

**MINUTES OF THE
STORAGE TANK ADVISORY COMMITTEE MEETING
MARCH 5, 2019**

The Storage Tank Advisory Committee (STAC) met on March 5, 2019, at the Rachel Carson State Office Building, 400 Market Street, Room 105, Harrisburg. Eleven (11) voting members were present, which constituted a quorum.

VOTING MEMBERS OR ALTERNATES PRESENT

Local Government:

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

Regulated Community:

Jonathan Lutz, Associated Petroleum Industries of Pennsylvania
Scott Nowicki, Pennsylvania Chemical Industry Council
J. Stephen Hieber, Tank Installers of Pennsylvania

Public:

Robert May, Montrose Environmental Group, Inc. (Chairperson)
Charles Frey, Jr., Highland Tank & Manufacturing Company
Timothy Bytner, Babst Calland

Registered Professional Engineer:

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

Hydrogeologist:

Mark Miller, Moody & Associates, Inc.

Active Commercial Farm Owner/Operator

Michael, Platt, PM Farms, Inc.

CALL MEETING TO ORDER

Robert May called the March 5, 2019, meeting of the STAC to order.

APPROVAL OF MINUTES FROM THE DECEMBER 5, 2018, MEETING

The minutes from the December 5, 2018, meeting were approved as submitted, upon motion and seconded.

STAC MEMBERSHIP LIST

Kris Shiffer, DEP, reported that 14 of the 16 positions on the STAC are filled. Vacancies that currently exist are a local government seat and membership representing the Pennsylvania Petroleum Association.

No appointments have been made since the last meeting and no current member terms are scheduled to expire prior to November 2019.

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.

Per the Comptroller financial statements for the period ending 12/31/18, USTIF had assets on hand totaling \$359.3 million as opposed to last year at this time when USTIF had \$353.4 million. Program receipts at the end of December totaled \$21.2 million as opposed to last year when USTIF had \$41.6 million for this same period. The shortfall was related to a substantial loss on market investments that occurred during the 2nd quarter. USTIF's disbursements for this period were nearly \$21.5 million. Because of the market losses, USTIF's disbursements exceeded revenue in this time frame by approximately \$300,000. USTIF's unfunded liability amount at the end of the year was \$28.1 million as compared to last year's number of \$49.4 million, a reduction in the unfunded liability amount of \$21.3 million. Lastly, it is to be noted that USTIF celebrated its 25th anniversary on 2/1/19 as the program officially began on 2/1/94.

Mr. Burgan noted that the USTIB is scheduled to have its quarterly meeting on March 14, 2019 in Harrisburg, PA.

DEP UPDATE

Mr. Shiffer began the discussion by presenting changes to several existing technical guidance documents that require update due to the amendments to 25 Pa. Code, Chapter 245, Administration of the Storage Tank and Spill Prevention Program.

Draft Technical Guidance Document (TGD) "Storage Tank Modification and Maintenance Issues, 263-0900-011" specifies the classification of various storage tank system modification and maintenance activities and when certified installers/inspectors are required. Throughout the guidance, minor editorial changes were made and several specific examples of what are

considered Major Modification, Minor Modification, and Maintenance Activities were added and updated.

Draft TGD “Guidelines for the Evaluation of Underground Storage Tank Cathodic Protection Systems, 263-4200-002” establishes guidelines regarding the evaluation of cathodic protection systems operating on underground storage tanks (USTs) to promote submission of consistent and complete reports. The TGD makes it clear that the use of “UST Cathodic Protection System Evaluation Form” (2630-FM-BECB0610) when documenting cathodic protection evaluations is now a regulatory requirement. Minor editorial changes were also made.

Draft TGD “Underground Storage Tank Class A and Class B Operator Training Courses, 263-2300-001” provides guidance on training required for Class A and Class B operators and DEP approval of related training courses and training providers. The main update in this TGD is the deletion of the mention of reciprocity of other states approved operating training courses. DEP does not accept other states’ approved operator training courses and amendments made to Chapter 245 support this position.

Draft TGD “Verification of Emergency Containment Structures for Aboveground Storage Tanks, 263-0900-022” provides information to assist tank owners and professional engineers when determining the adequacy of emergency containment structures and compliance with the technical regulations for aboveground storage tanks. In addition to minor editorial updates, the TGD reviews clarifications made during the recent regulation amendments in Chapter 245 regarding emergency containment requirements.

Mr. Shiffer next provided a Chapter 245 Final Rulemaking update. Amendments to 25 Pa. Code, Chapter 245, Administration of the Storage Tank and Spill Prevention Program became effective on December 22, 2018. Mr. Shiffer thanked everyone for their input throughout the rulemaking process. Mr. Shiffer reminded everyone that the updated Chapter 245 is now available at the Pennsylvania Code’s website. Since the December effective date, program staff have presented and are currently scheduled to present at several events regarding the new regulations. These include at the recent Tank Installers of PA meeting, an upcoming PA Chamber of Business and Industry conference, and an upcoming Pennsylvania Farm Bureau Natural and Environmental Resource Committee Meeting. In addition, program staff are scheduled to speak at an upcoming National Institute for Storage Tank Management (NISTM) Pennsylvania Storage Tank Conference and have presented the new regulations at previous and future inspector technical seminars.

In a continued effort to inform storage tank owners of the regulatory amendments, Mr. Shiffer stated that the program has contacted owners of underground emergency generator storage tanks regarding new release detection requirement and owners of previously deferred underground emergency generator storage tanks, located at facilities regulated under the Nuclear Regulatory Commission and Atomic Energy Act of 1954, and owners of previously exempt field-constructed underground storage tanks, located at facilities regulated under the Safe Drinking Water Act, regarding registration and technical requirements.

Mr. Shiffer also informed the committee that all DEP approved third-party underground storage tank operator training providers were contacted and will be required to update their training materials and provide the updated materials to the DEP for review.

Mr. Shiffer advised the committee that a draft State Program Approval (SPA) package has been provided to EPA for comment. Following the December 22, 2018 effective date of the amendments to Chapter 245, Pennsylvania is required to submit a SPA package for reapproval of the state program's SPA.

Mr. Shiffer presented a recently created webpage dedicated to informing the public of the updated regulations. The webpage contains a searchable pdf of Chapter 245 and links to all new forms created as a result of the amendments. The webpage also identifies amendments to Chapter 245 and includes a presentation on the new requirements. A new full color brochure visually depicting the new underground storage tank periodic testing requirements was also shown to the committee. Mr. Shiffer also informed the committee that a one-page summary on the new underground storage tank periodic testing and walkthrough inspection requirements was being included in all inspection reminder letters to the tank owners. Both the full color brochure and summary document are available on the new webpage.

Mr. Randy Martin, DEP, then provided the committee with an overview of some of the recently created forms and of the updated Facility Operations Inspection Report found on the webpage.

Mr. Shiffer also provided the committee with an update on the program's Mobile Inspection and ePermitting initiatives. Mr. Shiffer guided the committee through the current test version of the Storage Tank Mobile App. Committee members provided positive comments to the concept.

Mr. Shiffer and Mr. Martin discussed a proposed new guidance discussing monthly maintenance inspections of vaulted aboveground storage tanks. The proposed guidance would allow for a visual inspection from the vault entrance and checking the tank monitor and vault sensor(s) for alarms and normal operation. These monthly maintenance inspections would not require manned entry into the vault.

Mr. Shiffer discussed a few recent policy decisions with the committee. He discussed a document in development called "Double-Walled ASTs with Uncontained Tank Shell Penetrations Below the Maximum Product Level." This document explains the Department's position on the subject matter. Double-walled aboveground storage tanks with single-walled penetrations do not meet the emergency containment requirements without additional emergency containment structures.

Mr. Shiffer also discussed a new policy decision on multiple forms of overfill prevention on underground storage tanks. The use of a ball float and a drop tube shutoff valve in the same tank is prohibited. If a ball float is removed from a storage tank, the entire assembly (ball, cage, nipple assembly) must be removed.

Mr. Shiffer stated that all tests of spill prevention equipment or containment sumps, to meet regulatory requirements, must be completed by a Department certified individual with the appropriate certification to be considered valid tests.

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 additional comments, Mr. May noted that the remaining meeting dates for 2019 are June 4, September 10 and December 4.

ADJOURNMENT

The meeting was adjourned at 11:55 a.m., upon motion and seconded.