

Agenda

Department of Natural Resources and Environmental Control

Underground Storage Tank Advisory Committee Meeting

November 16, 2017

Introductions	10:00-10:05
Review of Minutes from June 28, 2017 Meeting	10:05-10:15
DNREC Response to Comment Document	10:15-11:00
OPW Presentation on Loop System	11:00-12:00
Lunch Break	12:00-1:15
Continued Discussion as Needed	1:15-2:00
Goals for Next Meeting	2:05-2:15
Public Comment	2:15-2:30

UST Advisory Committee Meeting

Meeting Minutes

June 28, 2017

I. Call to order

Alex Rittberg called to order the regular meeting of the UST Advisory Committee at 10:05am on June 28, 2017 at 391 Lukens Drive, New Castle, DE.

II. Attendees

The following persons were present: David Gilden, Alex Rittberg, Barbara Fawcett, Shelley Grabel, R.T. Leicht, Peter Rollo, Tom Ruszin, Jenn Foster, Steve Stookey, Josh Worth, Mark Baker, Doyle Tiller, Sandy Carl, Mike Moyer, Lori Spagnolo, Sara Golladay, Jenn Vavala, Tracy Spinden, Richard Negrete, Melissa Wilmot-Bruno

III. Approval of minutes from last meeting

Alex Rittberg asked the attendees to read through the minutes from the last meeting. The minutes were approved as read.

IV. Introduction: Alex Rittberg gave introductory remarks, thanking the USTAC members for their participation, explaining the purpose of the USTAC, describing meeting governance, and describing the updated promulgation schedule.

V. Promulgation Schedule

- July 28, 2017: make any necessary changes to 3rd draft and share with USTAC and EPA
- August – October 2017: EPA Review
- November 15, 2017 : Conduct USTAC Meeting
- January 2018: Conduct Public Workshop
- March 2018: Proposed Regulations to State Registrar
- July 2018: Promulgation by Cabinet Secretary
- October 2018: State Program Approval Submitted

- Written comments: DNREC_USTRegulations@state.de.us

Tom Ruszin asked when would DNREC like to receive written comments by?

Alex Rittberg answered the 1st or 2nd week in July so the Department has time to review them and respond.

Mark Baker then asked if EPA will respond within 60 days? This committee meets in November and we will review EPA comments and discussion. After today's meeting, is there still meaningful opportunity to discuss changes.

Alex Rittberg answered, yes there will be additional opportunities to submit your comments during a public workshop in January and through the end of the formal public comment period next spring.

Mark Baker: If changes were made would that trigger going back and discussing the change with EPA.

Barb Fawcett answered, yes its likely EPA would need to know of the change and be given the opportunity to comment on the change as well.

Alex Rittberg added that following EPA's initial review we will have to have a continuous dialogue with them as additional changes are made.

VI. Review of Minutes from May 10, 2017 Meeting

- a) Motion to approve minutes: Jennifer Foster

VII. DNREC Response to Comment Document

- a) Part A, Clarifying that the dispenser is part of the Underground Storage Tank System – Alex Rittberg described that the Department modified the definition of Dispenser System and that the definition was now included in the definition of Underground Storage Tank. No additional comments were made.
- b) Part A, Definition of Liquid Tight – Alex Rittberg stated that the definition was modified to clarify it now includes spill prevention equipment – no additional comments were made.
- c) Part A, 4.7 Repair Notification – the Department added language to clarify when notification of Repairs will be required –

Alex Rittberg explained that DNREC changed the notification requirements for repairs, retrofits, and upgrades and explained that repair activities will require DNREC's prior approval when post construction testing or a site assessment is required. Alex Rittberg then explained that DNREC changed

the timeframe that owners are required to notify DNREC prior to the work commencing from 10 days to 14 days because the definition of a day was defined as calendar day and the Department needs two weeks to review and approve plans for this type of work. Alex Rittberg then explained that DNREC added language that allows the owner to conduct work in a sump or aboveground if DNREC does not approve the work within the 14 day timeframe. Barbara Fawcett added that an owner would only be allowed to proceed with the work if they give DNREC two days' notice of the field work and comply with all applicable regulatory requirements that the two day notification prior to the commencement of the Repair, Retrofit or Upgrade construction work can be done in any form: email, phone call.

d) Part A, Replacement Definition: What constitutes a piping run? --

Alex Rittberg explained the changes to the definition of a piping run and that DNREC added the requirements for when an entire piping run needs to be replaced to Part B Section 1.14.9. Alex Rittberg further explained that for flexible plastic pipe if the damaged section is less than 50% of the piping run and between two discreet endpoints, only the damaged section will need to be replaced.

Shelley Grabel then asked after the regulations are promulgated will outreach efforts be done.

Alex Rittberg responded yes, once the regulations are adopted, DNREC will have to prepare outreach documents describing the changes to the public.

- e) Part A, Monitoring Tube Covers: Alex Rittberg explained that blank covers with a triangle and words "do not fill" are available and that Department can assist owners with locating them. No additional comments were made.
- f) Part A, Reference Standards – Alex Rittberg explained that the word "applicable" will be removed. No additional comments were made.
- g) Part A, General Requirements, Special dispensation for placing product in newly installed tanks for testing prior to acquiring financial responsibility – Alex Rittberg explained that the Department did not make changes based on previous USTAC comments because financial assurance should be in place prior to the tank being allowed to receive product. No other comments were made.
- h) Part A, Section 4.4.3 (should say 4.4.2): Transfer of Ownership – Alex Rittberg stated that the Department added language to Part A, Section 4.4.2

stating that the sale price could be redacted from the executed bill of sale in the ownership transfer submittal. – No other comments were made.

- i) Part A, 4.7.5 Retrofit or Upgrade – Start of Construction: Alex Rittberg explained that the Department changed the requirement for an owner to start construction from 60 days to 90 days. No other comments were made.
- j) Part A, Information Access/Recordkeeping
 - Alex Rittberg explained that Department's requirement to submit records for inspection within 10 days of the request will remain unchanged?
 - Tom Ruszin asked if that was calendar days. – Alex Rittberg responded yes and that the Department will need to change it to 14 days.
 - Barbara Fawcett added that DNREC will have search everywhere in the regulations where 10 days is mentioned to see if it needs to be changed to 14 days to be consistent.
- k) Part A, Delivery Prohibition: Alex Rittberg stated that the Department added language to make it clear when an owner who receives a delivery prohibition, can and cannot sell their existing inventory. No other comments were made.
- l) Requirement to use a Certified Contractor when requesting a No Further Action Letter: Alex Rittberg stated that DNREC added language in Part A Section 1.2.1 and Section 12 that requires owners of underground storage tanks that have not been removed or closed in place to use a certified contractor when performing these activities if they are seeking a No Further Action Letter. Alex Rittberg also stated that owners of smaller heating fuel tank still have an option to remove without using a Certified Contractor as long as a release hasn't occurred. No other comments were made.
 - Doyle Tiller raised concerns that a homeowners or farmers may remove tanks without notifying the Department and DNREC would have no record of where the tank was.
 - Lori Spagnolo answered that when it comes to smaller heating fuel tanks, this is our current practice.
 - Alex Rittberg added that the Tank Management Section gets quite a few requests for a no further action letter when heating fuel tanks are removed, when we get 10 days-notice we have been informing the parties involved to use a certified contractor. Alex Rittberg stated that we also work with people involved with property transfers who have hired an environmental

consultant to sample the property after the tank has been removed, to determine if a release has occurred.

- m) Part B, Section 1.31.1.5: Reducing the 30 Day Walk Around to some time period greater than 30 days for sites with continuous interstitial monitoring?: the Department changed the draft regulations to allow for annual inspections of submersible turbine pump containment sumps provided the owner has demonstrated that the UST system uses interstitial monitoring for leak detection, has liquid tight sumps, piping is sloped correctly, and the sensors are functional and wired for positive shutdown. All other items subject to the current 30 day walk around inspection schedule will continue to be inspected every 30 days.
- Alex Rittberg noted that there was verbiage from previous draft that needed to be deleted. 1.31.1.6.4 (verbiage is listed that should be removed: “Tank top Containment Sumps may be inspected at a six month interval...”)
 - It was suggested that if there was non-compliance with the exception criteria allowing annual inspections then the inspection frequency for the containment sumps should go back to 30 days walk.
- n) Part B, Section 1.9.4.3: Using Third Party Reports in place of ATG printouts?: Alex Rittberg explained that the Department would accept release detection reports from third parties provided there is a means to audit these systems.
- Tom Ruszin stated there are a lot of newer models that store data that we can access but typically you can only get one year of data from the ATG.
 - Richard Negrete stated that if you have to do a cold start, all of your history is gone, unless you have 3rd party that is able to back up the information
 - Alex Rittberg explained that it’s an EPA requirement to have a means of auditing 3rd Party Reports.
 - Mark Baker asked if DNREC could ask EPA if they would consider alternatives such as having direct downloads from a vendor’s automatic tank gauge to the same vendor’s management system as an acceptable practice.
 - Barbara Fawcett stated that we could ask EPA about this issue in July.

- Sandy Carl asked if anyone knew EPA's rationale and shared that her company pays third party companies a lot of money, and perhaps they would adjust her reports.
 - Alex Rittberg stated that he understood the owners concerns and the DNREC would discuss the matter with EPA.
 - Mark Baker suggested that the Department talk directly to the third party vendors about the capabilities of the system and to obtain the reports.
 - Sandy Carl asked if the people that are saying to do this, have ever seen what the Veeder Root system does?
 - Richard Negrete shared that his company has had 8 EPA inspections, and have given EPA the reports with no issues.
 - Doyle Tiller reminded everyone that there may be contractual obligations and legal issues associated with the Department accessing information from the 3rd Party
- o) Part B, Section 1.9.5: Maintaining records for the life of the UST is too much to ask for from the owners and a shorter time period is requested i.e. three years? What happens in an ownership transfer when the new owner is not provided with leak detection record from the previous owner?
- Alex Rittberg explained that the Department changed the regulations in Part A, Section 5.1.3 to require owners and operators to maintain a list of routine operation and maintenance records for a three year period. The Department also included a list of records that need to be maintained by the owner and operator for the time period that they own or operate the UST system. Alex Rittberg also explained that the Department changed the regulations in Part A, Section 4.4.4 to reflect that the seller must make certain records available to the new owner at the time of ownership transfer.
 - Steve Stookey stated that the Department will have a hard time enforcing against a seller who did not provide the new owner the records.
 - Alex Rittberg agreed that it is difficult to enforce but the responsibility should falls on the seller to provide this information and explained that the Department at times has trouble processing ownership transfers at facilities that have been abandoned.

- Peter Rollo suggested that the buyers have the systems at the stations, tested so if there is an issue later on down the road you have documentation of what the system was like upon purchase.
 - Tom Ruszin asked how long do owner and operator training records need to be kept.
 - Alex Rittberg responded that the record needs to be maintained as long as the person is employed at the facility.
 - David Gilden added that at inspection owners need to provide an active list of C operators.
 - Alex Rittberg stated that the Department can consider adding language to clarify that owners shall keep a list of active C operators, and perhaps changing the requirement for the Class A and Class B operators to state that their records must be maintained for as long as they work at the facility.
- p) Part B, Section 10.1.3: Alex Rittberg stated that the Department did not make any changes related to the need to conduct float out calculations and secure the tanks with hold down equipment when necessary.
- Tom Ruszin stated that the issue wasn't with requiring float out calculations and hold down equipment, but rather the difficulty in installing sacrificial anode equipment when hold down equipment is required. Tom Ruszin stated that he would provide additional comments during written comment period.
- q) Part B, Section 1.14.3: Can the slope requirement be removed for underground piping? Not removing slope requirement for new installations. Will still continue to issue exceptions through Alternate Approval Process.
- Mark Baker stated that this issue is one that we are going to have to agree to disagree and asked where EPA is on this issue.
 - Alex Rittberg stated that EPA does not have slope in their requirements. Delaware is more stringent than the federal program.
 - Mark Baker stated that DNREC will have to show the cost and benefits of keeping this requirement as we move forward.
 - Barbara Fawcett stated that alternative approvals are issued on a case by case basis. If we move away from the Alternative Approvals, there is no means to evaluate each proposal and we lose our safety net.

- Mark Baker asked if we have pressurized piping, and monitor the system, what you are worried about. Mark Baker suggested writing into the regulations the criteria that DNREC finds acceptable when considering an alternate approval.
 - Alex Rittberg responded that DNREC will have additional discussions on this matter.
- r) Part B, Section 1.19.1.6: Testing piping secondary is not necessary since the EPA does not require it? – Alex Rittberg explained that the Department changed the regulations to make a distinction between pressurized piping installed prior to 2008 and pressurized piping installed after 2008; and that if the double walled piping was installed prior to 2008 only the primary wall of the pipe needs to be tested during a line tightness test.
- Participants asked for clarification on what is required in each situation if an owner elects to perform voluntary line testing.
 - Alex Rittberg said the Department will clarify what is required
- s) Part B, Section 1.21: Spill Prevention Requirements – Removal of existing double wall spill bucket testing options provide no further incentive to install these types of spill containment?
- Sandy Carl asked what the definition of completely filled is.
 - Pete Rollo responded that it means to fill it to the very top.
- t) Part B, Section 1.22.3: Phase out Requirements of ball floats. Can ball floats remain in place when overflow valves in the drop tube are installed?
- Alex Rittberg explained that the Department intends to phase out the use of Ball Floats over a three year period and that owners would have to perform an inspection and remove the overflow device once every three years, which is consistent with the federal program.
 - Peter Rollo explained why ball floats and flapper valve overflow systems cannot co-exist and that Stage I Enhanced Vapor Recovery pushes us in right direction.
- u) Part B, Section 1.25.1 – Are vent risers sumps subject to sump testing? Vent sumps are covered by the revised sump testing requirements. It is not the Department's intent to include sumps used as access manholes for Monitoring Tube, ATG and Interstitial risers as sumps to be tested. Alex Rittberg explained that vent sumps are covered under the revised sump testing

requirements but monitoring tube, ATG, and interstitial space risers are not. No additional comments were made.

- v) Part B, Section 1.27.3 – It was brought up that interstitial sensors cannot be installed at the lowest point: change is it should be located at the lowest point Alex Rittberg stated that the Department did not think any additional changes were necessary. No additional comments were made.
- w) Part B, Section 2.94 – Alex Rittberg stated that this issue had already been covered.
- x) Part B, Section 2.9.5.3 – Alex Rittberg stated that this issue had already been covered.
- y) Part B, Section 2.9.11.2.4: When do you have to report SIR results?
 - Jennifer Foster asked when are you allowing mid-month cycle. The 15th to 15th? (Jennifer Foster)
 - Alex Rittberg stated that as long as it's a 30 day period it doesn't matter what days of the month the cycle starts and ends.
 - Jennifer Foster asked can you take days from prior month.
 - Alex Rittberg stated that yes that would be fine, can pull from previous month
 - Jennifer Foster asked if the regulations discuss whether 2 months of inconclusive data or 1 failed necessitates the need to perform a tank tightness test.
 - Alex Rittberg stated that DNREC would need to clarify this issue in the regulations.
- z) Part B, Section 2.14.2: Allowing double elbow swing joints at vent riser connection.
 - Tom Ruszin stated that his original question was referring to one elbow, not swing joints. Feels it's safer to have a steel riser
 - Alex Rittberg stated that the Department will take a look at this again
- aa) Part B, Section 2.20: Alex Rittberg stated that this issue had already been covered.

- bb) Part B, Section 2.23: Alex Rittberg stated that this issue had already been covered.
- cc) Part B, Section 2.26.1 and 2.26.2 Containment Sump Testing: The intention of Sections 2.26.1 and 2.26.2 are to describe when containment sump testing shall be performed, and the intention of 2.26.3 is to describe how it is to be done. By stating that the testing shall be done in accordance with the manufacturer's instructions in Part B, Section 2.26.3, allows other types of testing than hydrostatic testing to be performed.
 - Barbara Fawcett stated that the wording was changed just to make the language less confusing because the same requirement can be found in the previous paragraph of the regulations.

VIII. Continued Discussion as Needed

- a) We still have items that we disagree on and items that we need to work on
- b) Will make the changes we discussed. Will continue to take comments on items that we disagree on.

IX. Goals for Next Meeting

- a) Next draft
- b) Changes from B into Part C and D

X. Public Comment

No Public Comment

XI. Adjournment

Alex Rittberg adjourned the meeting at 12:12pm.

Minutes submitted by: Jennifer Vavala

Minutes approved by: Alex Rittberg

November 16, 2017
Delaware USTAC

Agenda

- | | |
|--|-------------|
| • Introductions | 10:00-10:05 |
| • Follow-ups from Loop System Presentation | 10:05-10:15 |
| • Summary of EPA Comments | 10:15-11:30 |
| • Reg Promulgation Schedule | 11:30-11:40 |
| • Public Comments | 11:40-11:50 |

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.

OPW Loop System Installation



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

USTTAC 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



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 28 2017	USTAC Meeting Part A, Part B, Part C, Part D, Part E (1 - 3 p.m.)
July 2017	Accepted Written Comments on Draft Changes
Thursday August 10 2017	DNREC Submitted 3 rd Draft to EPA for Review

Promulgation Schedule (Cont.)

August - December 2017	EPA Review
November 15, 2017	Conduct USTAC ₄ Meeting
January 25, 2018	Conduct USTAC ₅ Meeting
February 2018	Public Workshop
April 1 2018	Proposed Regulations to State Registrar
July 2018	Promulgation by Cabinet Secretary
October 2018	State Program Approval Submitted

EPA Comments on Draft Regulations- Part A

- Does Delaware exclude tanks containing de minimis concentrations of a regulated substance.

"Regulated Substance" means a liquid that contains:

- One percent (1%) or more by volume of a Hazardous Substance as defined by CERCLA, or
- One tenth percent (0.1%) or more by volume of a carcinogen as defined by IRIS,
- Petroleum
- Alternative fuels, such as including but not limited to ethanol or
- Any mixture of the foregoing a through d.

EPA Comments on Draft Regulations- Part A

- Definition of Day could change the due date for an action.

"Day" means a calendar day, however, when used to determine when a document is due, or an action is required, and the day falls on the weekend or a holiday, the document may be submitted, or the action started, on the first working day after the weekend or holiday.

EPA Comments on Draft Regulations Part A

- Are Financial Responsibility Amounts Sufficient?

"Legal Defense Cost" means any expense that an Owner, or Operator or Provider of Financial Assurance incurs in defending against claims or actions brought by:

- EPA or Department to require investigations, and/or Corrective Action or to recover the costs of investigations and/or Corrective Action; or
- On behalf of a third party for Bodily Injury or Property Damage caused by an Accidental Release; or
- Any Person to enforce the terms of a financial assurance mechanism

EPA Comments on Draft Regulations Part A

- Will Delaware be including requirements for compatibility with new or innovative regulated substances similar to 280.32.

Delaware will add a requirement that owners and operators must notify the Department 30 days prior to switching to a regulated substance containing more than 10% ethanol or 20% biodiesel.

Owners and operators will have to document compatibility by either Certification or testing by independent testing authority or manufacturer certification.

EPA Comments on Draft Regulations Part A

- How does the alternate approval authority apply to program areas where Delaware cannot be less stringent than EPA.

DE will add language that ensures the Department does not grant an alternate approval that results in a practice that is less stringent than the federal program.

EPA Comments on Draft Regulations Part B

- New and replaced tanks must be secondary contained and use interstitial monitoring for release detection.

1.9.2.1 Owners and Operators shall monitor UST Systems for Releases through the use of inventory control procedures and at least one of the following Release Detection methods:

- 1.9.2.1.1 Continuous interstitial monitoring; or
- 1.9.2.1.2 Automatic tank gauge performing Tank tightness testing at a minimum of once every thirty (30) calendar Days; or
- 1.9.2.1.3 Department approved alternative method.

EPA Comments on Draft Regulations Part B

- New and replaced tanks must be secondary contained and use interstitial monitoring for release detection.

1.12.1 If an UST System shall be installed in or near a previous UST System Facility, Owners and Operators shall provide a means of Release Detection that will, at a minimum, detect any future Release from any portion of the UST System.

EPA Comments on Draft Regulations Part B

- Don't want to install defective pipe when replacing it.

1.14.10 For flexible plastic Piping, if fifty percent (50%) or more of an existing Piping Run is required to be removed, the entire Piping Run shall be replaced. For Tanks with multiple Piping Runs, this definition applies independently to each Piping Run. If the replaced portion of an existing Piping Run is less than fifty percent (50%), the entire Pipe between two discreet end points shall be replaced. **The Replacement Piping shall be from the same manufacturer and of the same specifications as the Pipe that is being replaced.**

EPA Comments on Draft Regulations Part B

- Records must be kept for the life of the system.

1.28.6 Owners and Operators shall maintain records for each Repair, Retrofit and or Upgrade for the Operational Life of the UST System their time of ownership or operation of the UST System.

EPA Comments on Draft Regulations Part B

- Need to add that electronic release detection devices must be checked for alarms and unusual operating conditions.

1.31.1.5 The inspection of all hand held Release Detection equipment including tank gauge sticks or groundwater bailers, for operability and serviceability

EPA Comments on Draft Regulations Part B

- Automatic line leak detectors must either restrict flow or sound an alarm.
- Visual alarm may be readily ignored.

2.20.1.2 The automatic Line leak detector shall alert Owners and Operators to the presence of a Release by restricting or shutting off the flow of the Regulated Substance through the Piping or triggering an audible or visual alarm.

MAPDA Comment #2 Repairs

Concern

- DNREC prior approval should only be limited to upgrades and retrofits, not repairs.
- Could cause delays regarding fixing equipment.

Response

- Department added language that prior approval would be needed for repairs that require post construction system testing and site assessment.
- Can develop guidance listing which tests must be done for each type of repair.

MAPDA Comment #3

Installation and Retrofit Approval Timeframes

Concern

- Takes too long to get an installation or retrofit approval.
- Department should be accountable for reviewing and approving documents in certain time frames and there should be consequences if timeframes aren't met.

Response

- Department added language allow repairs, upgrades, and retrofits that are aboveground or in a sump to proceed if not approved.
- Hired 2nd Engineer.
- Meeting commitments for timeliness of plan review and approval.

MAPDA Comment #4

Third Party Reports In lieu of Monthly ATG Slips

Concern

- Third party Test Reports should be considered a stand alone method of reporting and documenting release detection activities.

Response

- Department needs consistency between the third party reports and ATG monthly slips.
- Department needs the ability to audit the third party reports if they are suspected of being fraudulent.

MAPDA Comment #5

Previous Owner's Records Never Transferred

Concern

- UST Operational records not always transferred to new owner, sometimes all of the prior records are lost.

Response

- Department made changes to account for these situations.
- Sellers responsibility to transfer records.
- Certain records must be kept for 3 year period. Others for the time of ownership and operation.

MAPDA Comment #6

Isolating and Cathodically Protecting Metal Hold Down Systems

Concern

- USTs are being installed deeper because of the requirement to isolate and cathodically protect metallic hold down systems.

Response

- If hold down systems are needed to pass a stability calculations, then they must be isolated and cathodically protected.
- The Department can provide guidance on how to do this upon request.

MAPDA Comment #7

1/8 inch slope requirement

Concern

- Slope should only be used for suction systems.
- Prohibits installation of the OPW Loop System.
- Most recent version of reference standards should be cited in the regulations.

Response

- Slope is needed to ensure proper function of mechanical line leak detectors.
- The Department will amend the draft regulations to cite the most current reference standards.

MAPDA Comment #8

If a UST has both a Ball Float and a Flapper Valve they shouldn't interfere with each other.

Concern

- Flapper valve must shut off first before the ball float begins to restrict flow.

Response

- Ball floats can remain provided the flapper valve is set at 85% so that it doesn't interfere with a ball float that restricts flow at 90%.

MAPDA Comment #9

Low level liquid integrity testing

Concern

- EPA supports the test method. It should be approved in Delaware
- Saves money; less water to dispose of; environmentally protective.

Response

- Sump needs to be filled up so that it can be proven to be liquid tight.
- Penetration boots are known to crack and be a potential source of leaks.

MAPDA Comment #10 (Same as #4)

Third Party Reports In lieu of Monthly ATG Slips

Concern

- Third party Test Reports should be considered a stand alone method of reporting and documenting release detection activities.

Response

- Department needs consistency between the third party reports and ATG monthly slips.
- Department needs the ability to audit the third party reports if they are suspected of being fraudulent.

MAPDA Comment #11.

Concern

- It's okay to slow down the process because we have 3 more years to finalize changes.

Response

- The deadline to submit an updated State Program Approval Package to EPA is October 2018.



Written Comments on the Draft Regulations Can be sent to

DNREC_USTRegulations@state.de.us

Public Comment

November 16, 2017

Delaware USTAC

Agenda

• Introductions	10:00-10:05
• Review of Minutes from Jun 28, 2017 Meeting	10:05-10:15
• DNREC Response To Comment Document	10:15-11:00
• OPW Presentation on the Loop System	11:00-12:00
• Lunch Break	12:00-1:15
• Continued Discussion as Needed	1:15-2:45
• Goals for Next Meeting	2:45-2:50
• Public Comment	2:50-3:00

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.

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

USTTAC 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
- Bro breaks as needed
- Share responsibility for team's progress

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 28 2017	USTAC Meeting Part A, Part B, Part C, Part D, Part E (1 - 3 p.m.)
July 2017	Accepted Written Comments on Draft Changes
Thursday August 10 2017	DNREC Submitted 3 rd Draft to EPA for Review

Promulgation Schedule (Cont.)

August–December 2017	EPA Review
November 15, 2017	Conduct USTAC ₄ Meeting
January 25, 2018	Conduct USTAC ₅ Meeting
February 2018	Public Workshop
April 1 2018	Proposed Regulations to State Registrar
July 2018	Promulgation by Cabinet Secretary
October 2018	State Program Approval Submitted

MAPDA Comment 1

Part A 4.1.7-8 Required UST to be registered before adding product.

Concern:

- Product cannot be placed in the tank unless the tank is registered. UST cannot be registered without final system testing. Concerns over using water as ballast.

Response:

- DNREC no longer will be requiring that the tank be registered placing product in the tank. FR will still be required before adding product.

MAPDA Comment #2 Repairs

Concern

- DNREC prior approval should only be limited to upgrades and retrofits, not repairs.
- Could cause delays regarding fixing equipment.

Response

- Department added language that prior approval would be needed for repairs that require post construction system testing and site assessment.
- Can develop guidance listing which tests must be done for each type of repair.

MAPDA Comment #3

Installation and Retrofit Approval Timeframes

Concern

- Takes too long to get an installation or retrofit approval.
- Department should be accountable for reviewing and approving documents in certain time frames and there should be consequences if timeframes aren't met

Response

- Department added language allow repairs, upgrades, and retrofits that are aboveground or in a sump to proceed if not approved.
- Hired 2nd Engineer.
- Meeting commitments for timeliness of plan review and approval.

MAPDA Comment #4

Third Party Reports In lieu of Monthly ATG Slips

Concern

- Third party Test Reports should be considered a stand alone method of reporting and documenting release detection activities.

Response

- Department needs consistency between the third party reports and ATG monthly slips.
- Department needs the ability to audit the third party reports if they are suspected of being fraudulent.

MAPDA Comment #5

Previous Owner's Records Never Transferred

Concern

- UST Operational records not always transferred to new owner, sometimes all of the prior records are lost.

Response

- Department made changes to account for these situations.
- Sellers responsibility to transfer records.
- Certain records must be kept for 3 year period. Others for the time of ownership and operation.

MAPDA Comment #6

Isolating and Cathodically Protecting Metal Hold Down Systems

Concern

- USTs are being installed deeper because of the requirement to isolate and cathodically protect metallic hold down systems.

Response

- If hold down systems are needed to pass a stability calculations, then they must be isolated and cathodically protected.
- The Department can provide guidance on how to do this upon request.

MAPDA Comment #7

1/8 inch slope requirement

Concern

- Slope should only be used for suction systems.
- Prohibits installation of the OPW Loop System.
- Most recent version of reference standards should be cited in the regulations.

Response

- Slope is needed to ensure proper function of mechanical line leak detectors.
- The Department will amend the draft regulations to cite the most current reference standards.

MAPDA Comment #8

If a UST has both a Ball Float and a Flapper Valve they shouldn't interfere with each other.

Concern

- Flapper valve must shut off first before the ball float begins to restrict flow.

Response

- Ball floats can remain provided the flapper valve is set at 85% so that it doesn't interfere with a ball float that restricts flow at 90%.

MAPDA Comment #9

Low level liquid integrity testing

Concern

- EPA supports the test method. It should be approved in Delaware
- Saves money; less water to dispose of, environmentally protective.

Response

- Sump needs to be filled up so that it can be proven to be liquid tight.
- Penetration boots are known to crack and be a potential source of leaks.

MAPDA Comment #10 (Same as #4)

Third Party Reports In lieu of Monthly ATG Slips

Concern

- Third party Test Reports should be considered a stand alone method of reporting and documenting release detection activities.

Response

- Department needs consistency between the third party reports and ATG monthly slips.
- Department needs the ability to audit the third party reports if they are suspected of being fraudulent.

MAPDA Comment #11.

Concern

- It's okay to slow down the process because we have 3 more years to finalize changes.

Response

- The deadline to submit an updated State Program Approval Package to EPA is October 2018.



Written Comments on the Draft
Regulations Can be sent to

DNREC_USTRegulations@state.de.us

Public Comment



The Loop System

What is The Loop System?

An evolutionary underground piping system that eliminates more than 50% of field fabrication and the potential associated problems.

This unique fuel delivery system minimizes:

- ◆ Complexity of Piping Installation
- ◆ Site Assembly Labor and Associated mistakes
- ◆ Piping Connections (Leak Points)




OPW

The Loop System

Why?.....The Loop System

To Attain a Higher Level of Environmental Protection:

- ◆ Complexity of Piping Installation
- ◆ Enhance Long Term System Reliability
- ◆ Enhance the ability of owners to inspect, maintain, monitor, and identify and easily repair any potential problem that may develop BEFORE there is an environmental or safety issue.



OPW


The Loop System

How?.....The Loop System

The Loop System provides a drastic reduction in complicated field plumbing and assembly operations and the associated opportunities for installation errors by using pre-assembled dispenser sumps with factory installed pipe entry boots, stabilizer bars, and OPW 10 Plus shear valves with enhanced low impact protection.

The Loop System Eliminates

- ◆ Temporary test boots
- ◆ Measuring, cutting, threading and installation of steel or flexible riser pipes (more joints eliminated)
- ◆ Removal of the dispenser to inspect, repair, or replace pipe sections
- ◆ Trimming the secondary pipe jacket before coupling pipe



OPW


The Loop System



Slope is *NOT* necessary to ensure that a leak migrate to the sump as pressurized fuel will quickly fill the small interstice and flow into the sump. The interstitial volume of the OPW coaxial pipe is .0056 gallons/foot for 1-1/2" pipe and .0065 gallons/foot for 2" pipe.


The Loop System

A small leak into the interstice of 0.2 gallons per hour in a 35 foot run of 1-1/2" pipe between dispensers will enter the sump in a maximum of 0.98 hours. A 0.2 gallons per hour leak in a 35 foot run of 2" pipe will enter the sump in a maximum of 1.14 hours. The leak will then be detected, and the situation can be addressed.




The Loop System

Quick Connect Dispenser Sumps



Junction Dispenser Sumps



Terminating Dispenser Sumps



OPW

The Loop System





The Loop System

The Loop System

What will the Loop System do for DE?

Site Owner


- Less Contractor Dependent Installation + Top of The Line Components = Better Site Integrity and Performance
- Total Accessibility to all Underground Equipment without Excavation = Lower Cost of Ownership

Contractor

- Reduced Installation Complexity (Plug & Play) + Quick, Bullet Proof Site Installation/Testing = Less Opportunity for Errors/Call Backs and a Profitable Job

Regulator

- Better Installation + Better Components + Better Maintenance and Monitoring Capability = No Gas in the Ground



Conclusion





Thank You!

OPW