

**MINUTES OF THE
STORAGE TANK ADVISORY COMMITTEE MEETING
MAY 17, 2018**

The Storage Tank Advisory Committee (STAC) met on May 17, 2018, at the Rachel Carson State Office Building, 400 Market Street, 6th Floor Conference Room, Harrisburg. Thirteen (13) voting members were present, which constituted a quorum.

VOTING MEMBERS OR ALTERNATES PRESENT

Local Government:

Mike Pries, County Commissioners Association of Pennsylvania
Holly Fishel, Pennsylvania State Association of Township Supervisors

Regulated Community:

John Kulik, Pennsylvania Petroleum Association
Gauttam Patel, 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

Registered Professional Engineer:

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

Hydrogeologist:

Mark Miller, Moody & Associates, Inc.

Active Commercial Farm Owner or Operator:

William Neilson, PA Farm Bureau

CALL MEETING TO ORDER

Robert May called the May 17, 2018, meeting of the STAC to order.

APPROVAL OF MINUTES FROM THE DECEMBER 5, 2017, MEETING

The minutes from the December 5, 2017, meeting were approved as submitted, upon motion and seconded.

STAC MEMBERSHIP LIST

Kris Shiffer, DEP, reported that 13 of the 16 positions on the STAC are filled. Vacancies that currently exist are a local government seat and memberships representing the Pennsylvania Petroleum Association and Associated Petroleum Industries of Pennsylvania.

Since the last meeting, Mr. Jonathan Lutz was appointed as an alternate member representing 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 presenting a brief overview of the rulemaking process regarding the amendments to Chapter 245 and thanked all members for providing input. Mr. Shiffer informed the committee that DEP received 84 comments from the public during the 30-day public comment period, which began on February 26, 2018. Along with comments received from the Independent Regulatory Review Commission (IRRC), DEP has responded to all comments and has incorporated some of the comments in draft final-form Chapter 245. The two main comments received were regarding the proposed changes to the “release” definition and removal of the exemption for emergency generator storage tank systems and nuclear power sites.

The changes to Chapter 245 since proposed rulemaking were then reviewed with the committee. Several members asked for clarification on how DEP was defining a “release.” Mr. Shiffer explained that in the draft final rulemaking, DEP left the definition of “release” unchanged and consistent with the statutory definition. DEP deleted the definition of “reportable release” and placed language contained within the current definition in § 245.305 of the regulations. In addition, DEP defined the term “immediate threat of contamination” to clarify what is a release. Committee action on the draft final rulemaking was deferred until after the public comment portion of the meeting.

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.

Mr. Neilson questioned the need to remove the release detection deferral for underground emergency generator tanks. Mr. Shiffer explained that EPA has already removed the deferral in the 2015 federal rulemaking, and failure of the DEP to mirror this change in the draft final rulemaking of Chapter 245 would result in the loss of state program approval. In DEP’s draft final rulemaking, owners of existing underground emergency generator storage tank systems have been provided up to 2 years before release detection would be required.

Following discussion, Mr. May asked the STAC for a motion to recommend Chapter 245 to the Environmental Quality Board (EQB) as final-form rulemaking. The motion was carried unanimously. Mr. Shiffer informed the committee that following the committee's recommendation, DEP will present the amendments to Chapter 245 to the EQB with an anticipated effective date of December 2018.

Mr. Gallogly requested a presentation from the Underground Storage Tank Indemnification Fund at the next scheduled meeting.

Mr. May formally recognized and congratulated Mr. Frey, sitting member representing the public, who was presented with the Steel Tank Institute/Steel Plate Fabricators Association (STI/SPFA) Hall of Fame Award during the 2018 STI/SPFA Annual Meeting in Chandler, Arizona. STI/SPFA's Hall of Fame Award honors individuals who have made outstanding contributions to the organization.

There being no additional comments, Mr. May noted that the remaining meeting dates for 2018 are September 4 and December 5.

ADJOURNMENT

The meeting was adjourned at 11:03 a.m., upon motion and seconded.