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From: Jennifer Summers [Jennifer@wannerassoc.com]
Sent: Wednesday, June 28, 2006 5:11 PM
To: RegComments@state.pa.us
Cc: John Wanner; HarveHnat@aol.com; Mark Onesky; Leonard.Bernstein@phila.gov
Subject: Proposed Rulemaking Administration of the Storage Tank and Spill Prevention Act

Environmental Quality Board
P. O. Box 8477
Harrisburg, PA 17105-8477

The Pennsylvania Society of Professional Engineers believes that proposed amendments to Chapter 245 (relating to administration of the storage tank and spill prevention program) stating that only a professional geologist may perform site evaluations under § 245.444. Methods of release detection for tanks, is unnecessary and a misinterpretation of the Engineer, Land Surveyor and Geologists Registration law.

It is inaccurate to conclude that this new regulatory requirement is added to meet the demands of the Registration Act. The Society sees no evidence that a geologic interpretation is being performed under this section and the regulation therefore takes an overly restrictive approach.

The routine location of release detection wells is typically governed by site constraints and conditions. Bedrock geology does not affect the location as most wells are located within overburden material, fill material, previous tank excavations, or in rock excavations that are ripped or blasted. Suggesting that the location of release detection points constitutes geologic interpretation that may only be assessed and certified by a professional geologist also unnecessarily increases the cost of storage tank installations.

Practitioners of several engineering disciplines are actively engaged in the type of work governed by this regulation. Individuals licensed as civil, environmental, geotechnical or geological engineers may well be competent to perform the above mentioned work. As a matter of reference, the registration law allows engineers to practice geology to the extent that it is "incidental" to their practice of engineering (Section 3a of the Act), but limits all licensees under it to practice only in areas in which they are competent.

At a minimum, the above mentioned section of the proposed regulation should be altered to allow a qualified professional engineer to perform these site evaluations as well as a professional geologist. Thank you for consideration of these comments. Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

John D. Wanner, CAE
Executive Director

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