

**DRAFT MINUTES OF THE
STORAGE TANK ADVISORY COMMITTEE MEETING
JUNE 7, 2022**

The Storage Tank Advisory Committee (STAC) met on June 7, 2022, at the Rachel Carson State Office Building, 400 Market Street, Room 105, Harrisburg and virtually via WebEx at 10:00 a.m. Thirteen (13) voting members were present, which constituted a quorum.

VOTING MEMBERS OR ALTERNATES PRESENT

Local Government:

Ronald Grutza, Pennsylvania State Association of Boroughs
Holly Fishel, 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
John Kulik, Pennsylvania Petroleum Association
J. Stephen Hieber, Tank Installers of Pennsylvania

Public:

Eric Wolfer, 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

Hydrogeologist:

Jennifer O'Reilly, Groundwater & Environmental Services, Inc.
Mark Miller, Moody and Associates, Inc.

CALL MEETING TO ORDER

Robert May, Chairperson, called the June 7, 2022, meeting of the STAC to order.

APPROVAL OF MINUTES FROM THE DECEMBER 7, 2021, MEETING

The minutes from the December 7, 2021, 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 several appointments to the committee. They were as follows:

- Reappointed both Mr. Michael Platt, as a member and John Bell, as an alternate member representing Active Commercial Farm Owners and Operators.
- Appointed Jo Ellen Litz, as a member (replacing Mike Pries) and reappointed Ashley White, as an alternate member representing County Commissioners Association of Pennsylvania.
- Reappointed both Brandie Lehman, as a member and Jonathan Lutz, as an alternate member representing American Petroleum Institute of Pennsylvania.

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, 2021 through March 31, 2022, USTIF collected \$42,753,198 in fees. This is up approximately \$3.5 million from this time last year. Investments however, lost \$22.2 million. Interest earned totaled \$6.5 million. This resulted in a net revenue for USTIF during this time period of \$26,924,938. Expenditures during this same period were \$3,866,486 in administrative costs, \$21.7 million in claims and legal expenses, and \$7.2 million in allocations to support DEP. Total expenditures were \$32,841,768. USTIF fund balance as of March 31, 2022 was \$405,381,646. Mr. Burgan reported that the claims liability number stood at \$84,190,607.

As of June 7, 2022, USTIF had 84 tank owner claims for the calendar year. These numbers reflect an increase of 12 claims from this time last year.

Mr. Burgan informed the committee that the 2nd Quarter meeting of the Underground Storage Tank Indemnification Board will be held on June 9. Those individuals wishing to be present in person will report to the first floor rather than the second floor as the USTIF offices have been remodeled and a conference room has been added.

Mr. Burgan stated that some individuals may have received a survey as required by the Storage Tank and Spill Prevention Act, which requires a performance review of USTIF every 5 years with a recommendation to the legislature for its continuation or termination.

DEP UPDATE

Mr. Shiffer introduced Justin Dula, Director, Office of Environmental Justice, DEP. Mr. Dula provided the committee with information on how to define environmental justice, equity, and equality and provided a summary of DEP's Environmental Justice Policy revision and how to comment on the current draft. Mr. Dula also made committee members aware of useful tools available to regulators and the public to help identify environmental justice concerns in communities. Mr. Shiffer then provided an overview of how environmental justice can be incorporated within the storage tank program. Tasks such as providing compliance assistance, targeting inspection and enforcement efforts, and addressing abandoned storage tanks are all examples of activities that can be done. In addition, engaging with other DEP programs such as Brownfields to plan cleanup sites in environmental justice areas can also be accomplished.

Mr. Shiffer next introduced Chris Trostle, Bureau of Air Quality, Mobile Sources Section. Mr. Trostle provided the committee with a summary of recent regulation changes regarding control of VOC emissions from gasoline dispensing facilities. The amendments to air quality regulations focused on testing and decommissioning of stage I and stage II vapor recovery systems. Several committee members expressed concern over Section 129.61(g) in the amended regulations regarding requiring an inspection of the automatic tank gauge cap after each delivery. Mr. Bob May, chairperson, stated that there should be a meeting with DEP executive staff and the affected programs of this regulation to discuss possible suspension of enforcement of the inspection requirement. Mr. Tim Bytner commented that there appears to be several instances in the new air quality regulations that have the potential to conflict with storage tank regulations and asked if any analysis was done during the rulemaking process to ensure conflicts were avoided. Jo Ellen Litz asked about costs of the new requirements and how long an owner has to comply with the decommissioning timeframe. Mr. Trostle stated that impacted facilities would have until December 31, 2022 to decommission the stage II equipment. Regarding costs, those are listed in the Regulatory Analysis Form associated with the rulemaking. Francis Catherine asked how many facilities this regulation affected? Mr. Trostle responded that approximately 3,000 facilities in the Pittsburgh area and around 1,900 in the Philadelphia region. Additional comments focused on safety versus the actual benefit of inspecting ATG caps since inspection of these caps may involve lifting of heavy manways in the middle of a busy parking lot. It was agreed that further discussion of this requirement is warranted, and Mr. Trostle stated that his program is considering several options to address everyone's concerns.

Mr. Shiffer next introduced Randy Martin, Environmental Group Manager, Compliance and Enforcement Section, who provided the committee with an update on compliance numbers the program reports to EPA. In the past, the program has reported Significant Operational Compliance (SOC) to EPA. Due to the federal rulemaking in 2015 and subsequent Chapter 245 amendments in 2018, Pennsylvania will now report Technical Compliance Rate (TCR), which incorporates all the testing requirements such as overfill and spill prevention equipment testing. Mr. Martin explained the differences in the two reporting requirements and provided the

committee with compliance numbers as reported to EPA for the Federal Fiscal Year 2022 Midyear Report.

Noreen Wagner, Environmental Group Manager, Storage Tanks and Hazardous Sites Cleanup Section, next provided committee members statistics related to cleanup sites. Ms. Wagner reported that 109 new releases have been reported for the time period October 1, 2021 through March 31, 2022. Routinely, 230 confirmed releases are reported annually. Ms. Wagner stated that halfway through the current federal fiscal year, 159 cleanups have been completed. On an annual basis, the program averages 315 cleanups completed. Currently, there are approximately 3,000 ongoing clean ups at storage tank sites. Regarding funding obtained from USTIF to support state lead cleanups and provide reimbursements associated with the Home Heating Oil Reimbursement Program, DEP has expended just under \$2 million for the current state fiscal year on the 18 state lead sites DEP is remediating. Also, a total of 159 applications have been received totaling \$640,000 in reimbursement payments with the Home Heating Oil Reimbursement Program.

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, Mr. May requested volunteers to be on the nominating committee for chairperson and vice-chairperson. Mr. Bytner, Dennis Hameister, and Jennifer O'Reilly were appointed as the nominating committee. Any member wishing to nominate a current committee member as chairperson or vice chairperson can provide names to the nominating committee. A vote on the nominations will occur at the next STAC meeting. There being no additional discussion, remaining meeting dates for 2022 was stated as September 7 and December 6.

ADJOURNMENT

The meeting was adjourned at 12:01 p.m., upon motion and seconded.