

**MINUTES OF THE
STORAGE TANK ADVISORY COMMITTEE MEETING
DECEMBER 4, 2019**

The Storage Tank Advisory Committee (STAC) met on December 4, 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:

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

Regulated Community:

Brandie Lehman, Associated Petroleum Industries of Pennsylvania
Michael DeBerdine, III, Pennsylvania Petroleum Association
Gauttam Patel, Petroleum Retailers and Auto Repair Association, Inc.
Dinesh Mittal, Petroleum Retailers and Auto Repair Association, Inc.
Scott Nowicki, Pennsylvania Chemical Industry Council
J. Benjamin Hieber, Tank Installers of Pennsylvania

Public:

Robert May, Synergy Environmental, Inc. (Chair)
Charles Frey, Jr., Highland Tank & Manufacturing Company
Eric Wolfer, Highland Tank & Manufacturing Company
Timothy Bytner, Babst Calland
Daniel Hido, Babst Calland

Hydrogeologist:

Steven Treschow, JK Environmental Services, LLC

CALL MEETING TO ORDER

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

APPROVAL OF MINUTES FROM THE MARCH 5, 2019, MEETING

The minutes from the March 5, 2019, 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 lone vacancy that currently exists is a local government seat.

Since the last meeting, Mr. Dinesh Mittal, was appointed as the alternate member, representing the Petroleum Retailers and Auto Repair Association, Inc. and Mr. Michael Deberdine III was appointed as a member, representing the Pennsylvania Petroleum Association. No current member terms are scheduled to expire prior to the next schedule meeting in March 2020.

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 stated that per the USTIF comptroller 1st Quarter financial statements for the period ending September 30, 2019, USTIF had a total balance in their assets of \$401.2 million as opposed to last year, on September 30, 2018, when USTIF had \$373.3 million. Program receipts at the end of the first quarter totaled \$18 million. Program receipts at the end of last year's first quarter was approximately \$22 million. Mr. Burgan explained the \$4 million reduction in 1st quarterly receipts was due to a \$3 million drop in their investments and a \$1 million drop in gallon fee collection but attributed this loss to the way the money is posted to USTIF's account. USTIF's disbursements for the same period were \$10 million. Therefore, USTIF's revenue exceeded their expenditures in the 1st quarter by approximately \$8 million. USTIF's unfunded liability amount at the end of June 2011 was \$345 million. By December 2018, USTIF's unfunded liability had been reduced to \$32.3 million. As of the December 4, 2019 STAC meeting, USTIF had no unfunded liability and had a \$12 million positive balance.

Mr. Burgan stated that 205 new claims have been submitted to date. This is the largest number of claims since 2006. Mr. Burgan reminded the committee that the Underground Storage Tank Indemnification Board is scheduled to meet on December 12, 2019. A decision of whether to increase or lower fees will be considered in addition to DEP's annual allocation request.

Several members questioned Mr. Burgan on the status of repayment of the \$100 million loan the Commonwealth took from USTIF. Mr. Burgan replied that no recent payments have been made. Mr. Burgan also stated that he must list the loan as an asset even though it has not been paid back in full.

Mr. May questioned if USTIF was keeping track on the reason for each claim. Mr. Burgan admitted that even though USTIF was experiencing an increase in claims being reported, claim payments were remaining stagnant. In fact, for the 1st quarter, claim payment amounts declined from the same period last year. Administrative costs, however, have increased.

DEP UPDATE

Mr. Michael Maddigan, Environmental Group Manager, Division of Cleanup Standards, provided a brief update on the draft Chapter 250 (Administration of Land Recycling Program) regulations. Every 3 years the Land Recycling Program is required to update Chapter 250 regulations, specifically proposing changes to the medium specific concentrations (MSCs), which are cleanup values. Approximately 70% of the soil MSCs have proposed revisions with about 83% of those values being proposed as a decrease. Approximately 45% of groundwater MSCs have proposed revisions with about 92% of those values being proposed as a decrease. Several aspects of the rulemaking are causing the MSCs to be decreased. Updates in toxicity values that are used to calculate the standards are being made as newer toxicity studies are done allowing EPA and state agencies to gain additional information on toxicity. Also, there has been an increase in the water consumption rate from 2.0 liters per day to 2.4. Additional water consumption results in more exposure; thus, the decrease in the MSC value. Mr. Maddigan further explained to the members additional proposed changes to Chapter 250, including the inclusion of soil and groundwater numeric values for several PFAS chemicals and adding soil numeric values for total PCBs. Mr. Maddigan stated that the proposed revisions were presented at the November 2019 Environmental Quality Board meeting. A 60-day public comment period is currently scheduled to begin on January 25, 2020. Final publication is currently expected in February 2021.

Mr. Shiffer then provided a brief update on the recently revised Chapter 245 (Administration of the Storage Tank and Spill Prevention Program) regulations; including, a review of upcoming compliance dates, EPA Significant Operational Compliance Rates (SOC) versus Technical Compliance Rates (TCR), and an update on the status of storage tanks which became regulated due to the December 22, 2018 regulatory amendments.

Mr. Joshua Blanco, UST Unit Supervisor, Division of Storage Tanks, presented a demonstration on the functionality of the Storage Tank Mobile Inspection App (Tanks App). Numerous updates and improvements have been made to the Tanks App since it was originally released into production in August 2019.

Mr. Eric Lingle, Environmental Group Manager, Division of Storage Tanks, next presented a demonstration on the new features of the storage tank program's ePermitting process. The program's ePermitting system now allows a user to pay registration fees online with just the invoice number. Mr. Lingle also lead a discussion on the concept of mandatory online payment of fees. The consensus from the members present was enhancements to the ePermitting system should be made to make the system more user friendly before a decision on mandatory online payment of registration fees is made. Mr. Shiffer requested members to try the current online system and provide feedback on enhancements they would like to see implemented.

Mr. Randy Martin, Environmental Group Manager, Division of Storage Tanks, lead a discussion on low-level sump testing as discussed in the recently updated Petroleum Equipment Institute Recommended Practice 1200 (PEI RP 1200). Mr. Martin also lead a discussion on emergency generator systems and the unique challenges they pose in meeting the release detection regulatory requirements.

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. May mentioned that the National Tanks Conference will be held in Pittsburgh during September 2020. Mr. Shiffer encouraged all members to submit abstracts to be potential speakers. There being no additional comments, the meeting dates for 2019, currently proposed as March 3, June 10, September 9 and December 2, were approved, upon motion and seconded.

ADJOURNMENT

The meeting was adjourned at 12:15 p.m., upon motion and seconded.