

# LEAKING HEATING OIL TANKS CLEANUP PROGRAM STAKEHOLDER GROUP MEETING

## MEETING NOTES STAKEHOLDER MEETING – SEPTEMBER 3, 2015 DEQ CENTRAL OFFICE 2ND FLOOR CONFERENCE ROOM

### Meeting Attendees

The following members of the stakeholder group attended the meeting:

Lindsay Trittipoe; Penn Staples; Cindy Davis; David Beahm; John Pollard; John Butcher; John Diehl; Mike O'Connor; Lance Gregory; James Golden; Betty Lamp; Keith Cannon; and Anthony Moore.

### Welcome and Introductions (Angie Jenkins):

Angie Jenkins, DEQ Policy Director, welcomed the stakeholders to the meeting and discussed some general meeting logistics and stakeholder meeting guidelines. Angie Jenkins has been serving as meeting facilitator for this stakeholder group. Melissa Porterfield took notes for the group. Ms. Jenkins asked for introductions from all stakeholders in attendance. This is the third and final meeting of the stakeholder group.

Ms. Jenkins noted that the General Assembly had directed DEQ to convene this group of stakeholders to advise the Department regarding current guidance and policy governing the cleanup of petroleum releases. The General Assembly directed that the review examine if the Department's current guidance is being applied uniformly across regional offices; the adequacy of the Department's guidance with respect to the Commonwealth's groundwater protection regulations and the Department's technical regulations regarding petroleum spill remediation; and the appropriate deductibles.

At the first meeting on July 15<sup>th</sup>, consensus was reached on the following statement:

The Virginia Petroleum Storage Tank Fund should only be used for the purposes in Article 10 of Chapter 3.1 of title 62.1 of the Code of Virginia.

### Group Discussions (Angie Jenkins)

#### The appropriate deductible for homeowners

The group discussed the appropriate deductible and reached consensus on the following:

It is the consensus of the stakeholder group that the deductible for reimbursement under the VPSTF should remain at \$500.00 for home heating oil tank releases.

It is the consensus of the group that a significant increase in the deductible may have a detrimental impact on the proper management of leaking underground heating oil tanks as well as releases from aboveground tanks. Specifically, there may likely be a significant reduction in the ability and

willingness of homeowners to handle the cost of these events and thus they may tend to be managed outside the normal channels and without proper regard to the environmental impact.

It is the consensus of the group that the VPSTF was established for the purpose of protecting the environment for all Virginians – tank owners and non-tank owners alike. Funds raised through the .006/gal fee should be retained for the purpose of executing the mission of the fund.

It is the consensus of the group that the current funding mechanism with the \$500.00 deductible is working reasonably well. The fund accomplishes the goal for which it was established many years ago.

Adequacy of the Department’s guidance with respect to the Commonwealth’s groundwater protection regulations and the Department’s technical regulations regarding petroleum spill remediation

The group discussed this topic and reached consensus on the following:

Current guidance (Storage Tank Program Technical Manual DEQ Guidance Document #01-2024D, Fourth Edition, May 20, 2011), as written, is adequate with respect to the Commonwealth’s groundwater protection regulations and the Department’s technical regulations regarding petroleum spill remediation

Is guidance being applied uniformly across regions?

The group discussed this topic and reached consensus on the following:

Several reports suggest that some remediation decisions may have lacked uniformity due to the breadth of the current guidance. DEQ’s managers have assured the group that they are aware of the issue and are taking measures to prevent anomalous decisions.

The group recommends that a working group of DEQ staff and consultants be formed to collaborate on technical issues related to risk assessments and improving communication between DEQ and consultants.

**Process Going Forward (Angie Jenkins)**

DEQ will prepare a draft report by the mid to the end of October 2015. The draft report will be distributed to the stakeholder group for comments. This is a DEQ report; however, the agency does value the feedback of the stakeholder group. The final report is due to be submitted to the Chairmen of the House Appropriations and Senate Finance Committees by November 30, 2015.

**Meeting Adjourned**

The meeting was adjourned at 2:58PM.