

Agenda

Department of Natural Resources and Environmental Control

Underground Storage Tank Advisory Committee Meeting

April 12, 2017

Introductions	10:00-10:05
Review of the Minutes from January 24, 2017 Meeting	10:05-10:15
Discussion of draft regulations: Part A Requirements	10:15-12:00
Lunch Break	12:00-1:00
Discussion of draft regulations: Part B Requirements	1:00-2:45
Goals for Next Meeting	2:45-2:50
Public Comment	2:50-3:00

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Name (Please Print)	Address	Phone Number	E-mail address
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Elina Vokonas			

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Name (Please Print)	Address	Phone Number	E-mail address
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Name (Please Print)	Address	Phone Number	E-mail address
David Petersen	2431 Annie Cir Chesapeake VA	407 403 2995	david.petersen@7-11.com
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MIKE MOYER	DNEEC - LUKENS		MICHAEL.MOYER@STATE.DE.US
Cheryl Hess	Calpine		Cheryl.hess@Calpine.com
Bulan Fawcett	DUREC		

RSVP's UST Advisory Committee Meeting – April 12, 2017

Steve Stookey will not be attending. He is out of town until Thursday.

Doyle Tiller will not be attending.

Name	Company	Email	Phone Number
R.T. Leicht	Fire Marshal	R.T.Leicht@state.de.us	
William P. Kachel, Jr.		wpkinc@verizon.net	610-444-1169
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4/12/17
USTAC

Introduction ^{What makes} a good regulations -

Review of 1/24/17 meeting minutes
Motion to Approve

Purpose of USTAC - Presentation

- Ground Rules -

Promulgation Schedule

EPA + State Regs

EPA review 7-9/2017

Draft Changes to UST Regs

Del. Regs Part A-E

Uncontained Sump Concerns

Part A - 1

Sec 2. Definitions of Suppl Hydrot Fuel System -
Class A, B + C operators - courses with Fed Regs

Conceptual Site model (CSM) on remediation side
written description of contamination

Containment Sump equal to EPA

Day - means calendar day
Dispenser & Dispenser systems - EPA def.

SC - Year values should be included in def of
Dispenser System

Field Conducted test - going to EPA definition

Functional Control - including but not limited
to . . .

A liquid tight - need to exist - change to
be consistent with lang in Fed Register

Mobile LNAPL -

Main or Underground Storage Tank System

Motor Fuel - EPA

Prod & reg definition eliminated

Repair - EPA definition

Repair, retrofit & upgrade - need to be more clearly
defined - Thomas Luskin

Luskin - piping run should be more clearly defined
Lori ^{add} language re: connection points for flexible
piping run

Secondary Containment - used EPA definition
Statistical Inventory Recon. (SIR) - consistent w/ EPA
Training Prog - consistent w/ EPA
Under Suspense Cont. LPO - added phrase
~~Upgrade~~ Upgrade -

A Russian

Observation Tubes - definition needs to be more
inclusive - will permit formal comment

3) Referenced Standards

- Applicable additions or versions -
don't use the word "applicable" - Cheryl Hess

3.2.1 -

Rating systems - - Changes to names of documents
& some new added

Registration & Validation Required, accountability

- implement 90 day time frames - same as A5T
- Ellen Valentino - need to be first into section

4.4.3 - Added predicted bill of sale

Sec. 10 - Operator Training

Changes consistent w/ Fed Program

Sec 11 - NFA - must use certified contractors

Part B - 3 sections

- 1) tanks installed after 1/11/08
- 2) prior to 1/11/08

Section 1 ~~1.1~~ 1.1 gen requirements Storage Reg. Sustained
no comments

HF less than 1100 g. release reporting
> 1100 Section C

1.2.4 - replacing effective date with 1/11/08
last sentence - will unstrike - upgrade
local gov may be more stringent than
state

1.2.5 unstrike

1.3.1.1. added STP 3 tank for clarity

1.4.3.4 - clean up on release detection req.
- para struck

1.5.2.6 - address ^{sentence for} strike plate

1.6 - no changes proposed to Cytotoxic prot req.

1.7 - no " "
no feedback

1.8 - same - no changes

1.9.1.1.5 - ^{- added} Statistical Inventory Rec. (SIR)
- methods not approved
- added Fed language

~~1.9.4.3~~

1.9.4.2 - visual inspection of cont. Sumps every 30 days -

Josh Worth - should be reevaluated to every 6 months - Sandy Carl second if sensors in Sumps

1.9.4.3 Clarifying

1.9.5.1.3 - EV - requirements impossible. -
more stringent than Feds: onerous requirement - need rationale why can't use Feds 3 years -
- Alex - in owner's best interest to have results for life of system.
- can prove yourself innocent of release

BP - sometimes records get lost in transfer of ownership
- EV - need regulatory impact statement on this reg - Alex disagrees
- Alex - we will consider Fed Benchmark

TR

- 1.10.3 - Cathodic ~~part~~ - hold down systems
TR - tanks or DE 2-3 feet deeper
than other areas -
- is it practical is it protecting env?
has there been a problem
- other states don't address it at all
plus - we will consider

1.11 - no changes

1.12 no changes

1.13 no changes

- 1.14 TR comment - 1.14.3 - 1/8 in slope - reevaluate
for slope - is 1/8 inch slope necessary with
pressurized system
- BF, we are preparing
- there will be future discussion on this
before final draft
would affect fire leak detect

1.14.1 no changes

1.15.2 - added disassembly to sentence

1.16 - no changes

1.17 - ~~action~~ no changes

1.18.2

1.18.5 new language re release detection
monitoring
- need to check if identical or release
detection

1.19.1.5

1.19.1.6 - Piping test method not feasible
EPA throughput out

Low -

1.19.2.1 - TR may or shall ? -
Aup to work out -

1.20.3 - redundant refer to 1.19.2.1

1.21.9 EV -
more stringent than Feds. Testing
Spill Buckets

1.22 - Overfill prevention
phase ball floats out altogether in 3 years
EV - expensive to have ball floats
- doesn't need a deferral time
if not a problem
EV - will need rationale for 3 year time
limit -

bill float cost to be removed
EV - do you have data that it
is doing harm - need national
& cost analysis - this is expensive
Q - not have 3 year phase out.
A - be like Fed - 3 year inspection
of outfit

1.23 - no changes

1.24 - no changes

1.25 - Containment Sump requirements
changed to Fed - early 30 months

1.25.2 - new - single wall
A - add more specific language to
identify which pump.

1.25.4.2 - lower testing

1.26. no changes

1.27.3 - testing for sump & interstitial space
- where sensors located
- TR - doesn't work for a wet space
- needs to be at high

1.28 - repair upgrade & retrofit

1.28.1

1.29.77 - spill containment devices -
inlets of spec sensors

1.30 . no comments

1.31.1.5 - hand held release dot group
- Fed requirement

1.32.3 keep the language

1.33 - all new - marina facilities

Do outreach to marina trade
group

Next meeting May 10, 2017

Finish Part B

Give Post Spread Sheet of Changes

Public Comments

USTAC Advisory Committee

Meeting Minutes

January 24, 2017

Opening

The USTAC Advisory Committee was called to order at 10am on January 24, 2017 in New Castle, DE by Alex Rittberg.

Present

Ted Beck, Frank Brightback, Chris Brown, Kenneth Brown, Sandy Carl, Todd Coomes, Marj Crofts, Tim Desceppe, Mark Devey, Nina Dietrich, Ross Elliott, Barbara Fawcett, David Gilden, Shelley Grabel, Tony Gubitosi, Michael Hayes, Cheryl Hess, Rubin Hughes, William Kachel, Ed Kubinsky, R.T. Leicht, David Lerner, William Logue, Tony Lopez, Jim Maddox, Karen Marshall, Antar Nagi, Richard Negrete, Charles Rhodes, Alex Rittberg, Mulchtiar Singh, Randy Smith, Kathy Stiller, Steve Stookey, Doyle Tiller, Jennifer Vavala, Mark Whitfield, Melissa Wilmot-Bruno, Josh Worth, Joseph Zay

Minutes

1. Presentations were presented by Alex Rittberg and can be found at <http://www.dnrec.delaware.gov/tanks/Pages/default.aspx>
2. Opening remarks:
 - Motion to approve minutes from previous meeting: Sandy Carl, Ed Kubinsky
 - Discussed Promulgation Schedule
 - Marj Crofts discussed how HSCA funding as well as General Fund revenue is down, and also explained that the President canceled all EPA grants and contracts, which is a major source of funding for TMS. Marj Crofts also explained that the Department has several information technology initiatives such as revamping the website and increasing the amount of data managed electronically, but these initiatives may be slow down if funding is suspended.
3. Discussion of the “List of Responses by the Participants at the State of Delaware’s Underground Storage Tank Advisory Committee Meeting on October 26, 2016 to the Question: What would you like the USTAC to work on?”
 - Reviewed talking points listed on handout for Common Themes, Program Administration, Website/Data Management, Training/Education, and Process Improvements (Installation)
 - Additional comments made during discussion of handout:
 - Develop ad-hoc committee that meets periodically like MD:

Alex: Rittberg will be talking with MD to find out how their committee runs

- Cleanups – Increase funding

Alex: Rittberg explained that Delaware's HSCA Funding is based on a gross receipts tax on the sale of gasoline so the revenues goes down when gas prices are lowered and the volume of gas sold stays the same. This means when gas is cheaper there is less money for environmental cleanups. Mr. Rittberg stated that quite a few petroleum release sites get addressed through the Brownsfield Program so you have to account for that spending when calculating how much HSCA funds are dedicated to cleaning up petroleum release sites.

- Can reporting by owner be done online and stored in database? To allow for statistical analyses of monitoring, detection hydro water level, water quality in wells.

Alex Rittberg stated that owners cannot report online at the present time, and that we are moving in that direction with several information technology initiatives relating to electronic content management and use of an Environmental Quality Information System or EQIS that manages soil and groundwater data from a lab electronically that is GIS based. Forms are currently printable fillable PDFs. The Departments Compliance Team is currently using tablets to store facility specific owner, equipment and compliance data when performing inspections.

- Date all regs – updates on website to ensure we are using current regs.

Alex Rittberg stated that regulations links on the web direct you to the authenticated version of the regulations supported by the Registrar of Regulations. Sometimes previous versions are referenced when you need to check which regulations were in effect when a UST system was built to determine compliance requirements.

- Website search field – able to search for specific questions (i.e., when is training required? what are reporting requirements?). Allows you to click on that section of the regulations.

Alex:Rittberg stated that the Department is in the process of redeveloping the webpage so that it can be user friendly. Alex then showed the USTAC where guidance documents and forms are located

on the current Tank Management Section website. Alex then explained that the Compliance Assistance Manual is written in plain English with pictures that describe what owners and operators need to do to stay in compliance.

Barbara Fawcett added that Department previously tried to add hyperlinks to the regulations, however this format is not supported by the Registrar's Office.

- Operator training and training materials.

Alex: Rittberg stated that the Department is currently partnering with Deltech to develop an online training course for operator training, along with a heating fuel course. Alex then confirmed with David Gilden that the first Heating Fuel course will be held at 391 Lukens Drive, New Castle on March 15th. The training has now been rescheduled to March 29th.

- Should DNREC develop a "tester" certification or registration?

Alex: Rittberg stated that we currently have a contractor certification for UST installation, retrofit, and removals. We certify companies and individuals. We also maintain a list of vapor recovery testing companies. We can look at updating our contractor certification to include knowledge of testing procedures.

Participants discussed how each state is different and referred to how some states require manufacturer training, DC just requires registration and submitting documentation (no exams), and other states require exams. It was suggested to have a registration form with a fee or add an additional certification under the contractor certification program. Marj Crofts informed the USTAC that the General Assembly needs to approve increases in fees.

- Outreach for tank owners and realtors.

Alex Rittberg stated that we have information on the web to assist realtors, and within the last two years have had Department staff speak about the change in UST Cleanup Liability to commercial and residential realty groups, home inspectors, and others interested in the topic. In addition the Tank Management Section has staff dedicated

each day to take phone calls from people interested in buying or selling property that currently has or once had a UST.

Shelly Grabel from Deltech, stated that could facilitate training programs for realtors that would help them fulfill their need for continuing education credits.

- UST Installation/Retrofit Process Improvements:
 1. Alex Rittberg then described that the Department had a meeting with Mid Atlantic Petroleum Distributors Association, Baker Petroleum, WaWa, Royal Farms, Sunoco, SMO on December 16, 2016 to discuss how to shorten the approval process for UST Installation plans and how to eliminate the need for multiple rounds of comments and re-submittal of documents.
 - Alex Rittberg summarized the meeting by stating that DEPARTMENT agreed to copy owners on deficiency letters sent to contractors or consultants that prepare the installation plans, and to share information concerning how other states conduct UST installation reviews. There will now be a mandatory meeting with the owner and their consultant/contractor when a review of a project takes more than three rounds of comments and submittals.
 - Participants asked if DEPARTMENT would meet prior to the 3rd round in the approval process. Alex said the Department would welcome requests to meet anytime in the process.
 - Shelley Graebel (Deltech) asked if a workshop/training course to go over the process would be beneficial.
 - Participants stated training should not be needed. Engineers follow the regulations and are paid to develop the installation plan.
 - Owners suggested that the Department keep a library of cut sheets describing specific equipment included in the UST installation plans, and for the Department to allow some retrofits (i.e. spill bucket replacement) to occur with only

notifying the Department versus obtaining written approval prior to work proceeding.

2. Alex Rittberg stated that the Department hired a second engineer for plan reviews (currently no backlog), and an installation plan checklist is posted on the website. Alex further explained that the Department now has a goal of reducing the average time from submittal to initial review to 60 days.
 - Participants were thankful that the Department will work towards this goal.
4. Discussion of Draft Changes to the UST Regulations (Presentation can be found on the website)
- Removing Deferrals for Field-Constructed USTs and Airport Hydrant Fuel Distribution Systems
 - Changed definitions of Airport Hydrant Fuel System and Field-Constructed Tank to be consistent with new federal definitions
 - Draft regulations are more stringent in that vapor or groundwater monitoring is not allowed for piping release detection.
 - Alex Rittberg asked participants if they had any feedback on whether vapor monitoring or groundwater monitoring should be allowed. Owners stated that the people attending the USTAC probably weren't the right people to answer this question and suggested to reach out to airbase to see if they have this system in place and any suggestions.
 - Removing Deferral for Emergency Generator USTs
 - Participants asked which tanks this applied to? Alex Rittberg responded that the changes in the regulations would apply to any tank containing a regulated substance that was greater than 110 gallons.
 - Operator Training Requirements
 - Making changes to definitions to be consistent with federal definitions.
 - It was asked whether combining training for A & B is still relevant.
 - Participants felt that it's a good idea for B operators to know terminology
 - Alex Rittberg explained that UST Operator Training now mandate that the training programs have a test – Deltech is already testing training participants that take the course currently offered.
 - 30 Day Walk Around Inspections
 - Alex Rittberg stated that 28-31 days will change to every 30 days

participated in the AST reg- rewrite and said great ideas were presented and this helped with the modification of the regulations.

- Monthly meetings from 9am-3pm with a lunch break were suggested by participants.
- Alex Rittberg stated that he would review the Promulgation schedule, build in more meetings and present/notify the group. New schedule will include topics to be discussed during each meeting as well. The July 1st EPA Review deadline does need to be maintained.

- Q: Should written comments be held off on and wait until the topic is discussed with the group?

Alex responded: no, still submit comments via e-mail to
DNREC_USTRegulations@state.de.us

Adjournment

The Meeting was adjourned at 11:55am by Alex Rittberg. The next general meeting will be determined and USTAC committee members will be notified.

Minutes submitted by: Jennifer Vavala

Approved by: Alex Rittberg



Purpose of USTAC

- The purpose of the Underground Storage Tank Advisory Committee is to provide feedback and assist the Department in developing changes to the Delaware Underground Storage Tank Regulations and improving Delaware's Underground Storage Tank Program.
- Members are expected to share their perspective and technical expertise to assist DNREC in these efforts.

April 12, 2017

Delaware USTAC



Agenda

- Introductions
- Review of the Minutes from January 24, 2017 Meeting
- Discussion of draft regulations: Part A Requirements
- Lunch Break
- Discussion of draft regulations: Part B Requirements
- Goals for Next Meeting
- Public Comment

- 10:00-10:05
- 10:05-10:15
- 10:15-12:00
- 12:00-1:00
- 1:00-2:45
- 2:45-2:50
- 2:50-3:00



Meeting Governance

Chair: Alex Rittberg and Co-Chair Lori Spagnolo (Primary Facilitators)
 Focuses on the process – the how of the session. Preserves the integrity and disciplined use of the process. Guides the process without directing it. Invites people to attend the meeting and designates them as committee members.

Committee Members Share responsibility for a successful group session with the primary facilitator.

Note Taker: Jenn Vavala Takes detailed notes of the meeting for distribution later.

Timekeeper: Sara Golladay Monitors how long the group is taking to accomplish its tasks. Provides regular updates to keep group members moving forward.

Meeting Governance

USTAC Meeting Ground Rules

- Start and End on Time
- No side conversations
- Respect the agenda
- Keep an open mind
- Respect differences of opinion
- No personal attacks
- Be positive
- Speak one at a time and give everyone a chance to speak
- Be honest and have trust
- Ask questions
- Help facilitator, scribe and note taker capture ideas accurately.
- State a purpose when introducing each new topic.
- Decisions by consensus with motions and votes
- Bio breaks as needed
- Share responsibility for team's progress

Promulgation Schedule (Cont.)

July -September , 2017	EPA Review
November 15, 2017	Conduct USTAC4 Meeting
January 2018	Conduct Public Workshops
March 2018	Proposed Regulations to State Registrar
July 2018	Promulgation by Cabinet Secretary
October 2018	State Program Approval

Promulgation Schedule

Tuesday January 24, 2017	Discuss Initial Draft of Changes with the USTAC
Friday March 31, 2017	Share 2nd draft of changes with USTAC and EPA
Wednesday, April 12, 2017	USTAC Meeting Part A and Part B (10 a.m. - 3 p.m.)
Wednesday, May 10, 2017	USTAC Meeting Part A , Part B, Part E (1 - 3 p.m.)
Wednesday, June 7, 2017	USTAC Meeting Part A, Part B, Part C, Part D, Part E (1 - 3 p.m.)
Thursday July 1, 2017	Make any necessary changes to 3rd draft and share with USTAC and EPA

Discussion of Draft Changes to UST Regulations

Draft changes based on Federal Rule Changes

- Airport Hydrant Fuel Systems and Field Constructed Tanks
- Emergency Generator Tanks
- Operator Training
- 30 Day Walk Around Inspections
- Overfill Protection
- Secondary Containment
- Containment Sump Testing
- Other Definitions
- Reference Standards



Discussion of Draft Changes to UST Regulations

Changes not driven by Federal Rule Changes

- Additional Rules for USTs located at Marinas
- Consistency with ITRC Regarding NAPL Definitions
- Sustainable Remediation Techniques
- Use of Institutional Controls

Delaware Regulations Governing Underground Storage Tanks

Part F: Financial Responsibility

Part G: Contractor Certification

Part H: ~~Governing Reimbursement for Petroleum Contamination~~
~~Site Cleanup~~

Part I: Field Constructed Tanks

Part J: Airport Hydrant Fuel Systems

Delaware Regulations Governing Underground Storage Tanks

Part A: General Requirements for Underground Storage Tank Systems

Part B: Installation, Operation and Maintenance: Excludes Heating Fuel

Part C: Installation, Operation and Maintenance: Heating Fuel

Part D: Installation, Operation and Maintenance: Hazardous Substances

Part E: Requirements for Release Reporting, Corrective Action

Uncontained Sump Concerns:

- Product released goes directly into the environment with no alarms
- Corrosion concerns with soil and water in direct contact with product piping

60 out of 291 Gas Dispensing Facilities Do Not Have Containment Sumps

Uncontained Sumps



Operator Training Requirements

DNREC Has Had UST Operator Training Requirements in Place Since 2010

New Federal Requirements:

- Owners must designate and ensure 3 classes (A, B, & C) of operators are trained
- Recordkeeping is required for as long as the operator is designated at the facility
- Retraining is required for Class A and B operators at facilities determined to be out of compliance



Secondary Containment Requirements

DNREC Has Had Secondary Containment Requirements in Place Since 2008

New Federal Requirements:

- Requires new and replaced tanks and piping to be double walled.
- Requires interstitial monitoring (and sumps if they are used for interstitial monitoring)
- Requires under-dispenser containment for new dispenser systems

What DNREC would like to change:

- Phase out non liquid tight containment found at the tank top and under dispensers.



30 Day Walk Around Inspections

DNREC Has Had Routine Inspection Requirements in Place Since 2008

New Federal Requirements:

- Walk around inspection every 30 Days
- Check spill prevention equipment
- Check release detection equipment and records
- Annually
- Check containment sumps
- Check hand held release detection equipment

What DNREC will need to change:

- 28-31 Days will change to every 30 Days
- DNREC is currently more stringent in inspecting containment sumps as part of 30 day walk around inspection.



Requirements for Overfill Protection



New Federal Requirements:

- Overfill protection equipment will be checked every 3 years.
- Inspect to make sure overfill operates as intended
- Ball Floats will not be allowed on retrofit or new installations.



What DNREC will need to change:

- DNREC will add an annual inspection requirement for owners/operators to demonstrate that overfill equipment functions properly.
- Prohibition on installing ball floats at new installation or when replacement is needed.



What DNREC would like to change: Phase out the use of ball floats on all systems.

Removing Deferrals for Field-Constructed USTs and Airport Hydrant Fuel Distribution Systems



New Federal Requirements:

- Requires Release Reporting, Spill Prevention, Overfill Prevention, Release Protection, Cathodic Protection, Operator Training.
- Exceptions to meeting secondary containment requirement for some FCT & AHS piping
- Provides unique options for meeting release detection requirements

Containment Sump Testing



DNREC Has Had Containment Sump Testing Requirements in Place Since 2008

New Federal Requirement:

- Test sumps used for piping interstitial monitoring to ensure they are liquid tight every 3 years.
- Double-walled sumps with periodic interstitial monitoring between the containment sump walls are not required to meet the testing requirement
- Keep records for 3 years



DNREC would like to change:

- Test all containment sumps to see if they are liquid tight every three years.

Removing Deferral for Emergency Generator USTs

DNREC has had requirements release detection for emergency generator USTs since 2008.

New Federal Requirements:

- Removes the deferral and requires release detection for existing tanks and piping associated with Emergency Generator USTs. New installations must meet all standards.

What DNREC will need to change:

- New and existing emergency generator USTs release detection for piping will need to be modified.



Part A Reference Organizations and Standards (Pages 14-17)

Reference Standards were added based on changes to the federal regulations to comply with technical requirements or because they were newly cited by DNREC.

Examples:

3.3.5.5 RP 1200, *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*

3.3.5.4 RP 1000 *Marina Fueling Facility Systems (2014 Edition)*

Still need to list specific editions of the documents.

Sustainable Remediation Techniques



- Referenced ASTM and ITRC Guidance
- Encouraged but not required
- Incorporated into Remedial Action Workplans

Additional Requirements for USTs at Marinas

- Definitions of Marina UST, Marina Fueling Facility
- Referenced PEI RP 1000
- Require upgrade to marine grade equipment at new installation and retrofit.



Institutional Controls

- Acknowledge that institutional controls can be incorporated into a remedial action workplan to manage the risk from exposure to hazardous substances.
- When required ensure the institutional control has been put in place before issuing a No Further Action Letter
 - Deed Notices
 - GMZ's
 - Environmental Covenants



Written Comments on the Draft
Regulations Can be sent to

DNREC_USTRegulations@state.de.us



Opportunities for public participation and
public comments.

Next Meeting Date Wednesday May 10, 2017
10AM-3PM

PART A.

GENERAL REQUIREMENTS FOR UNDERGROUND STORAGE TANK SYSTEMS

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10.1.	Requirements for Class A, Class B and Class C Operators	A-34

PART B.

**REQUIREMENTS FOR INSTALLATION, OPERATION AND MAINTENANCE OF
UNDERGROUND STORAGE TANK SYSTEMS STORING REGULATED SUBSTANCE
EXCLUDING CONSUMPTIVE USE HEATING FUEL UST SYSTEMS OR
HAZARDOUS SUBSTANCE UST SYSTEMS**

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