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Hughes, Marjorie

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**From:** Steve Sherk [SSherk@amref.com]  
**Sent:** Wednesday, June 28, 2006 4:25 PM  
**To:** RegComments@state.pa.us  
**Subject:** Comments - Storage Tank Amendments {36 Pa B. 1851}

To whom this may concern:

Please find attached American Refining Group's comments to the Administration of the Storage Tank and Spill Prevention Act [36 Pa.B. 1851]

Sincerely;

Stephen L. Sherk

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**Proposed Amendment to Title 25 Chapter §245.231 SSIP Exemption When Replacing a Tank in the Same Location with a Newly Constructed Tank**

An exemption should be provided under Title 25 Chapter §245.231 when a new tank replaces an existing tank at the same location. Particularly when the tank status is the same and the location is the same.

*The Pennsylvania Department of Environmental Protection (Department) needs to consider a more streamlined approach for this process. Under the current process the facility tank owner must permanently close the existing tank in accordance to Title 25 Chapter §245.561. This causes un necessary and valueless administrative burdens that weigh on both the Department's and the facilities' resources. For instance, an "Aboveground Storage Tank System Closure Notification Form" must be completed then filed with the Department; a Storage Tanks Registration / Permitting Application Form must be completed and then filed with the Department. Then an analysis of soil conditions both under and around the tank location must be conducted and submitted to the Department in an AST Closure Report Form, Sections I, II, and III. All these steps seem ludicrous when a new tank is going to be installed at the same location. Then prior to constructing the new tank there are the additional burdens of completing, submitting, reviewing a "Site Specific Installation Permit" and furthermore completing, submitting, and reviewing yet another "Storage Tanks Registration / Permitting Application Form" to apply for a new registration number. All of the aforementioned administrative processes delay the progress of installing a new more environmentally sound tank. All these administrative burdens could be eliminated by simply recording/reporting the tank change on the "Storage Tanks Registration / Permitting Application Form".*

**Proposed Amendment to Title 25 Chapter §245.562 - Temporary Out of Service Extension.**

A provision for extensions to tanks "Temporary Out of Service" should be provided under Title 25 Chapter §245.562.

*There are currently three approaches to comply with the temporary out of service status for aboveground tanks. One approach is that the tank could be inspected in accordance to Title 25 Chapter §245.562(e) while in temporary out of service status. Another approach is that the tank could be permanently closed in accordance to Title 25 Chapter §245.562(f). Still another approach is that a variance from both §245.562(e) and §245.562(f) can be requested where the variance demonstrates that there is an alternative that provides equal or greater protection to human health and the environment.*

*The inspection approach either an "out of service" or "in service" inspection in accordance to Title 25 Chapter §245.553 or Title 25 Chapter §245.552 respectively is not the most technically sound approach to assure that tank's overall integrity is satisfactory when the tank is returned to service at some later date. This approach does not fully protect the environment. Under this approach, a facility could conduct an "Out of Service"*



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*inspection today and if it passes leave the tank empty for 19 years without a requirement to inspect the tank bottom again. While the facility maintains its inspection schedules in accordance to §245.553 and §245.552 product could be put into the tank 19 years from now then leak from the tank bottom because it has corroded while unused.*

*Taking the permanent closure approach provides un necessary and valueless administrative burdens that weigh on both the Department's and the facilities' resources. For instance, to permanently close an aboveground storage tank an "Aboveground Storage Tank System Closure Notification Form" must be completed then filed with the Department; a Storage Tanks Registration / Permitting Application Form must be completed and then filed with the Department. Then an analysis of soil conditions both under and around the tank must be conducted and submitted to the Department in an AST Closure Report Form, Sections I, II, and III. All these steps would be ludicrous because the tank is intended to be used in the future. In accordance to a permanent closure process the tank no longer exists administratively yet physically the tank still exists and intends to be used. Hypothetically, if a facility conducted the permanent closure then when it puts the tank back into service both the Department and the facility have yet additional burdens of completing, submitting, reviewing a "Site Specific Installation Permit" and furthermore completing, submitting, and reviewing yet another "Storage Tanks Registration / Permitting Application Form" to apply for a new registration number. All of the aforementioned administrative processes would be ludicrously conducted for a tank that is sitting empty and harmless to human health and the environment in its current condition.*

*The most logical approach is to provide an extension to "Temporary Out of Service " (TOS) status by complying with §245.562(a)(b)(c)(d) then conduct an out service inspection in accordance to §245.553 immediately before the tank is removed from TOS and returned to service. While the tank is in TOS it is not posing any threat to the environment or human health. It is empty and blanked from receiving product. This approach provides the most immediate tank integrity data with the highest level of assurance that the tank is sound before returning to service. This approach provides the most immediate and greatest level of human health and environmental protection.*