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Kathy Cooper

From: ecomment@pa.gov
Sent: Monday, March 26, 2018 4:03 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

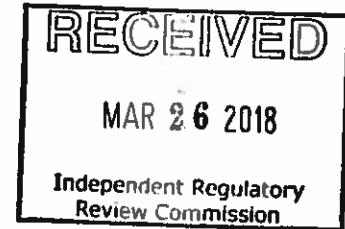


Re: eComment System

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

Commenter Information:

Frank Monteleone
AK Steel Corporation (frank.monteleone@aksteel.com)
PO Box 832
Butler, PA 16003 US



Comments entered:

AK Steel Corporation – Butler Works appreciates the opportunity to submit the attached comments on the Environmental Quality Board’s proposed revisions to 25 Pennsylvania Code (PAC) Chapter 245 regarding the Commonwealth’s Storage Tank and Spill Prevention Program that were published in the Pennsylvania Bulletin (Vol. 48, No. 8) on February 24, 2018.

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

Comments Attachment: [2018-3-26 - FINAL - Comments on PA Storage Tank Rules.pdf](#)

Please contact me if you have any questions.

Sincerely,
Jessica Shirley

Jessica Shirley
Director, Office of Policy
PA Department of Environmental Protection
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P.O. Box 2063
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3199



March 26, 2018

Pennsylvania Environmental Quality Board
Rachel Carson State Office Building
16th Floor
400 Market Street
Harrisburg, Pennsylvania 17101-2301

Re: AK Steel Corporation – Butler Works
Butler, Pennsylvania
Comments Regarding: 25 Pennsylvania Code Chapters 245
Pennsylvania Bulletin, Vol. 48, No. 8, February 24, 2018
Administration of the Storage Tank and Spill Prevention Program

Dear Sir or Madam,



AK Steel Corporation – Butler Works (AK Steel) appreciates the opportunity to submit the following comments on the Environmental Quality Board's proposed revisions to 25 Pennsylvania Code (PAC) Chapter 245 regarding the Commonwealth's Storage Tank and Spill Prevention Program. The proposed revisions were published in the Pennsylvania Bulletin (Vol. 48, No. 8) on February 24, 2018.

AK Steel and the Butler Works

AK Steel is a leading producer of flat-rolled carbon, stainless and electrical steel products, primarily for the automotive, infrastructure and manufacturing, electrical power generation and distribution markets. Through its subsidiaries, the company also provides customer solutions with carbon and stainless steel tubing products, die design and tooling, and hot- and cold-stamped components. Headquartered in West Chester, Ohio, the company has approximately 9,200 employees at manufacturing operations across seven states, Canada, and Mexico, including over 1,400 men and women in Pennsylvania.

AK Steel operates an electric arc furnace steel making mini-mill in Butler, Pennsylvania (the Butler Works) for production of electrical, stainless, and carbon steels. Operations include melting of steel scrap in electric furnaces, metallurgical refining, continuous casting, hot rolling, and several steel finishing operations including pickling, cold rolling, annealing and surface coating. AK Steel and its predecessor companies have operated from this location since the early 1900s.

Comments on Proposed Changes to 25 PAC 245.514(b) and 245.603(c)

The rule as published proposes to add to 25 PAC 245.514(b) and 245.603(c) the requirement for all storage tank facilities with an aggregate aboveground storage capacity greater than 21,000 gallons to maintain a written log book. At a minimum, 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, must be included in the log book. The Department states their belief that the use of a written log book would provide an "additional level of security" to the security measures that are already required under 25 PAC 245.514 and 245.603. The Department, however, does not indicate how maintaining a written log book would additionally secure the facility beyond what is provided under the current regulatory framework.

As stated above, the existing rules at 25 PAC 245.514 and 245.603 already require the implementation of "appropriate security measures and procedures based on the facility location," such as "monitoring, fencing, lighting, access control, locked entrances and securing of valves and dispensers." After reviewing the Butler Works security needs, AK Steel has employed the security measures that it feels are appropriate for its facility, including the implementation of a robust system to control facility access. Requiring that a written log book be maintained on top of an already strong access control system is overly burdensome, impractical, unnecessary, and would not serve to improve site security.

As such, AK Steel proposes that the proposed conditions in 25 PAC 245.514(b), 245.516(c)(8), 245.603(c), and 245.615(b)(8) be removed and that the Department continue its existing practice of allowing the storage tank facility to select and implement the security measures that are most appropriate for the facility and are sufficient to protect the environment and public.

Comments on Proposed Changes to 25 PAC 245.616(c)

The rule as published proposes changes to 25 PAC 245.616(c), (c)(1), and (c)(2) that would shorten the frequency of required in-service inspections for small aboveground storage tanks from every ten (10) years to every five (5) years. The Department believes that this change is necessary in order to improve facility compliance. However, the mechanisms to drive compliance improvement already exist within the current regulatory framework. AK Steel believes that this change, which essentially doubles the costs for in-service inspections, does little but penalizes facilities that appropriately manage their ASTs for the actions of facilities that do not and imposes an unnecessary financial burden on the tank owner with little environmental benefit.

As mentioned, the ability for the Department to drive compliance improvement already exists. The current regulations at 245.616(c) provide for the consideration of a variety of items when determining an in-service inspection interval. The Department requires that inspectors must complete a training course and be certified by the Department to conduct in-service inspections on regulated ASTs. The Department-certified aboveground storage tank inspector is given authority to consider the age, construction, storage contents, corrosion, repair history, and maintenance practices, among other things, when determining the time period for the next inspection. Further, the Department-certified inspector is obligated to consider compliance issues when inspecting ASTs. As such, the

inspector is already capable of setting a more frequent inspection schedule for an AST with compliance concerns (e.g., five years) than would otherwise be necessary for a newer, better conditioned, or better maintained AST.


In-service inspections can range in cost up to \$10,000-\$15,000 or more per AST. Under the current regulations, there is a financial incentive, in the form of less frequent inspections, for facilities to appropriately manage and maintain their ASTs if the Department-certified inspector can justify a longer inspection interval that, in their expert opinion, is most appropriate for the facility. Under the proposed rule, the impact of that incentive would be reduced. Further, by mandating that the inspection frequency for small ASTs be cut in half, all facilities must then bear double the financial burden for in-service inspections while providing little or no compliance or environmental protection benefit. Therefore, AK Steel proposes that the proposed conditions in 25 PAC 245.616(c), (c)(1), and (c)(2) be removed and that the Department continue its existing practice of allowing Department certified inspectors to manage in-service inspection frequencies on a case-by-case and site-specific basis.

Summary

AK Steel appreciates the opportunity to comment on the proposed regulation. We urge the Board to consider the impact that this regulation would have on the Butler Works and other Pennsylvania storage tank facilities in general. AK Steel believes that the proposed changes detailed above could result in significant financial impacts and considerable burdens on the Butler Works with little, if any, environmental benefit.

If you have any questions regarding this submittal, please contact me at 724.284.3367, or frank.monteleone@aksteel.com

Sincerely,



Frank Monteleone
Environmental Affairs Manager
AK Steel Corporation – Butler Works

cc: Russ Dudek – AK Steel Corporation