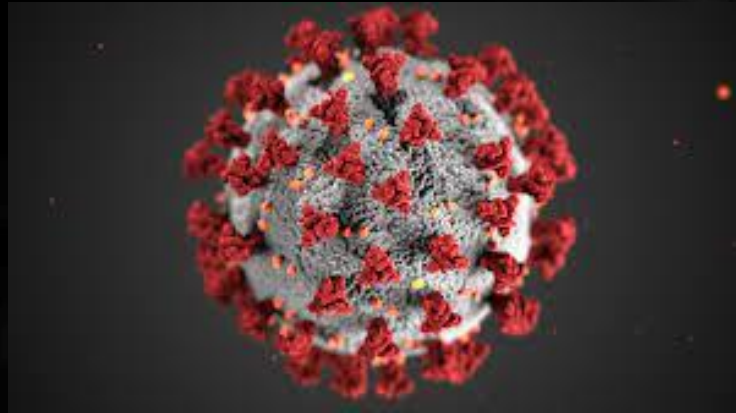


# Strategies for Dealing with COVID-19 Impact on USTs Compliance



*National Tanks Conference*

*Wednesday September 14<sup>th</sup>, 2022*

*Edward S. Kubinsky Jr.*

*Director of Regulatory Affairs, Training and  
Certification*

*CROMPCO, LLC / OWL*

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*[ed.kubinsky@crompco.com](mailto:ed.kubinsky@crompco.com)*

# Essential Employees?

PEI supported the petroleum industry and issued a letter on 03/20/2020 to its members that they could have employees carry in their work vehicles that help identify our industry's field workers as "essential employees" that keep the country's fueling infrastructure up and running and ensuring that we are continuing to protect the public & environment.



6314 E. 69th Street | Tulsa, OK 74133 | 918.494.9696

March 20, 2020

To Whom It May Concern:

During national emergencies such as the COVID-19 outbreak, continued operation of retail, commercial, aviation and emergency generator fueling systems is essential to the security and resilience of the nation's critical infrastructure. **Crompton, LLC and other members of the Petroleum Equipment Institute (PEI) make certain that goal becomes a reality.**

PEI ([www.pei.org](http://www.pei.org)) is the nonprofit trade association representing the companies that manufacture, distribute, service and repair the complex systems used to store, meter and dispense fuel for light-duty automobiles, heavy-duty trucks, commercial fleets and airports, as well as high-end commercial emergency power generators. PEI's 1,400 member businesses can be found in all 50 states and 81 foreign countries.

Gas stations, convenience stores, truck stops, fleet fueling facilities, aviation facilities, marinas, data centers and hospitals all depend on our members' expertise to keep the complicated electronic, mechanical and hydraulic components in their fueling systems fully operational. Because of PEI members' specialized training, experience and dedication:

- Long haul truckers can deliver urgently needed medical supplies.
- Moms and dads can buy food for their family at the local grocery store.
- Emergency vehicles are able to transport critical care patient.
- Hospitals and mission-critical data centers have reliable backup power.
- A rural accident victim can be life-flighted to a trauma center.

**PEI members stand ready to help our great nation fight and prevail in this current crisis. And PEI respectfully urges that all our members be recognized as essential services if and when any restrictions are imposed on normal commercial activities to slow the spread of COVID-19.**

Thank you for your consideration. If you have any questions or if I can provide additional information, you may reach me at: 918.236.3970 or [rlong@pei.org](mailto:rlong@pei.org)

Respectfully,

A handwritten signature in black ink, appearing to read "Rick Long", written over a horizontal line.

Rick Long  
Executive Vice President & General Counsel

# What did Crompco do for technicians?



We immediately purchased and provided:

- Additional supplies of gloves
- Ample supplies of masks for all (mandatory)
- Ample supplies of hand sanitizer for all trucks (southern crews made homemade sanitizer when it was hard to find and distributed to all crews around the country)

# What did Crompco do for technicians?



- No more entering the c-stores and interacting with personnel unless absolutely necessary
- No more requiring customer signatures on laptops on job sites (to prevent spread)
- Adhering to customer's COVID policies (challenging as many were different)

# What did Crompco do for technicians?

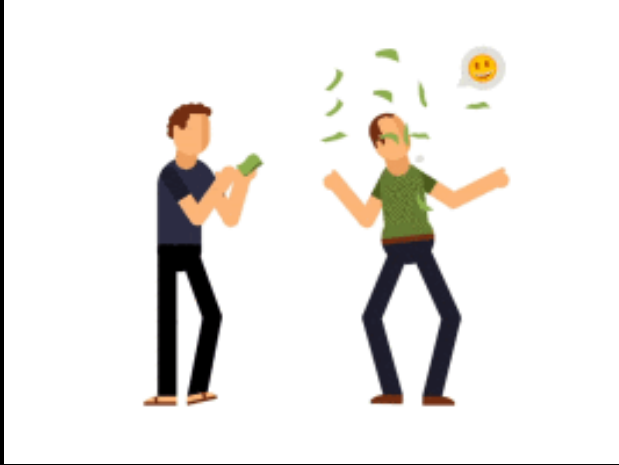


Crompco recognizes that our technicians are our bread and butter, they're the "boots on the ground" and without them performing our field services, we as a company were in trouble.





# What did Crompco do for technicians?



Every field technician in good standing with the company received on multiple occasions during the height of COVID:

- Multiple bonuses for their continued dedication to doing their important field work
- Gift cards to treat their families out to eat for putting themselves out there
- Paid time off as needed if exposed



# Cromptco office staff?

- Immediately implemented “work from home” policy for all (it was well over a year until some returned to the office even just once or twice a week). Only a few staff continued to work in the office regularly throughout the pandemic to keep the lights on
- Implemented mandatory vaccination policy to work in the office or test weekly and mask up while in the office to protect all employees

WFH

/wɜrk frəm hæʊm/

noun

1. Stands for “Work From Home”.  
Salaried employment involving  
a 30 second commute  
from bed to desk.

# Cromptco office staff?

- A hybrid work policy is still in effect where many are working from home a couple days a week and that is still the norm for a majority of office staff
- Everyone learned how to proficient at work using ZOOM, Microsoft Teams, WebEx....etc.

WFH

/wɜrk frəm həʊm/

noun

1. Stands for “Work From Home”.  
Salaried employment involving  
a 30 second commute  
from bed to desk.



# What About Scheduling Compliance Work?

- Inspections still needed to be conducted
- Routine testing was still required to be done within required timeframes
- Equipment had been ordered, permits received and work was scheduled and on the books

# What About Scheduling Compliance Work?

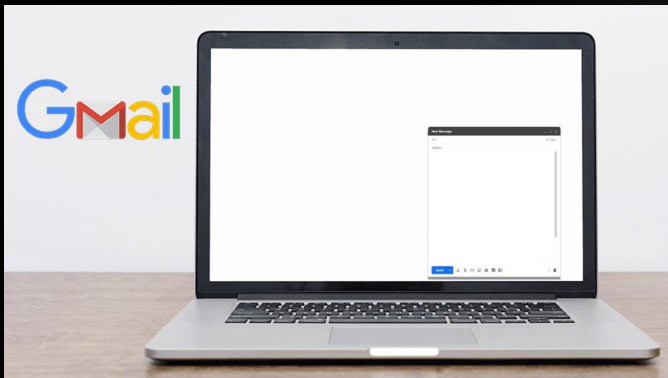
- Licensed individuals needed to get their continuing education in order to renew licenses

How did some states handle UST compliance-related issues due to Coronavirus?

Answers and solutions to these problems were needed things had to happen quickly!

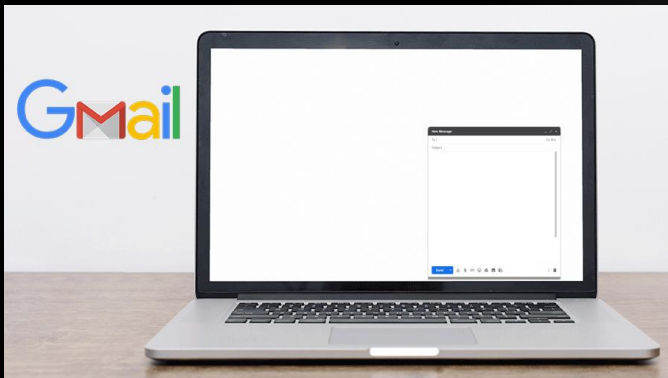
# What About Scheduling Compliance Work?

- Customers had questions about:
  - Will testing, repairs and work still be performed by vendors?
  - Will they receive a NOV for any testing or inspections performed late?
  - How are states handling this?



# What About Scheduling Compliance Work?

Crompco's compliance team immediately began reaching out to states to find out.....



# Scheduling Compliance Work

Some states put out a MEMO to certified contractors and developed a form to be submitted to explain the circumstance with any compliance-related issues:



## MEMO

TO Certified Tank Handling Companies

FROM Kris A. Shiffer  
Chief, Division of Storage Tanks  
Bureau of Environmental Cleanup and Brownfields

DATE April 2, 2020

RE Tank Inspections and Installations During COVID-19 Response

On March 19, 2020, Governor Tom Wolf ordered that no person or entity shall operate a place of business in the Commonwealth that is not a life-sustaining business. Life-sustaining businesses may remain open, but they must follow, at a minimum, the social distancing practices and other mitigation measures defined by the Centers for Disease Control and Prevention to protect workers and patrons. A list of life-sustaining businesses that may remain open can be found at <https://www.governor.pa.gov>.

DEP-certified tank handling companies employing certified inspectors and installers play a critical role in the manufacture and supply of goods and services necessary to sustain life. Failure of storage tank systems and storage tank components to remain in a good state of repair and function as designed could contribute to a release of product. After receiving additional clarification and until further notice, inspection, upgrade, repair and testing activities that are performed by DEP-certified tank handling companies may continue. Third-party inspection activities required by storage tank regulations to identify storage tank system and component failures may also continue.



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

## COVID-19-Emergency Request to Temporarily Suspend Regulatory Requirements and/or Permit Conditions

In accordance with Governor Wolf's Proclamation of Disaster Emergency of March 6, 2020 and the Governor's powers pursuant to the Emergency Management Code, 35 Pa.C.S. §7301, the Governor has authority to suspend regulatory obligations and other legal obligations within his jurisdiction where strict compliance will prevent, hinder, or delay necessary action in coping with the COVID-19 emergency.

\*If you are requesting suspension of a Federal requirement, under only Federal authority, please contact US EPA Region III and refer to the US EPA March 26, 2020 Memorandum (COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program). To the extent the request relates to a federal program delegated to Pennsylvania, Pennsylvania will review requests submitted in this format.

Submit completed and signed requests to the email resource account:  
[RA-EPCOVID19SuspReq@pa.gov](mailto:RA-EPCOVID19SuspReq@pa.gov)



### Background

A. Identify the Regulated Entity or Permittee, including an address for the location of the permitted or regulated activity (if no address, DEP Permit No. can be used), and a point of contact for this request with email and phone number.

B. Describe what permitted or regulated activity you are engaged in.



# Scheduling Compliance Work

Some states put out a COMPLIANCE ADVISORY ALERT:  
[https://www.nj.gov/dep/enforcement/advisories/2020-10.pdf?utm\\_medium=email&utm\\_source=govdelivery](https://www.nj.gov/dep/enforcement/advisories/2020-10.pdf?utm_medium=email&utm_source=govdelivery)

## Maintain Compliance:

All regulated entities shall make every effort to meet with their environmental compliance obligations. However, entities who believe their compliance efforts to be at risk due to circumstances created by or directly related to the COVID-19 pandemic are encouraged to contact the DEP immediately at [14dayUSTnotice@dep.nj.gov](mailto:14dayUSTnotice@dep.nj.gov).

If a facility stops operating on a temporary basis, the owner and operator must remain in compliance with all applicable UST requirements, including but not limited to release detection monitoring, maintenance of the cathodic protection and spill and overfill prevention systems, and conducting necessary inspections. Owners and operators must also ensure any temporary closure of an UST system follows the DEP's UST rules at N.J.A.C. 7:14B-9.1.

# Scheduling Compliance Work

Some states put out an email to certified contractors and posted information on their webpage to help provide guidance to owner/operators on compliance:

**From:** Maryland Department of the Environment <[MDMDE@info.maryland.gov](mailto:MDMDE@info.maryland.gov)>

**Sent:** Tuesday, April 21, 2020 12:49 PM

**To:** Dave Miller <[dave.miller@crompco.com](mailto:dave.miller@crompco.com)>

**Subject:** Maryland Oil Industry

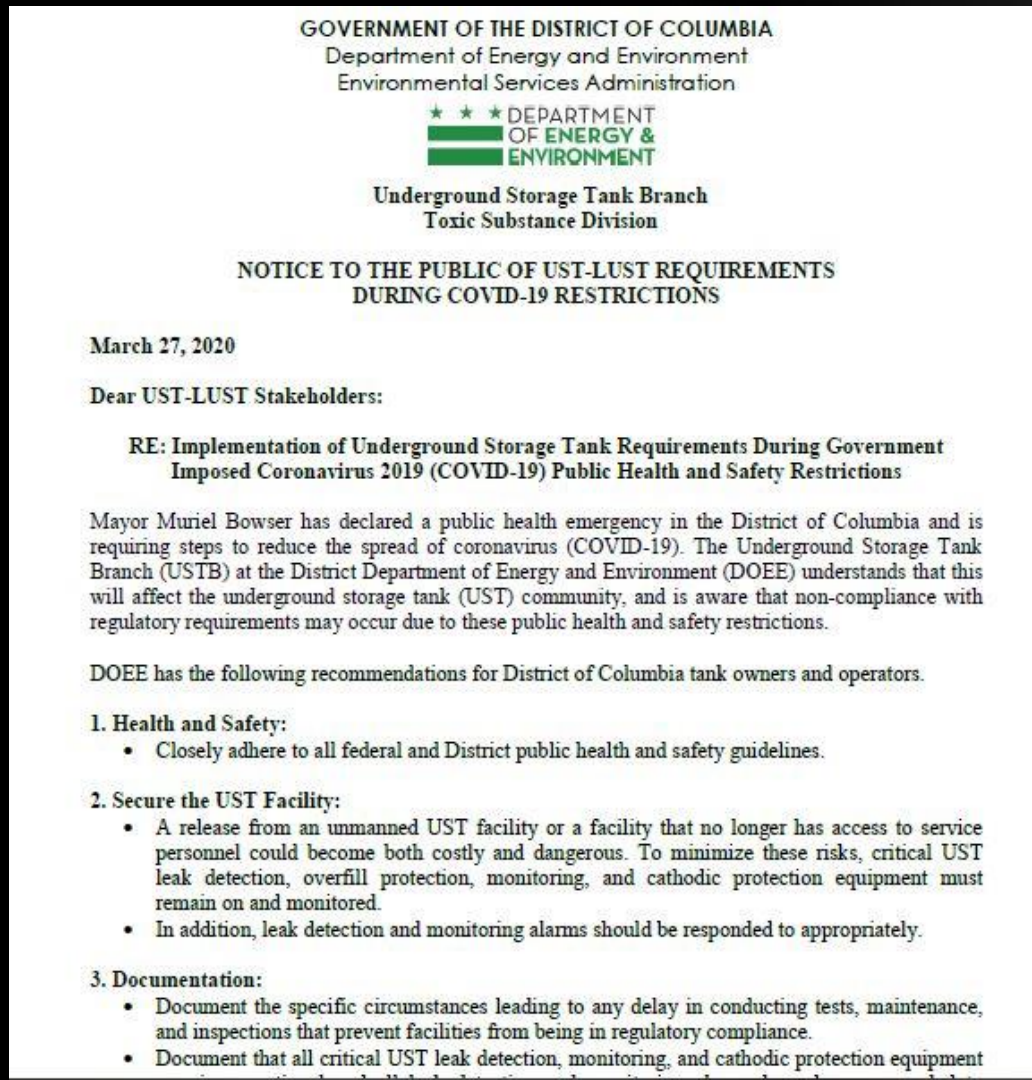
Maryland Oil Industry Stakeholders:

OCP remains committed to the protection of public health, public safety, and the environment during the COVID 19 emergency and continues to expect the regulated underground storage tank (UST) system community to comply with applicable state law and regulations and any corrective action or remediation projects, including where periodic site monitoring is required. MDE recognizes that impacts of the COVID-19 emergency may present challenges for the regulated UST system community or interfere with UST system operation and maintenance and other UST system activities. These impacts may also disrupt or delay certain UST system operation and maintenance activities including but not limited to UST system removals, site monitoring, and corrective action and remediation work.

In the event that an owner or operator of a UST system or other regulated entity will be delayed or unable to timely perform a required UST system operation or maintenance, or other UST system related activity due to the COVID-19 emergency, the UST owner or operator or other regulated entity must immediately notify OCP and provide detailed information regarding the delay or inability to timely perform the specific required UST system activity; and provide OCP with an assessment of the potential for risks to the public health, public safety, or the environment if the requirement is not timely performed or is delayed; and steps that can be taken to mitigate any such risk. OCP will consider any need for flexibility or request for OCP to exercise enforcement discretion on a limited, case-by-case basis.

# Scheduling Compliance Work

Some states put out an email letter to all stakeholders on what to do:





# Scheduling Compliance Work

Some states put out an email letter to all stakeholders on what to do:



## **Underground Storage Tank & Stage I Vapor Recovery Guidance During State of Emergency for COVID-19 Pandemic**

**(Issue Date: April 28, 2020)**

Effective March 10, 2020, and until 45 days following the termination of the state of emergency, the Massachusetts Department of Environmental Protection (MassDEP) is implementing the following Guidance resulting from the COVID-19 pandemic, and pertaining to the requirements specified below for the following MassDEP regulations:

- A. The Stage I Vapor Recovery Regulation (310 CMR 7.24(3))
- B. The Underground Storage Tank Regulation (310 CMR 80.00)

MassDEP will coordinate with other agencies in situations where MassDEP shares jurisdiction over a regulated entity's environmental compliance obligations. MassDEP will amend and update this Guidance if MassDEP determines modifications are necessary.

**All other Stage I vapor recovery requirements under 310 CMR 7.24(3) and underground storage tank requirements under 310 CMR 80.00 not identified below are in effect and shall be met.** MassDEP expects that all regulated entities will continue to operate in a manner that is safe and protects the public and the environment.

This document does not constitute "final agency action," and is not "regulation" as that term is used in M.G.L. c.30A. It may not be relied upon to create rights, duties, obligations or defenses, implied or otherwise, enforceable by any party in any administrative proceeding with the Commonwealth. In addition, this Guidance does not exempt any person from complying with any other applicable local, state or federal law.

# Scheduling Compliance Work

Some states simply responded to emailed questions about what to do:

Regarding the UST/AST Compliance Program specifically:

- 1) 3 year UST Compliance Inspections: project officers will be conducting “virtual” inspections of federally regulated UST facilities in the State to continue to meet our EPACT and EPA grant commitments (3 year inspection rotation). Project officers will reach out to owners and operators of sites with inspections coming due, asking them to supply via email, all information needed for DNREC to evaluate compliance at their sites – this includes records demonstrating periodic equipment testing, release detection, overfill prevention, inventory control, corrosion protection, 30-day walk around inspections, daily vapor recovery inspections, annual vapor recovery permit testing, etc. We will also be requesting photos of things like dispensers, sumps, color coding, tank volume markings, etc be emailed along with documentation of compliance. Since much of what we look at involves recordkeeping, we should be able to accomplish an adequate review. We will schedule an onsite visit later, if needed for follow-up, depending on the completeness of the submittal we receive.
- 5) UST/AST Vapor Recovery Permits & Testing Notifications: applications will continue to be received, advertised (if needed) and processed as normal by the engineer, vapor recovery testing coordinator, program manager, program administrator and admin specialist. Vapor recovery permits for construction and operation will be issued as normal. Owner/operator is expected to maintain compliance with vapor recovery permits by conducting routine inspections and annual testing of the UST or AST system.

It is DNREC's expectation that regulatory compliance is fully achieved and all efforts are taken to protect public health and the environment. However, if there are situations that prevent full regulatory compliance, DNREC will evaluate those situations on a case-by-case basis. The specifics of the non-compliance occurrence must be documented in the owner/operator's facility records, with a detailed explanation as to why compliance could not be achieved.



# Scheduling Compliance Work

Some states simply responded to emailed questions about what to do:



FINAL RESPONSE FORM TX TCEQ Regarding Monthly Inspections at Service Stations & Covid-19 in TX



This message was sent with High importance.

EPA is emphasizing that if these facilities are continuing to operate then they need to maintain compliance, and in Texas it is ultimately the owner's responsibility to maintain that compliance. We do offer an enforcement variance request process for if compliance is unachievable, for example if a tester is not available for triennial testing within the required timeframe. This process was not necessarily designed for facility owners choosing to deny access to the technicians but if the owners would like to submit a variance request for review they may.

In order to submit a variance request for review, the facility owner will need to email both [OCE@tceq.texas.gov](mailto:OCE@tceq.texas.gov) and [Ramiro.Garcia@tceq.texas.gov](mailto:Ramiro.Garcia@tceq.texas.gov) with specific information related to enforcement discretion requests. The TCEQ's goal is to provide a response to the regulated entity's request within 24 to 48 hours.

The email should at a minimum include the following:

- Concise statement supporting request for enforcement discretion
- Anticipated duration of need for enforcement discretion
- Citation of rule / permit provision for which enforcement discretion is requested

Regulated entities must maintain records adequate to document activities related to the noncompliance under enforcement discretion, including details of the regulated entity's best efforts to comply.

Any questions regarding this guidance should be directed to the OCE email box and a response will be provided.

# Scheduling Compliance Work

Some states took a tougher position on the issue:

“There will be no amnesty or leniency granted for noncompliance with the Petroleum Bulk Storage regulations due to the coronavirus.

The purpose of compliance with the PBS regulations is to prevent releases of petroleum, thereby avoiding environmental contamination and ensuring public health and safety. As you can imagine, these are ongoing concerns, coronavirus or not.

If facilities are concerned that they may not be able to continue operating their tank systems due to fears over this virus, they are always free to take the tank system out of service and empty it until they can return to normal operations.”

# Continuing Education for Certified Individuals

States implemented virtual training for individuals that need CE in order to maintain their licenses and certifications. And some of this online continuing education continues today.....

Name \_\_\_\_\_  
Last First MI  
DEP Client ID# \_\_\_\_\_ Certification # \_\_\_\_\_ Certifications \_\_\_\_\_  
Employer \_\_\_\_\_  
Primary Phone \_\_\_\_\_ Alternate Phone \_\_\_\_\_  
E-mail Address \_\_\_\_\_


SOUTHEAST REGION - NORRISTOWN  
☐ Thurs., April 28, 2022 (IAM/IAF/ADM)  
☐ Thurs, October 13, 2022 (IUM/ADM)

SOUTHWEST REGION - PITTSBURGH  
☐ Wed, May 18, 2022 (IUM/ADM)  
☐ Wed, September 28, 2022 (IAM/IAF/ADM)

NORTHEAST REGION - WILKES-BARRE  
☐ Thurs., June 23, 2022 (IUM/ADM)  
☐ Wed., November 16, 2022 (IAM/IAF/ADM)

NORTHWEST REGION - MEADVILLE  
☐ Tue, May 17, 2022 (IUM/ADM)  
☐ Thurs., September 29, 2022 (IAM/IAF/ADM)

SOUTHCENTRAL REGION - HARRISBURG  
ONLINE WEBINAR

 **2022 Annual UST Professional Refresher  
Registration Form**  
Adventureland Inn, 3200 Adventureland Dr, Altoona IA  
Friday January 21, 2022

The Iowa Department of Natural Resources Underground Storage Tank Section accredited this program for 8 hours of continuing education credits for renewal certification.

Please register by January 11, 2022 to secure your space at the training. Admission: Free.

Name: Jacob Long Company: Crompco, LLC  
Address: 1815 Gallagher Road  
City: Plymouth Meeting State: PA Zip: 19462  
Phone: 610-633-9732 Email: ed.kubinsky@crompco.com

Options to Attend (Friday, January 21, 2022):  
☐ In Person: COVID social distancing precautions are being taken for those attending in person. Class size will be limited. *It will be first come, first serve so register early if attending in person.*  
☒ Virtual: GoToWebinar\* will be used to present and you will need a computer to view the presentations. An individual email for each attendee must be provided with registration. The GoToWebinar\* call in number will be sent out the week prior.

Attendees Email: jacob.long@crompco.com cell: 770-815-5630

Crompco, LLC x Rutgers: Regulatory Training in USTs x +

rutgers.instructure.com/courses/87428/discussion\_topics/1043218

**RUTGERS**

EW0201WA21 > Announcements > Regulatory Training in USTs Starts Today!

Continuing Education

Home

Announcements

Modules

1 Section

Regulatory Training in USTs Starts Today!  
JACQUELINE FINDBA (owner)

Good Morning, and welcome to the first day of Regulatory Training in USTs

If you have not done so already, we highly recommend uploading your ID

 **REMINDER**

**Spring 2022 Virtual Training for Certified Underground Storage Tank Installers & Inspectors**

Wednesday, March 23, 2022  
8:00 AM - 12:30 PM ET

# OVERALL SUMMARY

I'm very proud of the way this industry responded and worked together during the pandemic to meet our needs:

- Kept people working and doing their work safely (not all people we so lucky to continue working)
- Continued to protect the public and the environment by doing our work
- Continued to keep owners in compliance by scheduling routine testing as best we could

# OVERALL SUMMARY

I'm very proud of the way this industry responded and worked together during the pandemic to meet our needs:

- Industry organizations supported their membership's need to continue to keep things moving
- Regulatory agencies were flexible and found solutions to the problem



# Thank you!

Edward S. Kubinsky Jr.

Director of Regulatory Affairs, Training and  
Certification

CROMPCO, LLC / OWL

O: (610) 276-5914 C: (610) 633-9732

[ed.kubinsky@crompco.com](mailto:ed.kubinsky@crompco.com)