

3199

Kathy Cooper

From: ecomment@pa.gov
Sent: Monday, March 26, 2018 12:38 PM
To: Environment-Committee@pasenate.com; IRRC; eregop@pahousegop.com; environmentalcommittee@pahouse.net; regcomments@pa.gov; apankake@pasen.gov
Cc: c-jflanaga@pa.gov
Subject: Comment received - Proposed Rulemaking: Administration of the Storage Tank and Spill Prevention Program



Re: eComment System

The Department of Environmental Protection has received the following comments on Proposed Rulemaking: Administration of the Storage Tank and Spill Prevention Program.

Commenter Information:

Ed Kubinsky
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2018 MAR 26 P 12:57

Comments entered:

245.132: Reporting of spill bucket, containment sump and overfill test failures to the department is going to cause a huge influx of paperwork to the department for follow up and a burden to the certified installers/inspectors and companies to get this paperwork submitted in a timely manner to PA DEP. Suggest that failure reporting for new testing be eliminated from the proposed regulations. If not, then provide a 14 day window for reporting these types of failures, not 48 hours. The turnaround time of 48 hours to get the forms filled out and submitted to DEP is too quick and not necessary. These test failures are not equivalent to tank and piping tightness test failures or confirmed releases to the environment.

Suggest to eliminate a 30-minute ball float as an acceptable method of overfill protection for tanks. Options should be 90% ball float for restriction (not an option for new), High level alarm set at 90% or automatic shutoff set at 95%.

Comments on draft new forms is attached.

These links provide access to the attachments provided as part of this comment.

Comments Attachment: [Comments on PA DEP Forms.doc](#)

Please contact me if you have any questions.

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2018 MAR 26 P 12: 56

Re: Comments on PA DEP DRAFT UST Forms

General Comments:

1. There is no need for the “owner’s representative” signature on each of the draft “new” test reports. Currently, there is no requirement to obtain a signature on line tightness test reports, leak detector test reports, cathodic protection test reports, tank tightness test reports. Testers sign and attest to the accuracy of the information on their test reports. What is the reason for obtaining the “owner’s representative” signature on the test report? Often times there will be nobody at the site that is familiar with the applicable testing or having the needed knowledge to actually review the report with any accuracy. There is no way for them to know if the information is true, accurate and complete so asking them to sign these forms makes no sense. If anyone should sign one of these forms, it should be a class A or class B operator. However, the class A or B would rarely be on site to witness the testing and sign the form. If the signature of a responsible individual is needed, PA DEP is going to need to allow for ample time for the reports to be completed by the technician doing the work, submitted to the class A/B operator for review and signature, be returned to the tester doing the work and then documented. This would also make the turnaround time to submit failure reports to PA DEP in a timely manner if signatures are needed. If signatures from owners or “owner’s representative” is needed, the 48 hour turnaround time to notify DEP of failures should be changed to at minimum, 14 business days.

Specific Form Comments:

1. **Overfill Prevention Evaluation Form:**
 - a. Under section A drop tube shutoff device question #4, instead of asking “Tank capacity when flow is stopped(%)”, the question should read “Complete shutoff occurs at or below 95% tank capacity? Yes/No”. As long as shutoff occurs no higher than 95% tank capacity, the equipment meets the regulatory requirements. There is no value in knowing if it shuts off at 92%, 86% or 75% in the tank. As long as it is no higher than 95%, it meets the criteria.
 - b. Same comment as (a. above) for section B question 5 except the question should read “Alarm is triggered at or below 90% tank capacity? Yes/No”.
 - c. Same comment as (a. above) for section C question 5 except the question should read “Flow is restricted at or below 90% tank capacity? Yes/No.”
 - d. 2 questions should be added in section C for ball floats:
 - i. Is the vent hole open and not corroded? Yes/No (because these vent holes can become corroded and completely blocked which could cause over-pressurization if the tank.
 - ii. Upon visual inspection, tank top fittings are vapor-tight and leak free? Yes/No (because if tank top is not vapor-tight, ball float will not work).
 - e. In section C on page 2, it appears that if a “standard drop tube” is not installed, the ball float fails the inspection. A couple comments on this:

- i. If by “standard”, PA DEP means a “straight” drop tube, we would suggest changing the term to “straight” which indicates that no automatic shutoff exists in the drop tube.
 - ii. The question implies that if a drop tube with a shutoff valve is installed, then the ball float fails the inspection. We’re not certain that the evaluation should fail if there is an automatic shutoff device installed in the fill. Ball floats and automatic shutoff devices installed in the same tank poses a problem and maybe DEP should take a position that if one is installed, the other must not be installed. This is a tough one.
2. Spill Prevention Equipment/Containment Sump Integrity Testing Form:
 - a. Under section IV. Visual Inspection Information – eliminate the row asking “containment capacity”. There is no way for testing technicians to accurately determine the capacity of containment sumps due to all the different sizes, shapes and dimensions, especially for UDC’s.
 - b. Under section VI. Testing Information – eliminate the 4th row asking for “portion tested”. This data will be documented under “start level”.
 - c. Provide multiple pages for section IV and section V. We suggest that 2 additional pages be added for each of these sections.
3. UST Facility Operations Inspection Form:
 - a. Page 2, section I question 3 should say “Tank installation date”.
 - b. Page 2, section I question 3a should be added for “Piping installation date”
 - c. Page 6 for overfill, spill containment, containment sump and release detection equipment testing should identify what method was used (PEI RP 1200 or manufacturer).
 - d. DEP should consider a yes/no check box for each testing section including the cathodic protection survey section that asks whether or not the PA DEP forms were used to document testing.
4. Sensor Functionality Testing Form:
 - a. Please copy section IV. and provide at least 4 additional pages for testing sensors. There will be many sites with more than 5 sensors that will require annual testing. We suggest that 25 should cover a majority of sites.