

**MINUTES OF THE
STORAGE TANK ADVISORY COMMITTEE MEETING
MARCH 7, 2017**

The Storage Tank Advisory Committee (STAC) met on March 7, 2017, at the Rachel Carson State Office Building, 400 Market Street, Room 105, Harrisburg. Fourteen (14) voting members were present, which constituted a quorum.

VOTING MEMBERS OR ALTERNATES PRESENT

Local Government:

Lisa Schaefer, County Commissioners Association
Dennis Hameister, Pennsylvania State Association of Township Supervisors
Holly Fishel, Pennsylvania State Association of Township Supervisors

Regulated Community:

John Kulik, Pennsylvania Petroleum Association
Judy Brackin, Associated Petroleum Industries of Pennsylvania
John Arnold, Pennsylvania Petroleum Marketers and Convenience Store Association
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.
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 and Associates, Inc.
Steven Treschow, P. Joseph Lehman, Inc. Consulting Engineers

Active Commercial Farm Owner or Operator:

Michael Platt, PM Farms, Inc.

CALL MEETING TO ORDER

John Arnold called the March 7, 2017, meeting of the STAC to order.

APPROVAL OF MINUTES FROM THE DECEMBER 6, 2016, MEETING

The minutes from the December 6, 2016, meeting were approved as submitted, upon motion and seconded.

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, Steve Hieber and Ben Hieber were reappointed as the member and alternate member, respectively, representing the Tank Installers of Pennsylvania. Mark Miller, member, and Steve Treschow, alternate member, were appointed representing the Hydrogeologists. Mr. Shiffer stated that the terms of Michael Platt, member, and William Neilson, alternate member, representing the Active Commercial Farm Owners or Operators, expire on April 30, 2017. Mr. Shiffer stated that DEP would be in contact with both individuals in mid-March regarding reappointment to the STAC.

USTIF UPDATE

Next on the agenda, Richard Burgan, Director, Bureau of Special Funds, Department of Insurance, and Executive Director, Underground Storage Tank Indemnification Board (USTIB), provided an update on the Underground Storage Tank Indemnification Fund (USTIF).

Mr. Burgan stated that assets as of December 31, 2016, totaled \$316.7 million, as compared to \$320 million as of September 30, 2016. With regards to receipts, as of December 31, 2016, the fund took in \$36.7 million. Total disbursements as of December 31, 2016, totaled \$23.5 million. Mr. Burgan stated that USTIF showed an unfunded liability of \$94.5 million and continues to decline. Three months earlier, the unfunded liability was \$112.3 million.

Mr. Burgan reported that during calendar year 2016, a total of 181 tank owner claims and 4 Tank Installer Indemnification Program (TIIP) claims were filed with the USTIF. In 2015, a total of 147 claims were filed. The number of open claims stands at 1,059 tank owner claims with 4 additional TIIP claims. Currently, as of March 3, 2017, 31 tank owner claims have been filed with the USTIF, which is comparable to last year.

Mr. Burgan reported that on December 15, 2016, the USTIB held its fourth quarter Board Meeting for 2016. The DEP allocation requests totaling \$4.75 million under the Underground Storage Tank (UST) Pollution Prevention and Environmental Cleanup Programs, and for Investigation and Closure Costs, were approved by the USTIB. At the meeting, the USTIB took no action to change fees for 2017.

DEP UPDATE

Mr. Shiffer introduced Patrick McDonnell, Acting Secretary of DEP. Acting Secretary McDonnell addressed the committee and thanked all the members for their service and continuing work to address storage tank program issues. He also stressed the value of relationships between the Department and advisory committees.

Troy Conrad provided an update on two technical guidance documents (TGDs) within the Land Recycling Program. On November 19, 2016, the DEP published TGD # 261-0300-101, Land Recycling Program Technical Guidance Manual for Vapor Intrusion into Buildings from Groundwater and Soil under Act 2. The document became effective on January 18, 2017, following a 60-day review period. Mr. Conrad clarified that the TGD only applies to reports submitted on or after January 18 unless circumstances warrant otherwise. The Land Recycling Program has scheduled several training sessions to help familiarize industry professionals on the document. Mr. Conrad also commented that program staff have begun updating the Land Recycling Program's Technical Guidance Manual.

Next on the agenda, Mr. Shiffer provided an overview of changes made to the proposed rulemaking for Chapter 245 since the December 6, 2016, meeting of the STAC. Prior to beginning the presentation, Mr. Shiffer alerted the STAC that the Division of Storage Tanks is currently meeting with DEP Information Technology staff to implement an e-Permitting system, which would allow the regulated community to pay annual registration fees online. The DEP intends to build upon this system to allow owners of regulated storage tank systems to also register their storage tanks online and make amendments to information previously submitted to the DEP, such as address and contact changes.

Mr. Shiffer reviewed language in the proposed rulemaking that was revised after receiving comments from members of the STAC. Dave Gallogly asked if adding a new dispenser would be a modification and require notification to the DEP within 30 days of its installation. Mr. Shiffer stated that the disconnect of the product piping to the dispenser, normally at the shear valve connection, requires the use of a DEP-Certified Tank Installer. If a new dispenser is being installed, the 30-day installation notification would be required to be submitted to the DEP. Steve Hieber asked if the 30-day installation notice is currently required to be submitted to the DEP if a replacement dispenser is being installed with no excavation. Mr. Hieber also questioned if replacement of the shear valve with no excavation is currently considered a major or minor modification. Mr. Shiffer acknowledged Mr. Hieber's questions and informed the STAC that an answer to these questions would be submitted to all members following discussion with DEP regional staff.

Regarding release detection requirements, Mr. Shiffer stated underground piping systems meeting the requirements of European or safe suction piping would be exempt from piping release detection requirements. Mr. Hieber asked if the DEP would still require these piping systems to be double-walled with containment sumps. Mr. Shiffer stated that they would. Bob May commented that containment sumps should only be required if release detection is required. Mr. Shiffer responded that the DEP continues to believe that all new underground storage tank systems should have double-walled tanks and piping, regardless of any requirement to perform release detection.

Mr. May commented that the 72-hour check of vaulted aboveground storage tank systems was burdensome for tank owners. Mr. Shiffer commented that current regulations require owners of vaulted aboveground storage tank systems to perform 72-hour checks. The proposed regulations clarify what an owner of a vaulted aboveground storage tank system must do during these checks; specifically, an owner must verify that the continuous release detection system, which is currently required to be installed, is on and functional.

After the presentation, Mr. Arnold asked the STAC for a motion to recommend Chapter 245 to the Environmental Quality Board as proposed rulemaking. The motion was carried unanimously.

OTHER BUSINESS

Mr. Arnold asked the committee if there was any old business to discuss. There being none, under new business, Mr. Arnold asked if any non-STAC member in attendance wished to provide public comment. There being no additional comments, Mr. Arnold requested volunteers to participate in the Nominating Committee for the election of officers as required by the STAC By-laws. Dennis Hameister, Timothy Bytner, and David Gallogly volunteered to serve on the committee. Mr. Shiffer requested that nominations be sent to his attention by April 30, 2017.

Mr. Arnold noted that the remaining meeting dates for 2017 are June 6, September 5 and December 5.

ADJOURNMENT

The meeting was adjourned at 11:25 a.m., upon motion and seconded.