

UST TAC Meeting Minutes – Friday, June 20, 2008 – DEQ PRO 1-5pm

TAC Member Attendees:

Mike O'Connor – VPCGA
Dan Laing - VDOT
Suzanne Schweikart – 7-11
Peter Baird – Baird Petroleum Services
Renee Hooper – VA-DEQ
Russ Ellison – VA-DEQ

Audience Attendees:

Nelson Adcock – GeoEnvironmental Resources, Inc. – VA Beach
Steve Pollock – VA-DEQ-PRO

Minutes

SECONDARY CONTAINMENT

DEQ staff asked for a group consensus favoring proposing the regulation for secondary containment as written and as the choice over the financial responsibility option.

Mr. O'Connor stated he did not have the authority to speak for his group until their board considered it so he could not give his approval on behalf of VPCGA at that time but would ask at the next VPCGA Board Meeting on June 22 and get back with DEQ staff concerning their decision.

Mr. Laing stated VDOT would go along with the draft regulation and choice of secondary containment but wanted DEQ to know that mandatory secondary containment will cost VDOT over \$150,000 in lost surplus tank sales over the years because they remove all tanks when they divest a VDOT property and there will be no further tank resale options for their single-walled fiberglass tanks---the secondary containment requirement makes them unusable as USTs by others. VDOT policy prohibits conveying tanks that are not in compliance.

Ms. Schweikart asked that DEQ continue to consider double-walled spill buckets as part of the secondary containment requirement in VA in future amendments.

Group consensus was reached with the above qualifications.

DELIVERY PROHIBITION

TAC recommended change to the notice provisions of section G.1 to remove reference to the employee in charge at the facility and DEQ staff agreed to the change.

Mr. Laing of VDOT expressed concern that we should use enforcement discretion if a tag is removed and deliveries made in error (midnight dumping.) Ms. Hooper replied that the

language in the regulation would not incorporate enforcement discretion, rather, the implementation guidance should address how these situations are handled.

Mr. O'Connor (VPCGA) asked about notice to product deliverers and TAC discussed issues related to providing notice to product deliverers. Ms. Hooper replied that DEQ would address notice to product deliverers in implementation guidance.

TAC agreed to forward delivery prohibition amendments as modified during this meeting to SWCB.

OPERATOR TRAINING

Mr. Ellison of DEQ presented a power point show of the EPA guideline requirements.

Mr. Laing stated VDOT is far down the road in developing an automated, security-controlled training course that on-site individuals (Class C Operators) can take for certification and stressed that VDOT does not want DEQ to create training program that will preclude VDOT from using it. Mr. Ellison noted the request and noted the EPA guideline provides for states to acknowledge existing operator training programs.

Ms. Schweikart of 7-11 stated their Class C operator training will comply with the most stringent requirements of the state (and states they operate in).

Mr. Ellison asked the TAC whether anyone had any problem with DEQ developing a training program that incorporated multiple training venues. Would the TAC like to see the state DEQ do training? Would the TAC like to see private contractors? Would the TAC prefer national testing options like the ICC's (International Code Commission)? In general, the TAC members took under consideration the ramifications of multiple options of training and did not rule multiple options out at this time

Ms. Schweikart stated the TAC should be worrying about Class A and B. Class C training was the easy part (just emergency training). Class As and Bs, once trained, would train the Cs.

Mr. Ellison asked whether the TAC would like to see Class A and Class B training become the same comprehensive course to simplify the training?

Ms. Schweikart replied yes.

Mr. Laing offered a no. Class A should encompass Class B and then some.

Mr. Baird initially stated that DEQ should not put the training online—operators may have other individuals take the training in their place.

Mr. O'Conner, referencing the VPCGA's current Alcohol Sales Training online, stated that their certification page requires personal certification, with the implication that this could help to ensure that the person taking the test is the person who is supposed to be taking the test.

Mr. Laing indicated some online training identifies the computer used.

Mr. O'Conner asked whether any facility that is open and attended must have a Class C? A Class A? A Class B? Mr. Ellison said they could all be one person or just the Class C need be at the site as long as the A and B are available.

Retraining: Mr. Laing is in favor of annual retraining. Ms. Schweikart proposed a retraining window of every 3 years. Mr. Ellison offered retraining only required if (upon inspection) non-compliance encountered at the site.

Mr. Ellison asked the TAC to consider who should be required to train as a Class B vs. Class A operator. Mr. Ellison handed out the EPA diagram displaying the breadth and depth of training for As and Bs and Cs.

Mr. O'Conner stated it would be helpful to know what other states are doing. Mr. Ellison indicated that states were beginning to compare and share state approaches with EPA assistance.

Mr. Ellison asked for the TAC's thoughts about online testing. He mentioned there were about 4,000 active-UST owners who own less than 10 tanks. Ms. Schweikart pointed out that what the TAC was really doing was crafting a program for the UST "mom and pops".

Mr. O'Conner gave an example of a single store operator. In theory, he could be Class A, B, and C in any given day. How do you differentiate? Mr. Ellison replied the training is virtually the same in core areas for the A and B. Mr. O'Conner pointed out that the single store operator would be required to have all 3 tiers of training which would impose a greater financial and time burden on the single operator compared to the larger facility up the street.

Ms. Schweikart responded that if the single store operator is trained as a Class A, then that training should cover the training for Class B and C operators, as well. She offered as an example Missouri's UST training which occurs in a day from 8am to 4pm. Class A types could leave at 12 but B had to stay until 4pm to get all the tank technology covered.

Mr. O'Conner returned to his example: An individual in Oilville, VA is a single station operator. He has to go through training for a day or days because he is all three categories of operator (Class A, B, & C). However, the larger facility up the street has a district manager who comes to facility every month and only requires the Class B training. This puts the one-man operation at an economic disadvantage. Mr. O'Conner also pointed out that it was more environmentally protective to have the Class B operator present at the facility every day.

Ms. Schweikart stated that Mr. O'Conner's scenario was balanced out by the fact that the larger chain facilities have extra staff to monitor tanks continuously from the home base (and they for business reasons have to invest their extra assets that way for scale).

Ms. Schweikart stated the regulation will need to have some set time period for retraining in addition to retraining for noncompliance.

Mr. Baird stated that three years should be the most time allowed for routine retraining. A lot of equipment companies require retraining every year or two years. Mr. Laing agreed that three years should be the outermost limit.

Ms. Schweikart stated Class C should be annual retraining; Mr. Baird and Mr. Laing agreed.

Someone asked if you are the only employee in attendance and you aren't trained as a Class C are you in violation? Mr. Ellison said yes from what EPA's guidance implies. If you're open for business are you required to have a Class C? Mr. Ellison said yes.

The TAC asked whether the regulation would supply the "xyz" criteria that are needed for Class C certification? Mr. Ellison responded that a training criteria (course syllabus) outline would be in DEQ guidance for all to follow.

Mr. Laing then suggested that DEQ should hire someone to set up a training course available on the DEQ web site.

Mr. O'Conner stated that his group would not be in favor with outsourcing to a private company for providing the training because of high costs.

Mr. Laing stated that online service could be made secure through the use, for example, of a social security number.

Mr. O'Conner asked for the next step in the operator training development process.

Mr. Ellison offered to send out the results of research on different operator training approaches and prepare a beginning draft with the basic EPA Guideline requirements.