

**MINUTES OF THE
STORAGE TANK ADVISORY COMMITTEE MEETING
MARCH 21, 2023**

The Storage Tank Advisory Committee (STAC) met on March 21, 2023, at the Rachel Carson State Office Building, 400 Market Street, Room 105, Harrisburg and virtually via Microsoft Teams at 10:00 a.m. Eleven (11) voting members were present, which constituted a quorum.

VOTING MEMBERS OR ALTERNATES PRESENT

Local Government:

Ronald Grutza, Pennsylvania State Association of Boroughs

Regulated Community:

Brandie Lehman, Associated Petroleum Industries of Pennsylvania
J. Stephen Hieber, Tank Installers of Pennsylvania
Gauttam Patel, Petroleum Retailers and Auto Repair Association, Inc.
Dinesh Mittal, Petroleum Retailers and Auto Repair Association, Inc.

Public:

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

Active Commercial Farm Owner/Operator:

Michael Platt, PM Farms, Inc.

Registered Professional Engineer:

Francis Catherine, P.E., P. Joseph Lehman, Inc. Consulting Engineers
Mark Onesky, P.E., Onesky Engineering, Inc.

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 March 21, 2023, meeting of the STAC to order at 10:00 a.m.

APPROVAL OF MINUTES FROM THE DECEMBER 6, 2022, MEETING

The minutes from the December 6, 2022 meeting were approved as submitted, upon motion and seconded.

STAC MEMBERSHIP LIST

Kris Shiffer, DEP, reported that currently 15 of the 16 positions are filled. The lone vacancy is the local government position. Mr. Shiffer 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. Shiffer reported that there are a few members that are interested in stepping down and are currently seeking members to replace them. The members are from the Pennsylvania Petroleum Association and the County Commissioners Association of Pennsylvania. Mr. Shiffer is working with those two groups to submit nominations for the replacement members for the approval of the Secretary.

Mr. Shiffer reported there have been no appointments to the committee since the last meeting and there are no terms set to expire prior to the next scheduled meeting.

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 reported that over the period July 1, 2022 through December 31, 2022, USTIF collected \$28,341,816 in net revenue.

Expenditures during this same period were \$2,742,049 in administrative costs, \$13,882,285 in claims, and \$4,541,700 in allocations to support DEP. With interest included, total expenditures were \$21,169,943. USTIF revenues exceeded expenditures by \$7,171,873. USTIF fund balance as of December 31, 2022 was \$378,320,807. The unfunded liability of USTIF has been cleared for approximately one year. The actuarial amount above USTIF's needed amount to pay claims is \$79,562,571.

As of December 31, 2022, USTIF had 194 new claims for the calendar year and 833 pending claims. In comparison, on December 31, 2021, USTIF had 172 claims and 884 pending claims. Between 2021 and 2022, new claim reports increased by 12% and pending claims decreased by 51 claims. Between January 1, and March 21, 2023, USTIF had 37 new claims as compared to between January 1, and March 21, 2022, USTIF had 40 new claims.

Mr. Burgan informed the committee that the 4th Quarter meeting of the Underground Storage Tank Indemnification Board (USTIB) was held on December 8, 2022. At the USTIB meeting, the 2022 Actuarial Report was presented by Aon. The actuarial report found that the USTIF program was financially sound. A fee vote occurred at the USTIB meeting and the Board voted to keep USTIF fees the same for calendar year 2023. During the USTIB meeting, Aon also presented the 2022 Performance Review Report which is required every 5 years under the Storage Tank and Spill Prevention Act. In June 2022, USTIF sent out 4,329 surveys to email addresses that were provided by the USTIF fee billing system and 890 surveys were returned. The results indicated that 81% of the respondents have a good understanding of the EPA regulations, 59% were satisfied with the current USTIF fee structure, 76% thought the new USTIF fee billing system was an improvement over the old USTIF fee billing system, 92% preferred the USTIF program over any other program for demonstrating financial responsibility, and 99% found USTIF was responsive to phone calls and emails. On February 8, 2023, the 2022 Actuarial Report was provided to the state legislature as required. As of March 31, 2023, Mr. Burgan has received no inquiries or feedback regarding the Actuarial Report from the state legislature. Additionally, at the USTIB meeting, the Board voted to approve the DEP allocation of \$10.2 million dollars for the 2023/2024 fiscal year. The Actuarial Report, financial statements, and Performance Review Report are all located on the USTIF website.

Mr. Burgan informed the committee that the 1st Quarter meeting of the Underground Storage Tank Indemnification Board (USTIB) was held on March 9, 2023. During the USTIB meeting, board elections were held. J. Stephen Hieber from PWI Inc. was elected Chairperson. Stephanie Catarino Wissman from American Petroleum Institute Pennsylvania was elected Vice-Chairperson. During the USTIB meeting, 2022 USTIF Annual Report (January 1, 2022 through December 31, 2022) was also unanimously approved and the report was recently posted to the USTIF website.

DEP UPDATE

Mr. Shiffer introduced James Ellor, P.E., Elzly Technology Corporation who provided a presentation titled, "AST Corrosion Control and Monitoring with VCI." Mr. Ellor stated that corrosion of any structure underground is a critical issue for long term performance of the equipment as well as environmental protection. Over the years, various technologies and regulations have been aimed at maintaining aboveground storage tank integrity and protection from corrosion. Cathodic protection of aboveground storage tank bottoms is a very common method of corrosion control and has been used for over thirty years. Vapor corrosion inhibitors (VCIs) are a newer form of corrosion control. VCIs were originally designed as retrofits for failed cathodic protection systems and were installed as a liquid slurry or a dry powder pack. VCIs are a proprietary blend of chemicals with mixed vapor pressures and have been used for corrosion control in the automotive parts industry for decades. VCIs both modify the chemical reaction rates and inhibit water formation. VCIs need to be installed and sealed to eliminate the loss of the VCI and do need to be replaced periodically. Mr. Ellor shared photos of steel coupons that were untreated and treated with various concentrations of VCIs and exposed to various salt concentrations over seven months. The steel coupons were later tested for thickness and corrosion rates were established. The steel coupons that were exposed to mid-level concentrations of VCIs exhibited the lowest corrosion rates. Model aboveground storage tank bottoms filled with different concentrations of VCIs and salt concentrations were also created

and studied for corrosion rates over a two-year time frame. In summary, the effectiveness of the VCI was directly related to the concentration of the VCI in contact with the steel and the concentration of the salt in contact with the steel. Mr. May asked Mr. Ellor if VCIs were a good candidate for aboveground storage tanks that previously had steel floors replaced and cathodic protection systems installed and now have failing cathodic protection systems and whether new reference monitoring points could be installed without physically entering the aboveground tank. Mr. Ellor stated that VCIs were a good candidate and reference monitoring points could be easily installed with no issues under the aboveground storage tank or within the interstice of the aboveground storage tank without physically entering the aboveground storage tank.

Mr. Shiffer next introduced Michael Maddigan, Land Recycling Program Manager, and John Gross, Environmental Group Manager, both in the Land Recycling Program, to provide an overview and update of the Brownfields Program. Mr. Maddigan stated that he oversees the “Voluntary Cleanup Program,” also known as “Act 2,” which encourages voluntary cleanup and reuse of contaminated commercial and industrial sites. The goal of the program is to make contaminated sites safe, return the sites to productive use which creates jobs and stimulates economic growth, and to preserve farmland and greenspace. Mr. Maddigan stated that role of the central office program is to support the regional office staff, draft Chapter 250 rulemakings, develop technical guidance, promote the program, provide training, host the PA Brownfields Conference, host the Cleanup Standards Scientific Advisory Board, manage the program funding, and help others secure Brownfield’s funding through grants and loans. Mr. Gross stated that for several years the EPA has granted the program, through the EPA128A “State and Tribal Response Program Grant,” around \$500,000 per year. Due to the “Infrastructure and Investment in Jobs Act” the EPA was granted more money and was able to grant the program approximately \$2.0 million. Part of the grant money is going to supplement the Hazardous Sites Cleanup Act Program funding and \$300,000 will go to small community technical grants focused on underserved communities. Twelve different communities throughout the Commonwealth have been selected for inventories to identify sites for assessments. Mr. Gross stated that the program has applied for an additional \$2.0 million in EPA grant monies to perform assessments of these sites for Brownfields cleanups. Mr. Gross also spoke about the “Revolving Loan Fund” which will be run by the Department of Economic and Community Development and is a \$1.0 million grant from EPA to be used strictly for cleanup activities. Mr. Gross next spoke about the PENNVEST low interest loan program for remediation of contaminants that affect groundwater or surface water in the Commonwealth. Lastly, Mr. Gross spoke of the “Industrial Sites Reuse Program” which are grants and loans for environmental assessments and remediations at former industrial sites and tank cleanups up to \$200,000 for assessments and \$1.0 million for remediation.

Mr. Shiffer next introduced Eric Lingle, Environmental Group Manager, Division of Storage Tanks and Stacey Gricks, PMP, CSM, Information Technology Consultant, PA Office of Administration. Ms. Gricks provided a presentation titled, “Quick Pay Online Fee Payment.” Ms. Gricks stated the Division of Storage Tanks is the pilot program for the Quick Pay feature which will allow registration fee payments to be made to the Storage Tanks Program anonymously by only entering the customer’s invoice number or client number and account number for identification purposes. The production version should go live around the beginning of May 2023. The presentation showed a mock invoice with the account number or the client number and the invoice number highlighted as required information. After entering the required

information, the client may select one or more invoices for which they want to make a payment. Upon making a selection, the customer is transferred to the Payeezy website for payment which can be made by credit card. The customer receives a transition record and is able to return back to the Quick Pay website to immediately download their “Storage Tank Registration/Permit Certificate(s).” Mr. May suggested that process be adjusted to allow customers to retrieve their “Storage Tank Registration/Permit Certificate(s)” without having to manually return to the QuickPay website. Ms. Gricks agreed to look into Mr. May’s process adjustment suggestion. Mr. May asked Mr. Shiffer if the QuickPay feature could be applied in the future to permitting and payment of Site-Specific Installation Permit fees or any other storage tank permitting fees. Mr. Shiffer stated that the program will continue to look into the expanded use of the QuickPay feature.

Mr. Shiffer next provided an update on the Technical Guidance Document 263-4500-601, Closure Requirements for Underground Storage Tank Systems. The technical guidance document was updated and went out for public comment. The public comment period ended on December 27, 2022 and no public comments were received. However, after internal discussion, it was noted that there was concern regarding the language in the document where clean and obviously contaminated soil is separated and the sampling protocol associated with the obviously contaminated soil. There was a concern that potentially contaminated soil could go back into the excavation. After discussion with program staff and legal counsel, the language in the technical guidance document will be updated to clarify the sampling protocol. If the updated language is determined to be a minor revision to the technical guidance document, no additional public comment will be required. If the updated language is considered a substantial revision to the technical guidance document, then an additional public comment will be required. Mr. May asked if the issue was field screening or laboratory sampling of segregated soil piles. Mr. Shiffer then introduced Noreen Wagner, Environmental Group Manager, Site Remediation Division. Ms. Wagner clarified that the issue is about the number of samples that need to be taken to determine if the soil is clean and can go back into the excavation. The idea is to bring the technical guidance document in line with the Department’s “Act 2” requirements and/or the Department’s clean fill policy and to be consistent regardless of whether the soil will stay onsite or gets transported offsite.

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 public comments, there being no additional discussion, remaining meeting dates for 2023 was stated as June 7, September 6, and December 13.

ADJOURNMENT

The meeting was adjourned at 11:17 a.m., upon motion and seconded.