

**Hughes, Marjorie**

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**From:** Skomorucha, Frank [fskomorucha@reliant.com]  
**Sent:** Wednesday, June 28, 2006 3:49 PM  
**To:** Regcomments@state.pa.us  
**Subject:** Proposed rulemaking - 25 PA Code 245 - Admin. of the Storage Tank and Spill Prevention Act - Comments

Dear EQB

Please find the attached comments on the proposed rulemaking - 25 PA Code 245 – Administration of the Storage Tank and Spill Prevention Act.

Thank You,

Frank Skomorucha  
Environmental Specialist  
Reliant Energy  
fskomorucha@reliant.com  
296 Poplar Neck Road  
Birdsboro, PA 19508  
o - 610-378-8432  
c - 610-698-6492  
f - 610-378-8486

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June 26, 2006

INDEPENDENT REGULATORY  
REVIEW COMMISSION

Environmental Quality Board  
PO Box 8477  
Harrisburg, PA 17105-8477

**RE: *Comments on the Proposed Rulemaking, Storage Tank Program Amendments (25 PA Code 245)***

Dear EQB:

Reliant Energy appreciates the opportunity to comment on the proposed amendments to 25 PA Code 245. Reliant Energy owns and operates numerous storage tanks throughout Pennsylvania. Our comments are as follows:

**25.245.1 Regulated Substance (i)(C)(3)** - The reference to 34 PA Code 323 should be removed from the proposed regulations. In part, because this code is outside PADEP's jurisdiction and future amendments to 34.323 can be made without going through the environmental review and comment process. It is recognized that an amendment to 34.323 will be open for public comment but PADOLI's review process is not consistent with those followed by PADEP and outlined in Act 32. For example, PA DOLI does not have a board similar to the EQB in breath and environmental expertise nor does it communicate with the STAC. Referencing this code will move an aspect of environmental regulations and policy outside of PADEP's jurisdiction and the avenues commonly available to the regulated community and citizens of the state for environmental regulatory review. If the Department determines it is necessary to include additional substances within this definition the specific substances should be included directly in 25.245, similar to the approach taken in the proposed language of 25.245.1(i)(C)(1).

**25.245.1 Pipeline Facility** – The proposed change in definition should not be adopted as written. It appears to move the regulations beyond the authority established in the Storage Tank & Spill Prevention Act. As proposed, tanks regulated under the Hazardous Liquid Pipeline Safety Act will become regulated; specifically, tanks used to receive and store hazardous liquid transported by a pipeline for reinjection and continued transportation by a pipeline. The Storage Tank & Spill Prevention Act specifically excludes tanks regulated by Hazardous Liquid Pipeline Safety Act.

**25.245.411** – A temporary exclusion for the subsequent facility inspections should be added for currently regulated USTs. It may be appropriate to include language similar to that proposed in 245.505(2). Possibly, 'USTs currently regulated under the regulations (ie. those not becoming regulated due the change in definition of regulated substance) are temporarily excluded from the subsequent facility inspection requirements until within 3 years of the date of the last inspection or by 3 years after the effective date of adoption of this proposal, whichever is greater'. This will allow for improved scheduling of the next inspection by owners and, possibly more important, the inspectors. In addition, it will ensure the owners of currently regulated USTs which have not been inspected within the last 3 years are not out of compliance on the day the proposed regulations are promulgated.

**25.245.612 (d) & (e)** – Please clarify if it is the intention of the Department to have any 1 of the listed controls meet the need for additional spill and overflow protection on double walled tanks. Implementing each alone should provide added benefits. Also, please clarify in (e) that existing double walled tanks without these controls have 3 years to implement the change.

**General** – The proposed regulatory changes have been written with the intention to have a positive impact in Pennsylvania. In light of the fact that the program is ongoing and subject to the continuing review of the Department and STAC and in an effort to better quantify the positive impacts these changes have on the environment, regulated community and citizens of Pennsylvania, the Department should provide the STAC and Board with a written report between 6 to 7 years after the promulgation of these regulations. The report should quantify how the amendments, specifically, the increased inspection frequency of USTs, the expanded definition of regulated substances and the correction to re-regulate large aboveground heating oil tanks provided benefits.

Thank you for your time and consideration on the comments above.

Sincerely,



Frank Skomroucha  
Environmental Specialist