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**Kathy Cooper**

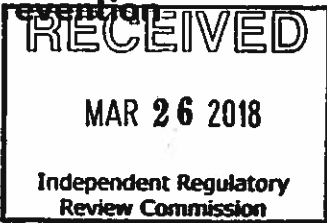
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**From:** ecomment@pa.gov  
**Sent:** Monday, March 26, 2018 4:35 PM  
**To:** Environment-Committee@pasenate.com; IRRC; eregop@pahousegop.com; environmentalcommittee@pahouse.net; regcomments@pa.gov; apankake@pasen.gov  
**Cc:** c-jflanaga@pa.gov  
**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:**

Chuck Barksdale  
Philadelphia Energy Solutions ([CHARLES.BARKSDALE@pes-companies.com](mailto:CHARLES.BARKSDALE@pes-companies.com))

, PA US

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**Comments entered:**

The following comments are being provided by Philadelphia Energy Solutions Refining and Marketing, LLC (PES) on the February 24, 2018 proposed rule changes under the 25 PA Code Chapter 245 Administration of the Storage Tank and Spill Prevention Program. Although these regulations are generally consistent with Federal regulatory requirements, in some cases, particularly for aboveground storage tanks, additional unnecessary and somewhat burdensome requirements are included that in total appear more to lead to justification of agency work without any real benefit to the environment or the Commonwealth. In addition, we have some concern about tanks being added or reactivated in existing containment areas and offer some additional language below to assure how best to manage these situations.

Specifically, the following provisions are most burdensome:

245.512 – the requirement to submit spill plans revisions within 120 days should allow the option for just submitting the changed sections of the plan. For large facilities with many tanks, revisions occur frequently and resubmitting an entire plan would be a waste of paper. Also, the option for electronic submittals should be allowed.

245.514 – the requirement to keep a detailed logbook is burdensome for large facilities with many tanks, especially for the detail required by a logbook. A consideration to shift this responsibility to the inspector or installer should be considered.

245.534(c) – the new requirement to get agency agreement seems unnecessary and adds additional PADEP involvement. The PADEP does not always have personnel knowledgeable to

make these decisions which could lead to unnecessary delays awaiting agency review and approval. This language should be changed to a registered professional engineer.

245.552 (d)(4) – this section has been revised to require PADEP approval to delay an in-service inspection for tanks that are temporarily removed from service. This requirement to obtain agency approval is unnecessarily burdensome for the tank owner and the PADEP. These tanks must be emptied and are checked monthly. If a tank owner wants to delay the inspection, they should be able to do that without seeking agency agreement.

245.616 (c) – the proposed change to inspect every 5 years instead of every 10 years is unnecessarily burdensome and unjustified. These small tanks offer minimal potential environmental harm and requiring more frequent inspections because people are failing to meet the current regulatory obligation to complete every 10 years is a flawed justification.

In addition, we believe clarity is needed for the following new section:

245.521(g) – this new section requires previously regulated tanks being activated to meet new storage tank system requirements which is consistent with existing regulations. However, clarity needs to be added for tanks in shared existing emergency containment areas. Those containment areas do not and should not be required to be upgraded as a result of activating (or adding) a tank into that emergency existing containment area.

PES also supports the comments on the proposed regulations being provided by the Pennsylvania Chamber of Business and Industry, especially related to the definition of releases.

Let me know if you any questions.

Thanks,

Chuck Barksdale  
Director, Environmental Planning  
Philadelphia Energy Solutions Refining and Marketing LLC

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No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,  
Jessica Shirley

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