ILTA Weekly Terminal Industry-Peer Exchange Call
April 23, 2020
4:00 PM – 5:00 PM EST
Participants – 65

Updates and Announcements

- Regulatory Affairs – Peter Lidiak and Jay Cruz
  - No significant updates on state/federal RVP waivers, -- only received one clarification from New Jersey that aligned its stance with the EPA’s waiver.
    - **M Trottier, APEX Oil** - NY also released an update
  - FEMA is shipping out masks to industry (at industry request) through USPS this week and will likely arrive by Friday. (ILTA notified members of this opportunity, and members provided orders). FEMA did its best to match requests but was not able to meet all large orders. It will roll surplus over to the next round of orders.
    - Some difficulty for smaller members to order masks from FEMA as there was a minimum, so ILTA is working on ordering masks in boxes of 50 that it will dispense upon request.
    - FEMA is running Sky Bridge, using government flights to bring in PPE supplies, allocating 50% to hotspots, and the rest to distributors.
    - **Andy** – Found supply of disposable, level-1 paper masks with the expectation that they will become hard to find in the near future as states open up. Some price gouging but ILTA has found a source to get them in the first week of May and will look to buy a thousand
  - **TSA released a technical bulletin on TWIC expirations. Peter Lidiak sent this guidance to the EHS&S committee this morning**
  - **ILTA is working on a letter to OSHA on following CDC guidelines and how to record COVID-19 cases properly**
    - Currently, in the draft process, about half a dozen companies have assisted in developing. ILTA will send it to Safety Subcommittee for review
  - **ILTA requested meeting with EPA on out-of-service tank inspections, EPA asserted its enforcement policy of late March still applies. ILTA wants EPA to clarify that workable in-service inspections may be used and continues to seek discussion with the agency.**
  - **ILTA can put members in contact with robotic inspection company if service needed, will maybe look to include them in future call**
    - **Kathryn** – Is anyone interested, or has anyone used the service?
    - **Don Krain** – Been some years, if you have a large amount of sediment in the tank, can present problems for the robot
- No immediate interest in having a speaker on the topic right now

- **Legislative Affairs – Andy Wright**
  - Congress is in session for the first time in a while, looking to add $350 billion to business loan funds
    - Will pass and will be signed by President
    - Expects to see further money added to fund in the future.
  - Congress is now turning to the fourth stimulus project aimed at states/localities to make up for the loss of taxes. This will likely take longer.
  - Andy meeting with the Waterways Council on WRDA waterways issues/appropriations
    - Probably a short-term extension passed until the end of the election cycle as not many appropriations bills to be passed this summer.
  - A lot of talk around an infrastructure package to help mitigate some unemployment. Projects aimed at “shovel-ready” initiatives, i.e., ports, waterways, roads, highways, etc.
  - CFATS coalition met on the morning of 4/23 on congressional short/medium-term extension of the CFATS program; Sen. Johnson remains an obstacle to more than a short term extension. The House may be looking to add an 18-month extension to the next stimulus package but will want to know if the Senate will pass it.
    - Senate Dem/Reps staff continue to work on the bipartisan extension,

- **Organizational Affairs – Kathryn Clay**
  - Will potentially come back to members for a list of “shovel-ready” projects to propose to Congress on an infrastructure bill
  - I had a conversation with a reporter from Bloomberg on why the terminal industry is critical and why we need flexibility for conducting inspections. Looking to do further discussions with the press on the matter of the importance of the terminal industry.

**Participant Questions and Discussion**

- **JPayne** - Has there been any discussion around extending USCG annual hydro testing for docks and associated piping?
  - **Peter** – Had not heard anything but will follow up on it with USCG
  - **Roy Nash** – Sent question to USCG

- **Don Krain** - Has OSHA provided any guidance regarding annual HAZWOPER refresher training? Social distancing makes it challenging.
  - **Peter** – Has not seen anything personally but prep exercises are suspended, as recommended by USCG
  - **BURNSM1** – OSHA’s general COVID19 guidance addresses HAZWOPER training: “An employer operating a site where there is potential for the release of hazardous materials uses a contractor for emergency response and containment. That same contractor also conducts training for all employees working on-site
that may be exposed to hazardous substances during a release. The annual training was scheduled to take place at the end of March 2020 but was canceled due to the plant shutdown following state and local mandates. OSHA will not cite the employer for failing to conduct the annual refresher training, provided the employer shows a good faith effort to reschedule the training as soon as the shutdown has been lifted.”


- **Peter** – How are states handling certification that trailers can hold vapors with some testing shops closed?
  - **Don Krain** – Can only load terminals with up-to-date testing
  - **Jim Dugan** – Same, have to make sure everything is up to date with proper paperwork/testing. If not, it will not load the tank. Its not just a vapor issue but also a safety issue. So far, not a significant issue across his company but is happening here and there, likely due to a reduction in demand.
  - **Keith Ocheski** - Tests are annual and normally done in truck shops. State-by-state but should hopefully be able to find at least one shop open

- **Andy** – Had a call with Congressional Research Service on the shortage of storage capacity for fuel/petroleum in the Gulf Coast. Reporting out of DOE says only 60% utilization, though. Is there any problem with access?
  - **Kathryn** – Most tanks not filled, but remaining space is contracted out already.
  - **Jim Dugan** – Issue is primarily tied to crude space. Space is leased to customers, but if customers don’t use their space, there is nothing much anyone can do unless the leaser decides to sublet.
  - **Vince DiCosimo** – Agrees with Jim, oil still moving and some space still available/not utilized but not much

**Upcoming Action Items:**

- **Jay**
  - Add NY 4/21 fuel waiver to list

- **Peter**
  - Follow up with USCG on annual hydro testing for docks and associated piping

- **Andy**
  - Follow-up with Vince DiCosimo on storage issue/reporter calls