

**MINUTES OF THE  
STORAGE TANK ADVISORY COMMITTEE MEETING  
SEPTEMBER 6, 2023**

The Storage Tank Advisory Committee (STAC) met on September 6, 2023, at the Rachel Carson State Office Building, 400 Market Street, Room 105, Harrisburg and virtually via Microsoft Teams at 10:00 a.m. Five (5) voting members were present, which did not constitute a quorum.

**VOTING MEMBERS OR ALTERNATES PRESENT**

Local Government:

None

Regulated Community:

J. Stephen Hieber, Tank Installers of Pennsylvania

Public:

Charles Frey, Jr., Highland Tank & Mfg. Co.  
Timothy Bytner, Babst Calland  
Robert May, P.E., Montrose Environmental Group, Inc.

Active Commercial Farm Owner/Operator:

None

Registered Professional Engineer:

None

Hydrogeologist:

Jennifer O'Reilly, Groundwater & Environmental Services, Inc.  
Mark Miller, P.G., Moody and Associates, Inc.

**CALL MEETING TO ORDER**

Robert May, Chairperson, called the September 6, 2023, meeting of the STAC to order at 10:00 a.m.

**APPROVAL OF MINUTES FROM THE MARCH 21, 2023, MEETING**

The minutes from the March 21, 2023 meeting were approved as submitted, upon motion and seconded.

## **STAC MEMBERSHIP LIST**

Randy Martin, DEP, reported that currently 15 of the 16 positions are filled. The lone vacancy is the local government position. Mr. Martin reported that a letter of interest was received from an individual that is interested in representing local government and serving in the position. The individual's information is being put together to be submitted for the approval of the Secretary.

Mr. Martin reported that there are a few members that are interested in stepping down and are currently seeking new members to replace them. The current members representing the Pennsylvania Petroleum Association are Michael DeBerdine III, as the member, and John Kulik, as the alternate member. Mr. Martin has received new nominations from the Pennsylvania Petroleum Association to replace both Mr. DeBerdine III and Mr. Kulik on the committee. The nominee packages for the member and the alternate member are currently going through the approval process. The current members representing the Pennsylvania Chemical Industry Council are David Redman, as the member, and Abby Foster, as the alternate member. After discussions with the Pennsylvania Chemical Industry Council, Mr. Redman and Ms. Foster are no longer representing the Pennsylvania Chemical Industry Council on the Committee. The Pennsylvania Chemical Industry Council is working on supplying the information for two new nominees to represent them on the committee for the approval of the Secretary. Mr. Martin was also notified that John Bell, as the alternate member, representing the Pennsylvania Farm Bureau under the Active Commercial Farm Owner / Operator membership on the committee, has retired and is no longer representing the Pennsylvania Farm Bureau. Mr. Martin has contacted the Pennsylvania Farm Bureau seeking a replacement alternate member for nomination.

Mr. Martin reported there has been one appointment to the committee since the last meeting. That appointment was Mr. Frank Mazza, as the alternate member representing the County Commissioners Association of Pennsylvania, replacing Ashley Lenker White, to fill out the remainder of the term.

Mr. Martin stated that the terms of Dennis Hamiester, member, and Holly Fishel, alternate member, representing the Pennsylvania State Association of Township Supervisors, expire on November 30, 2023. Mr. Martin stated that he would be in contact with both individuals in mid-October regarding reappointment to the committee.

Mr. Martin stated that the terms of Michael DeBerdine III, member, and John Kulik, alternate member, representing the Pennsylvania Petroleum Association, expire on November 30, 2023. Mr. Martin stated that he has already received nominations from the Pennsylvania Petroleum Association to replace both Mr. DeBerdine III and Mr. Kulik on the committee. The nominee packages for the member and the alternate member are currently going through the approval process.

## **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 the meeting representing the USTIF.

Mr. Burgan stated that Ms. Amy Steiner, previous USTIF Claims Manager, had retired and introduced Amy Forbes-Witt as the new USTIF Claims Manager. Ms. Forbes-Witt began with the USTIF approximately 13 months ago.

Mr. Burgan reported that over the period July 1, 2022 through June 30, 2023 (FY22), USTIF collected \$54,605,621 in fee revenue. During the same time period last year, July 1, 2021 through June 30, 2022 (FY21), USTIF collected \$54,994,025 in fee revenue. In comparison between the two fiscal year time periods, USTIF fee collections was approximately \$370,000 lower this year.

During the same time last year, USTIF had \$22,605,574 in investment income so total revenue for the fiscal period was \$77,211,195. Expenditures during this same period were \$5,591,759 in administrative costs, \$28,947,572 in claims, and \$9,618,484 in allocations to support DEP. There was a positive revenue of \$33,045,757.

USTIF fund balance as of June 30, 2023, was \$404,194,691. Last year, at the same time, the USTIF fund balance was \$371,066,542. USTIF exceeded last year's fund balance by approximately \$33.1 million. The actuarial amount above USTIF's needed amount to pay claims is \$106,705,102.

As of August 31, 2023, USTIF had 110 new claims for the tank owner program and one new claim for the tank installers indemnification program (TIIP). As of August 31, 2023, there were 794 total open claims. Last year, at the same time, there were 135 new claims and there was a total of 194 new claims at the end of the calendar year. There was \$19,884,996 paid for open claims as of August 21, 2023.

Mr. Burgan also reported that the third quarter USTIB board meeting will occur on September 21, 2023 beginning at 10am at the Capital Associates Building on North 7<sup>th</sup> Street in Harrisburg. The meeting will be held both in-person and virtually.

Mr. May asked Mr. Burgan to compare our state fund balance (USTIF) to other state fund balances. Mr. Burgan stated that the Pennsylvania USTIF is at the top of the list as compared to other states. USTIF recently received their "Fund Soundness Survey" from the US EPA. Last year, after the "Fund Soundness Survey," the US EPA stated that the Pennsylvania USTIF is at the top of the list or might be number one in the country in all areas. Per the US EPA, the Pennsylvania USTIF is financially and actuarially sound and the claim numbers are where the US EPA would expect them to be. Mr. May stated that some states don't have funding available and cleanups are delayed by lack of funding. This lack of funding could cause people to see the lack of funding as a risk for environmental health, and as compared to other states, Pennsylvania does not have that issue. Mr. Burgan stated the USTIF completes the US EPA "Fund Soundness Survey" each year and the numbers always look pretty good. USTIF has a debrief meeting in February or March each year with US EPA Region 3 staff and the US EPA Region 3 staff have very few questions during the debrief meeting. Mr. Burgan stated that USTIF currently has a surplus; however, back in the year 2011, USTIF was \$365 million in debt which no longer exists. All loans have been paid. There has been recent discussion by lawmakers regarding the fiscal code but there has been no mention of USTIF to date. Currently, all payments are being processed timely and payments are going out every week.

## DEP UPDATE

Mr. Martin introduced Walter Remmert, Director, Bureau of Ride and Measurement Standards, Pennsylvania Department of Agriculture and Laura Phillips, Manager, Bureau of Ride and Measurement Standards, Pennsylvania Department of Agriculture, who provided a presentation titled, “An Overview of the Fuel Quality Program.” Mr. Remmert stated his Bureau has been covering amusement rides, weights and measures, and fireworks since 1978. There was an amendment to the *Consolidated Weights and Measures Act* in 2012 where octane testing was incorporated by the amendment to the Act. The Bureau uses the octane testing requirement outlined in the Act and extends that authority to conduct overall fuel quality testing beginning in 2014. Mr. Remmert stated that they worked with the Department of General Services to contract the fuel testing and have utilized three different companies for fuel testing since the inception of the fuel testing program. They have previously used Inspectorate, Intertek, and now currently contract with Tribologik Laboratories. The Bureau conducts random sampling in seven regions in all 67 counties in Pennsylvania and collect 50 samples per month for roughly six-eight months of the year. Most octane samples are tested on-site by infrared testing by the third-party vendor. The octane samples cost \$175 per sample to test and each sample was less than one quart of fuel. However, a quart of fuel was not enough fuel to conduct the entire fuel quality sampling array so that sampling requirement increased to one gallon of fuel. The fuel quality sampling, holding, handling, and testing cost increased to \$1,000 to \$2,000 and multiple before treatment and after treatment samples are required. Mr. Remmert said his staff work closely with the DEP staff because one in three issues found during fuel quality sampling is directly related to an underground storage tank-related issue. Mr. Remmert stated that they usually fail one or two octane samples each year. Mr. Remmert noted that they have a total of 18 months to inspect dispensers and their contact information is prominently displayed on the stickers on fuel dispensers. For consumer complaints, they act upon the complaints immediately and complete an inspection at the facility and take fuel quality samples. Laboratory testing used to take about 24-48 hours; however, now they must mail samples to the out-of-state laboratory and results are received in approximately five days. Because there are no federal or unilateral, adopted state standards for water, they had to create their own fuel quality standards and threshold for water in fuel. They do random octane sampling to meet the requirements of the Act and fuel quality complaints to go above and beyond the octane testing requirement found in the Act. Last year, they had approximately 65 complaints for fuel quality and half of the complaints were legitimate because of water in the fuel. Mr. Remmert stated that his staff work closely with the DEP staff to shutdown facilities when needed. Mr. Remmert noted that the Bureau has agreements with many counties for dispenser inspections; however, no county does their own fuel quality testing. The county works with the Bureau and splits samples for fuel quality sampling.

Mr. Martin next provided DEP updates. Mr. Martin displayed a chart showing the trends in the number of registered, regulated underground storage tanks and registered, regulated aboveground storage tanks from June 30, 2018 through June 30, 2023. Mr. Martin explained that overall, the numbers of both underground storage tanks and aboveground storage tanks are decreasing in Pennsylvania. However, although decreasing in number, the new underground storage tanks that are being installed are increasing in capacity. Regarding aboveground storage tanks, although decreasing in number overall, the numbers of aboveground storage tanks with a capacity of 251

to 5,000 gallons are remaining stable. Mr. Martin provided an update on third-party inspection review and entry. Since FY 2017-18 through FY 2022-23, the Department has received and processed approximately 4,000 third-party inspection reports each year. Between FY 2019-20 through FY 2022-23, the Department has received and processed approximately 6,000 third-party modification reports each year. This is a significant increase in workload on Department staff. Prior to the regulation amendments of December 22, 2018, the Department received and processed around 4,200 third-party modification reports. Mr. Martin next presented a chart on the use of the Department's mobile inspection application and how its use continues to improve. Currently, 97.2% of inspections performed by Department staff are conducted using the mobile inspection application. This is a significant increase from FY 2019-20 when only 71.9% of the inspections performed were completed using the mobile inspection application. Mr. Martin next displayed a chart showing the historic underground storage tank technical compliance rates. The current underground storage tank technical compliance rate is 59.6% and continues to increase. Mr. Martin next displayed historical rates for registration forms processed by the Department. On average, the Department receives and processes around 1,700 registration forms each year. Mr. Martin showed a graph showing a significant increase in online payments submitted to the Department. The Department is approaching almost 50% of registration fee payments being made online. Next, Mr. Martin spoke about petroleum distributor outreach and stated that 788 letters were mailed to known petroleum distributors in June 2023 reminding them of the registration requirements for small aboveground and underground storage tanks located at farms, private residences, and businesses and for aboveground storage tanks associated with emergency generators. Mr. Martin also mentioned a "Blog" post on the Department's webpage discussing registration requirements for farm and residential storage tanks.

Mr. Martin next introduced Alex Eckman, Environmental Group Manager, Aboveground Storage Tank Compliance and Enforcement Section. Mr. Eckman discussed product piping connected to aboveground storage tanks associated with emergency generator systems. Mr. Eckman stated that aboveground storage tank systems must be designed, constructed, installed, and modified in accordance with applicable codes of practice developed by nationally recognized associations. The standards of performance for Department-certified individuals do not allow them to certify a tank system unless they were installed in accordance with the Department's regulations. Often, self-contained emergency generator systems are equipped with flexible non-metallic hoses or rubber product lines with a braided steel internal support that do not meet the requirements of NFPA 37 and PEI RP 1400. NFPA 37 and PEI RP 1400 require the systems to be equipped with steel lines that won't degrade under fire conditions. Recently, the Department had a discussion with an emergency generator set manufacturer, NFPA, and UL regarding UL 2200 which is a listing related directly to self-contained emergency generator set units. After the discussion, the Department has agreed to accept the UL 2200 listing for the entire self-contained system which includes the product piping within the self-contained system. On a UL 2200 listed self-contained emergency generator unit, the product piping does not necessarily need to be steel in order to meet the regulatory requirements.

Mr. Martin next introduced Eric Lingle, Environmental Group Manager, Registration, Permitting, and Certification Section to provide an update on the Quick Pay online registration fee payment application. Quick Pay went live in July 2023 and allows storage tank owner to pay registration fees online without logging in and creating an account with the e-Permitting and Greenport systems. Quick Pay is a more streamlined and convenient way for storage tank owner

to pay registration fees. Since the beginning of July 2023, roughly \$250,000 in storage tank registration fees have been paid and processed through both online methods and paper payments. Of the \$250,000 in registration fee payments, over \$130,000 or a little over 50% were made via online methods. Of the \$130,000 in registration fee payments, \$43,000 or around 17% were processed through the Quick Pay system. Yesterday alone, 18 registration fee payments were made using the Quick Pay system for over \$12,000. As a comparison, at this time last year, 22% of registration fee payments were made online. Regarding online registrations through Greenport and e-Permitting, since the beginning of July 2023 to current, the Department has processed 12% in comparison to this time last year where the Department had processed 7%. Mr. Lingle stated that his new Management Technician, Krystal Gries, will be taking the lead on outreach and customer service in the near future to get the word out.

### **OTHER BUSINESS**

Mr. May asked the committee if there was any old business to discuss. Mr. Martin stated that underground storage tank closure guidance is still being revised and the Department will be bringing the newly proposed language to the next STAC meeting to discuss. Under new business, Mr. May asked if any STAC member or member of the public in attendance wished to provide public comment. Ed Kubinsky asked if there was a timeframe for the third-party mobile inspection application to be demonstrated. Mr. Martin explained that the next step will be a steering committee meeting in September 2023 to decide if the third-party mobile inspection application will be a web-based application or an Apple iOS based application. Mr. Eckman explained that we are in early stages but are looking forward to partnering with Department-certified third-party companies during the development and testing. There being no additional discussion, the remaining meeting date for 2023 was stated as December 13.

### **ADJOURNMENT**

The meeting was adjourned at 11:22 a.m., upon motion and seconded.