

**MINUTES OF THE  
STORAGE TANK ADVISORY COMMITTEE MEETING  
DECEMBER 6, 2016**

The Storage Tank Advisory Committee (STAC) met on December 6, 2016, at the Rachel Carson State Office Building, 400 Market Street, Room 105, Harrisburg. Thirteen (13) voting members were present, which constituted a quorum.

**VOTING MEMBERS OR ALTERNATES PRESENT**

Local Government:

Joshua Ehrman, Pennsylvania State Association of Boroughs  
Dennis Hameister, Pennsylvania State Association of Township Supervisors

Regulated Community:

John Kulik, Pennsylvania Petroleum Association  
Joseph Leighton, 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.  
Meredith Graham, 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

Active Commercial Farm Owner or Operator:

Michael Platt, PM Farms, Inc.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT**

George Hartenstein, Acting Deputy Secretary, Office of Waste, Air, Radiation & Remediation  
Keith Salador, Assistant Counsel, Bureau of Regulatory Counsel  
Ryan Kostival, Bureau of Environmental Cleanup & Brownfields  
Noreen Wagner, Bureau of Environmental Cleanup & Brownfields  
Timothy Slack, Bureau of Environmental Cleanup & Brownfields  
Eric Lingle, Bureau of Environmental Cleanup & Brownfields  
Kris Shiffer, Bureau of Environmental Cleanup & Brownfields

## **CALL MEETING TO ORDER**

John Kulik called the December 6, 2016, meeting of the STAC to order.

## **APPROVAL OF MINUTES FROM THE JUNE 7, 2016, MEETING**

The minutes from the June 7, 2016, meeting contained an error on page 6 under the “Other Business” heading. A motion was made and seconded to have the error corrected. The minutes were then approved as submitted with the understanding that the error would be corrected.

## **STAC MEMBERSHIP LIST**

Kris Shiffer, DEP, reported that 15 of the 16 positions on the STAC are filled. The only vacancy is a local government seat.

Since the last meeting, Bob May, Dave Gallogly and Charley Frey, Jr. and his alternate, Eric Wolfer, were reappointed to the STAC representing the public. Also reappointed were Scott Nowicki and Jeffrey Logan as the member and alternate member, respectively, representing the Pennsylvania Chemical Industry Council. Lastly, Francis Catherine and Mark Onesky were recently reappointed as the member and alternate member, respectively, representing Registered Professional Engineers. Mr. Joshua Ehrman, member, and Ron Grutza, alternate member, were appointed representing the Pennsylvania State Association of Boroughs.

Mr. Shiffer stated that the terms of Steve Hieber (Tank Installers of Pennsylvania) and Jan Peter Ilves (Hydrogeologist) expire February 28, 2017. Mr. Shiffer stated that DEP would be in contact with both individuals in mid-January regarding reappointment to the STAC.

## **TECHNICAL GUIDANCE DRAFT SUBSTANTIVE REVISIONS**

Next on the agenda, Mr. Shiffer summarized changes made to Closure Requirements for Aboveground Storage Tank Systems, Technical Guidance Document #263-4200-001, and Closure Requirements for Underground Storage Tank Systems, Technical Guidance Document #263-4500-601. Mr. Shiffer explained the main purpose of the substantive revision to both technical guidance documents is to remove all appendices from the documents, including closure report forms for aboveground and underground storage tanks, closure notification forms, and a listing of standards/action levels for confirmatory samples collected at closure site assessments. Throughout the document, associated regulatory citations have been updated pertaining to the Bureau of Waste Management regulations and the Pennsylvania Department of Labor and Industry. Existing language has been expanded to aid in clarity, and outdated terminology has been deleted. Document sections have been reorganized, and additional information is included that would be relevant to the storage tank owner during storage tank closure activities. Mr. Shiffer informed the STAC that both closure guidance documents will be published in the *PA Bulletin* for public comment, and the DEP will notify members of the STAC when this will occur. Mr. Dave Gallogly asked if the DEP would accept comments on portions of the guidance documents that were not revised. Mr. Shiffer responded that both guidance documents would be open for comment in their entirety.

## **CHAPTER 245 DRAFT PROPOSED RULEMAKING**

Next on the agenda, Mr. Shiffer provided an overview of the proposed rulemaking to Chapter 245. Eric Lingle and Noreen Wagner assisted with the presentation. Prior to beginning the presentation, Mr. Shiffer alerted the STAC that the final meeting for 2016 of the Underground Storage Tank Indemnification Board (USTIB) will take place on December 15, 2016. The USTIB meeting is held at the Capital Associates Building, 901 North Seventh Street, Room 200 at 10:00 a.m.

At the beginning of the presentation, Mr. Shiffer advised the STAC that comments from STAC members on the proposed rulemaking should be submitted to his attention by January 16, 2017. At the March 7, 2017, meeting, any changes made to the draft proposed rulemaking will be presented at that time. The DEP will ask the STAC for their recommendation to approve the regulations package as proposed and to submit the proposed regulations to the Environmental Quality Board.

Mr. Shiffer began the presentation with reviewing proposed language in Subchapter A, General Provisions. Mr. Dave Gallogly asked if “ancillary equipment” as included in the proposed definition of “aboveground storage tank system” includes ancillary equipment outside of the emergency containment area. Mr. Shiffer acknowledged Mr. Gallogly’s comment and stated that he would take his comment into consideration. Mr. Bob May asked if a vapor trap would be considered a containment sump as that term is currently defined. Mr. Shiffer said it would not.

With regard to the definition of “release” as currently proposed, Mr. Shiffer stated that changes to how this term is defined will be made and presented to the STAC at the March 7, 2017, meeting. The proposed definition of “release,” as currently worded, does, however, capture the intent of what DEP considers a release. Mr. May asked what is the significance of immediate threat, and could that language be deleted. Mr. George Hartenstein replied that the term “immediate threat” is used in the Storage Tank Act and Chapter 245, and in the proposed rulemaking DEP is attempting to clarify what constitutes an immediate threat. Mr. Gallogly commented on the word “facility” within the definition of release and asked if the term is broad enough to include the entire property. Mr. Shiffer responded that the terms “containment structure or facility” and “storage tank facility” are currently defined in regulation. Mr. Charles Frey, Jr., questioned the significance of the 24-hour requirement as it relates to whether or not a release must be reported to the DEP. Mr. Frey provided an example that if an alarm goes off on a Saturday at 2:00 p.m., a service station owner may have to send in an emergency crew overnight to remove product from the interstice that may have been present for months. Mr. Shiffer stated that the 24-hour clause has existed since 2001 with the addition of the “reportable release” definition.

Ms. Sandra Carl, with Sunoco, asked if the DEP was looking at requiring a minimal capacity of spill prevention equipment. Mr. Shiffer stated that no minimum capacity requirement is being proposed. Ms. Carl also asked if, in the definition of repair, the phrase “other storage tank components” includes containment sumps. Mr. Shiffer confirmed that containment sumps would be considered “other storage tank components.”

Mr. Josh Worth, with Wawa, asked if the DEP would be providing forms for all the new testing requirements such as overfill tests. Mr. Shiffer replied that forms would be created by the DEP and would be required to be used when tests are performed. Any failed tests would be required to be submitted to the DEP by the certified tank installer or inspector performing the test.

Mr. Shiffer continued the presentation by reviewing proposed language contained within Subchapter B, Certification Program for Installers and Inspectors of Storage Tanks and Storage Tank Facilities. Mr. Ed Kubinsky, with Crompco, asked for clarification if a certified installer performs a tank handling activity on a regulated underground storage tank system at a facility, if a certified inspector from the same company can perform the next scheduled facility operations inspection. Mr. Shiffer responded that nothing in the proposed rulemaking forbids this. Mr. May questioned why an individual who has the Underground Storage Tank System Tightness Tester (UTT) certification can't perform proposed overfill prevention testing. Mr. Shiffer answered that the DEP wants individuals who are qualified to install, remove, and repair overfill prevention devices to be the appropriate individuals required to test overfill prevention. If an overfill prevention device were to fail, the properly certified individual would already be present and could properly repair the device. Mr. Gallogly expressed concern that one of the degree examples listed that an individual can use in lieu of experience to become certified, environmental studies, is too general and isn't consistent with other examples provided. Mr. Shiffer stated that the environmental studies degree example has existed in the regulations, but the DEP would consider his comment. Mr. Steve Hieber stated that he did not feel it was appropriate to have individuals who are newly certified in the "IUM" classification only be required to have the "UMI" certification. The DEP is proposing to add a new certification category for individuals who wish to only perform underground storage tank minor modifications (UMI) including the ability to perform overfill prevention equipment inspections, containment sump and spill prevention equipment testing, and release detection equipment testing. Mr. Hieber believes installation experience is necessary to ensure IUM-certified individuals are properly trained. The UMI certification requires minor modification but not installation experience.

Mr. Shiffer next presented revisions to Subchapter D, Corrective Action. Mr. Gallogly questioned what the DEP views as the "storage tank facility" as that term is used in the regulations. Mr. Shiffer and Mr. Hartenstein both stated that the term "storage tank facility" is defined in the Storage Tank Act and Chapter 245; however, the definition will be reviewed to ensure the intent of the regulations is met. Both Mr. Gallogly and Mr. Charles Frey wanted clarification on the requirement that the DEP may require a responsible party to suspend remedial action and notify the Department within 24 hours of suspension. Ms. Noreen Wagner and Mr. Hartenstein both answered that this clause will be used if the DEP believes the chosen remedial action plan is not working as intended. The DEP would then notify the responsible party to suspend remedial actions. Within 24 hours of suspension, the responsible party would be required to notify the DEP. This new requirement does not require responsible parties to notify the DEP each time remedial actions are temporarily halted due to routine activities and without a DEP request to suspend.

Mr. Shiffer continued the presentation by reviewing Subchapter E, Technical Standards for Underground Storage Tanks. Mr. Ed Kubinsky stated that he agrees with the DEP's proposed deletion of the one overfill method; however, he also mentioned that there are ball float valves

that are set to restrict flow 30 minutes prior to overfilling. Mr. Kubinsky asked if a UMX-certified individual encounters these devices, would a new overfill device meeting the 90% or 95% requirements be required to be installed. Mr. Shiffer responded that under the proposed regulations, the facility would have to comply with one of the allowable methods of overfill prevention and, in this case, the current method being utilized would not be allowed. Mr. Gallogly asked if there is anything in the proposed regulations that would require an owner of an existing dispenser to install a containment sump without any activity being performed. Mr. Shiffer stated that nothing in the current or proposed regulations would require an automatic upgrade of a dispenser.

A discussion ensued regarding containment sump testing and repairs to containment sumps. Mr. Kubinsky asked if the DEP was requiring tests of the containment sumps to be performed according to the repaired product manufacturer. Mr. Hieber asked about sealants, etc., used to fix holes in containment sumps and asked if the installer is allowed to follow just the sealant manufacturer's instructions to fix the containment sump. Mr. Shiffer responded that all repairs performed on the containment sump and to other secondary containment areas must be tested for tightness according to the manufacturer's instructions, a code of practice developed by a Nationally recognized association, or an independent testing laboratory prior to returning the underground storage tank system to operating status. Mr. Shiffer further stated that if the containment sump itself is damaged, the installer must follow either the containment sump manufacturer's written repair instructions or a repair standard developed by a Nationally recognized association or independent testing laboratory. An individual performing a repair on a containment sump should not just follow the sealant manufacturer's instructions.

Ms. Carl asked if Pennsylvania is proposing to no longer allow unmanned retail locations. Mr. Shiffer responded that Pennsylvania's Department of Labor and Industry governs whether a station requires an attendant while fueling, not the DEP. Ms. Carl asked if the DEP would be creating forms specific to monthly walkthrough inspections and annual sump checks. Mr. Shiffer stated that the DEP would not be developing forms for these types of inspections.

Mr. Kubinsky and Ms. Carl requested clarification on the DEP's proposed requirement to perform interstitial monitoring as a method of release detection on double-walled pressurized piping systems installed on or before November 10, 2007, specifically if a facility would be required to perform interstitial monitoring under the proposed regulations. Mr. May also asked if a facility were to install a mechanical or electronic line leak detector, could the facility avoid the interstitial monitoring requirement. Mr. Kubinsky stated that with the current proposed language, the DEP is taking that option away from these facilities. Ms. Carl and Mr. Kubinsky stated that these older facilities will now have to test the containment sump every 3 years if interstitial monitoring were to be required. Currently, these facilities are required to only check the sumps on a monthly basis. Mr. Shiffer replied affirmatively to the question of requiring interstitial monitoring when there are containment sumps throughout the facility and double-walled pressurized piping installed on or before November 10, 2007. He also acknowledged that this proposed requirement would require the facility owner to test the containment sumps once every 3 years. Mr. Shiffer further stated that facility owners installed this equipment to be proactive and should ensure the containment sumps are tight. Mr. May asked if the DEP would accept containment sump testing up to the point where the sensor would go into alarm mode rather than to the highest penetration. Mr. Shiffer replied that this would not meet the DEP

testing requirements. Mr. Kubinsky asked if the proposed regulation requiring a line leak detector that either restricts or shuts off the flow of product should a leak be detected at unattended locations means that owners can no longer rely on just sensors for the 3 gallons per hour leak rate. Mr. Shiffer replied that it does not mean that; however, for sites that are unattended, an alarm alone is not sufficient. These sites must have a method that restricts or shuts off the flow of product in the event of a detected leak.

Mr. Shiffer next focused the presentation on aboveground storage tanks, specifically Subchapters F and G. Mr. May questioned why the DEP was proposing to increase the frequency of in-service inspections on aboveground storage tanks in underground vaults from once every 10 years to once every 3 years. Mr. May did not think the increase in frequency is needed due to cost and the fact that these systems are in a concrete vault. Mr. Shiffer replied that the inspection cycle for underground storage tanks is currently once every 3 years, and the DEP has seen a marked improvement in compliance rates due to the current 3-year inspection cycle. The DEP has discovered numerous issues with vaulted aboveground storage tanks including corrosion, improper installation, and water infiltration issues. Mr. Shiffer also stated that current requirements mandate line leak detection on some vaulted systems similar to underground storage tank systems, which may include annual testing of equipment. Mr. Shiffer explained that a shortened inspection cycle is needed to help improve compliance at these locations. Mr. Hieber expressed agreement with the DEP's proposed regulations and cited an example of a vaulted aboveground storage tank that released product to the environment due to a crack in the concrete vault.

### **OTHER BUSINESS**

Mr. Kulik asked the committee if there was any old business to discuss. There being none, under new business, Mr. Kulik asked if any non-STAC member in attendance wished to provide public comment. There being no additional comments, Mr. Kulik noted that the meeting dates for 2017 are March 7, June 6, September 5 and December 5.

### **ADJOURNMENT**

The meeting was adjourned at 2:48 p.m., upon motion and seconded.