P.E., Joseph Lehman, Inc. Consulting Engineers
Mark Onesky, P.E., Onesky Engineering, Inc.

Hydrogeologist:

Jennifer O'Reilly, Groundwater & Environmental Services, Inc.

CALL MEETING TO ORDER

Robert May, Chairperson, called the December 6, 2022, meeting of the STAC to order.

APPROVAL OF MINUTES FROM THE JUNE 7, 2022, MEETING

The minutes from the June 7, 2022, meeting were approved as submitted, upon motion and seconded.

STAC MEMBERSHIP LIST

Kris Shiffer, DEP, reported that currently 15 of the 16 positions are filled. The lone vacancy is representing local government. Since the last meeting, there have been no appointments to the committee. Mr. Shiffer reported no current members are set to expire by the next scheduled meeting.

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 reported that over the period July 1, 2022 through September 30, 2022, USTIF collected \$12,367,720 in fees. This is down approximately \$355,000 from this time last year. Due to loss in investments during this period, USTIF posted a net decrease in revenue of \$6,958,375. Expenditures during this same period were \$1,299,856 in administrative costs, \$7,680,046 in claims and legal expenses, and \$1,923,756 in allocations to support DEP. Total expenditures were \$10,905,636. For the first 3 months, USTIF showed an operating deficit of \$17,864,011. USTIF fund balance as of September 30, 2022 was \$353,284,923. Mr. Burgan reported that USTIF no longer has an unfunded claim liability. The fund balance for future claims as of September 30, 2022 was \$27,418,424.

As of December 6, 2022, USTIF had 183 tank owner claims and one TIIP claim for the calendar year. For the entire calendar year last year, USTIF had 172 tank owner claims and one TIIP claim.

Mr. Burgan informed the committee that USTIF recently hired Amy Forbes-Witt as the new Claims Manager, replacing Amy Steiner. USTIF will soon begin mailing December invoicing statements. This includes issuing approximately 7,520 capacity statements and sending a tank inventory sheet to every owner of a regulated underground storage tank and 215 TIIP statements. Due to USTIF collecting fees online, over 100 online payments have already been received.

Mr. Burgan reported that the 4th Quarter meeting of the USTIB will be held on December 8. The annual actuarial report by Aon will be presented with a recommendation on the USTIF fee structure. In addition, the results of surveys sent to over 4,000 USTIF participants regarding the required performance review of USTIF that occurs every 5 years will be presented. USTIB will vote on a recommendation to the legislature for its continuation or termination.

Mr. DeBerdine requested Mr. Burgan provide a summary of his reported numbers to the committee. Mr. Burgan agreed to send information to Mr. Shiffer for disbursement to the committee members.

DEP UPDATE

Mr. Shiffer presented information to the committee on compliance rates on some of the requirements that went into effect after the 2018 amendments to the storage tank regulations. Specifically, Mr. Shiffer reviewed how storage tank owners are complying with periodic testing requirements for overfill, spill prevention, and release detection equipment, and walkthrough inspections. Mr. Shiffer noted that overall, the compliance trend is upward, however, there is still improvements that can be done. Mr. Shiffer noted that the program is reviewing ways to help improve compliance such as greater outreach to storage tank owners, possible public posting of noncompliant sites, and identifying funding sources to assist with upgrades or removal of older storage tank systems. Mr. Shiffer also presented how the workload for storage tank staff has increased resulting in almost doubling the amount of modifications being performed. This increase was expected due to storage tank equipment now required to be routinely tested. Current and future trends in the industry were also presented with a focus on concerns with outdated equipment and aging storage tank systems and the increase in cost of compliance and how the private industry is adapting to these trends.

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, Dennis Hameister provided the Election of Officers – Nominating Committee Report. The Nominating Committee was comprised of Dennis Hameister as Chairperson, Timothy Bytner, and Jennifer O'Reilly. Mr. Hameister stated that the Nominating Committee solicited nominations from the STAC and received nominations of Robert May for Chairperson and Dennis Hameister for Vice-Chairperson. Mr. May opened the floor to any additional nominations for the positions of Chairperson and Vice-Chairperson on the STAC. There being no additional nominations, upon motion and seconded, Mr. May and Mr. Hameister were elected to serve another term on the STAC as Chairperson and Vice-Chairperson, respectively. There being no additional discussion, the meeting dates for 2023, currently proposed as March 21, June 7, September 6 and December 13, were approved, upon motion and seconded.

ADJOURNMENT

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