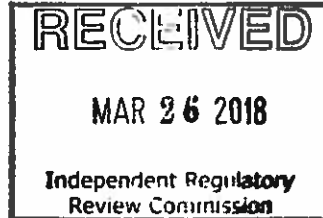


3199

**Kathy Cooper**

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**From:** ecomment@pa.gov  
**Sent:** Monday, March 26, 2018 4:35 PM  
**To:** Environment-Committee@pasenate.com; IRRRC; 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:

Julius M. Blanco  
Marathon Petroleum Company LP ([jmblanco@marathonpetroleum.com](mailto:jmblanco@marathonpetroleum.com))  
539 South Main Street  
Findlay, OH 45840 US

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Comments entered:

To Whom It May Concern:

On behalf of Marathon Petroleum Corporation, I am submitting comments (attached) to the proposed changes of the above referenced regulations.

Should you have any questions or if you need additional information, please contact me at the information shown below.

Sincerely,

Julius M. Blanco  
Senior HES Professional  
Aboveground Storage Tanks - Terminals  
Marketing and Transportation Engineering  
Marathon Petroleum Company LP  
539 South Main Street, Findlay, OH 45840

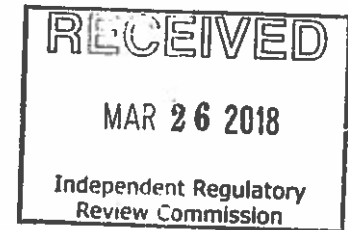
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These links provide access to the attachments provided as part of this comment.

Comments Attachment: [PA AST PROPOSED RULES COMMENTS by Marathon 03-19-2018.pdf](#)

Please contact me if you have any questions.

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PA AST PROPOSED RULES COMMENTS by JMB Created 03-06-2018

**Subchapter A. GENERAL PROVISIONS**

245.1. Definitions – See comments below:

Comments – It seems like the definition of spill from the proposed revision is too confusing. MPC is proposing the language below.

*Release*—Spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank into surface waters and groundwaters of this Commonwealth or soils or subsurface soils in an amount equal to or greater than the reportable released quantity determined under section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.A. § 9602), and regulations promulgated thereunder, or an amount equal to or greater than a discharge as defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1321) and regulations promulgated thereunder. The term also includes spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank into a containment structure or facility that poses an immediate threat of contamination of the soils, subsurface soils, surface water or groundwater. All spills, leaks, emissions, discharges, escapes, leaching or disposals of a regulated substance into a containment structure or facility pose an immediate threat of contamination of the soils, subsurface soils, surface water or groundwater, except when a regulated substance is present in a liquid-tight containment sump or emergency containment structure as a result of a tank handling activity, if the certified installer providing direct onsite supervision has control over the regulated substance, the regulated substance is completely contained and, prior to the certified installer leaving the storage tank facility, if the total volume of the released regulated substance as described above into liquid-tight containment sump or emergency containment structure is recovered and removed, reporting is not required.

**TANK HANDLING AND INSPECTION ACTIVITIES**

245.21. Tank Handling and Inspection Activities - No comments.

**TESTING ACTIVITIES**

245.31. Underground Storage Tank System Testing Requirements - No comments.

**TANK REGISTRATION AND FEES**

245.41. Tank Registration Requirements - No comments.

245.42. Tank Registration Fees - No comments.

**Subchapter B. CERTIFICATION PROGRAM FOR INSTALLERS AND INSPECTORS OF STORAGE TANKS AND STORAGE TANK FACILITIES.**

**GENERAL CERTIFICATION REQUIREMENTS**

245.102. Requirement for certification - No comments.

245.105. Certification Examinations – See comments below.

Comments: This is a new requirement in the proposed rules. It seems that this is very burdensome frequency for recertifying inspectors. This may cause delays on of contractor work as additional unnecessary costs. Can this be extended to three years?

**(f) Passing examination scores are valid for 2 3 years from the date of the examination.**

245.106. Conflict of Interest – See comments below.

Comment (question): Can an employee of the tank owner, the owner or operator be a certified inspector if he or she is PA Professional Engineer and trained to be an inspector?

245.107. Reserved - No comments.

245.108. Suspension of Certification – See comments below.

Comment: Suggest keeping the 60-day submittal deadline as preparing inspection reports takes up time. This would include submittal by inspector to owner or operator.

(a)(4)(iii) Submit reports of inspection activities to the Department within 60 days of conducting **[the inspection activities] an inspection activity, except for reports of modification inspection activities, which shall be reported to the Department within 30 60 days of conducting a modification inspection activity.**

245.110. Certification of installers. No comments.

245.111. Certified installer experience and qualifications - No comments.

245.112. Certification of Inspectors - No comments.

245.113. Certified inspector experience and qualifications – See comments below.

Comments: The degrees mentioned below for qualification of mentioned below seems restrictive. Added corrosion engineering. It should also allow those who have the proper work experience with degrees not enumerated in the proposed rule below.

(c) A college degree being substituted for experience shall be, **at a minimum, a bachelor's degree** in civil engineering, mechanical engineering, environmental engineering, petroleum engineering, chemical engineering, structural engineering, geotechnical engineering, corrosion engineering, hydrology, geology or **[environmental studies] an equivalent degree as determined by the Department.**

245.114. Renewal and amendment of certification - No comments.

#### COMPANY CERTIFICATION

245.121. Certification of Companies - No comments.

245.123. Suspension of Company Certifications. - No Comments.

## STANDARDS OF PERFORMANCE

245.132. Standards of performance – See comments below.

Comment: It is difficult to get all appropriate information for submittal to PA DEP after a tank handling activity. All the information needed for submittal needs to be analyzed and gathered from various installers and contractors. Requesting that submittal deadline be 60 days from both inspection and tank handling activities for owner and operator to gather the information needed.

(a)(2) Complete and submit to the Department, within 60 days of [the inspection activity] completing an inspection activity or a tank handling activity activity, except for a or modification inspection, which shall be submitted within 30 60 days of the inspection activity, or 30 days of a tank handling activity, in a Department-approved form certifying that the tank handling activity or inspection activity conducted by the certified installer or certified inspector meets the requirements [of] in the act and this chapter and accurately describes the conditions of the storage tank system and facility. For tank handling activities involving multiple certified individuals and certification categories, the tank handling report shall be submitted within ~~30~~ 60 days of the completion of all project tank handling and inspection activities.

(2) Certify to an owner or operator or the Department that a storage tank system project or component thereof is complete unless it complies with the act and this chapter. Project certification applies to certified activities and non-tank handling activities that may have been performed as part of the project.

## TRAINING APPROVAL

245.141. Training Approval.: No comments.

## Subchapter C. PERMITTING OF UNDERGROUND AND ABOVEGROUND STORAGE TANK SYSTEMS AND FACILITIES

### GENERAL

245.203. General Requirements for permits.: No comments.

### OPERATING PERMITS

245.222. Application Requirements.: No comments.

### SITE- SPECIFIC INSTALLATION PERMITS

235.231. Scope.: No comments

235.232. General Requirements.: No comments.

245.233. Mapping Requirements.: No comments.

245.234. Siting Requirements. No comments.

245.235. Environmental Assessment. No comments.

245.236. Public Notice. No comments

**Subchapter D. CORRECTIVE ACTION PROCESS FOR OWNERS AND OPERATORS OF STORAGE TANKS AND STORAGE TANK FACILITIES AND OTHER RESPONSIBLE PARTIES**

No comments.

**Subchapter E. TECHNICAL STANDARDS FOR UNDERGROUND STORAGE TANKS**

No comments.

**Subchapter F. TECHNICAL STANDARDS FOR UNDERGROUND STORAGE TANKS**

245.501. Purpose - No comments.

245.503. Variances – No comments.

245.505. Applicability – No comments.

**OPERATION AND MAINTENANCE**

245.511. General Operations and Maintenance – No comments

245.512. Facility Operations and Spill Response Plan. – No comments

245-513. Preventive Maintenance and Housekeeping Requirements – No comments

245.514. Security – See comments below:

Comment: This is a new requirement. Can the written log book be in electronic form that can be printed upon request during an inspection?

**(b) The owner and operator of an aboveground storage tank facility with an aggregate above-ground storage capacity greater than 21,000 gallons are responsible for maintaining a written log book. At a minimum, each log book entry must identify the name of the individual performing tank handling and inspection activities, the individual's signature, the company name, the date of work, start and end times, and a brief description of work performed, including tank identification. Written log book can be in electronic form in a computer-based system.**

245.515. Labeling/marketing of Aboveground Storage Tank Systems – No comments.

245.516. Recordkeeping requirements – No comments

#### DESIGN, CONSTRUCTION AND INSTALLATION

245.521. Performance Standards for Aboveground Storage Tanks. – No comments.

245.522. New Aboveground Storage Tank Installations and Reconstructions. – No comments.

245.523. Aboveground Storage Tanks in Underground Vaults – No comments.

245.524. Aboveground Tank Modifications – No comments.

245.525. Ancillary Equipment of Aboveground Storage Tanks – No comments.

245.526. Piping for Aboveground Storage Tanks – No comments.

#### CORROSION AND DETERIORATION PREVENTION

245.531. General Corrosion and Deterioration Requirements - No comments.

245.532. Cathodic Protection Systems - No comments.

245.533. Coating Exterior Tank and Piping Surfaces - No comments.

245.534. Interior Linings and Coatings – See comments below

Comment: For 245.534(c), is it possible to have the inspection interval coincide with the API 653 internal inspection interval.

(c) Interior linings or coatings shall be inspected by a third-party, Department-certified, aboveground storage tank inspector at installation, when undergoing a major modification, and at least ~~every 10 years~~ or as warranted or recommended by the manufacturer or design engineer **and agreed upon by the Department but no longer than the interval for the next API 653 out of service internal inspection.**

#### RELEASE PREVENTION AND LEAK DETECTION

245.541. Overfill Prevention Requirement – No comments.

245.542. Containment Requirements for Aboveground Storage Tank Systems – No comments.

245.543. Leak Detection Requirements – No comments.

## ABOVEGROUND STORAGE TANK INSPECTIONS

245.551. General Requirements for Third-Party Inspections – No comments.

245.552. In-Service Inspections – No comments. Most of the proposed changes apply to AST in underground vaults.

245.553. Out-of-Service Inspections. – Questions. I think I have no comments. Consult with Cope.

245.554. Installation and Modification Inspections – No comments.

### CLOSURE AND RMOVAL FROM SERVICE REQUIREMENTS

245.561. Permanent Closure or Change-In-Service – see comments below.

Comment: The owner or operator oversees the operation of the closure activities by hiring a certified installer. The owner and operator is charged with submitting the notification and registration modification to the PA DEP. No need for signature from certified installer. This will cause delays in the notification process.

**(2) [The owner/operator shall submit an amended registration form to the Department indicating the change in tank status within 30 days after the change in tank status.] The owner shall complete and submit an amended tank registration form, signed by the owner or operator and the certified installer that provided direct onsite supervision of the tank handling activity, to the Department within 30 days of either of the following:**

### Subchapter G. SIMPLIFIED PROGRAM FOR SMALL ABOVEGROUND STORAGE TANKS

#### GENERAL

245.603. General Storage Tank Facilities Requirements – See comments below.

Comment: This is a new requirement. Would computer based task management and electronic inspection management systems meet this requirement?

**(e) The owner and operator of a storage tank facility with an aggregate aboveground storage capacity greater than 21,000 gallons shall maintain a written log book. At a minimum, each log book entry must identify the name of the individual performing tank handling and inspection activities, the individual's signature, the company name, the date of work, start and end times, and a brief description of work performed, including tank identification. Written log book can be in electronic form in a computer-based system.**

245.605. Applicability - No comments.

245.606. Variances – No comments.

#### TECHNICAL REQUIREMENTS

245.611. Testing Requirements for New and Substantially Modified Small Aboveground Storage Tanks – No comments.

245.612. Performance and Design Standards - No comments.

245.613. Monitoring Standards – No comments.

245.614. Reserved – No comments.

245.615. Record Keeping Requirement – See comments below:

Comments: Add a statement that would allow computer-based systems and electronic management systems to be acceptable to meet this requirement.

**(8) Written log book information as required under § 245.603(c) (relating to general storage tank facility requirements). Written log book can be in electronic form in a computer-based system.**

245.616. Inspection Requirements – No comments.

245.617. Temporary Removal from Service (Out of Service) – No comments.

245.618. Permanent Closure or Change-In-Service – No comments.

**Subchapter H. FINANCIAL REPOSIBILITY REQUIREMENTS FOR OWNER AND OPERATORS OF UNDERGROUND STORAGE TANK AND STORAGE TANK FACILITIES.**

245.704. General Requirements – No comments.

245.708. Failure to Maintain Financial Responsibility – No comments.