

**USTAC Advisory Committee**  
**DNREC's New Castle Field Office**  
**391 Lukens Drive**  
**New Castle, Delaware**  
**May 2, 2018**  
**AGENDA**

10:00-10:05	Welcome and Introductions	Alex Rittberg
10:05-10:15	Follow-up from Loop System Presentation	Alex Rittberg
10:15-10:30	Regulation Promulgation Schedule	Alex Rittberg
10:30-11:30	Summary of EPA Comments	Alex Rittberg Barb Fawcett Lori Spagnolo
11:30-11:50	Public Comments	General Public



# UST Advisory Committee – May 2, 2018

Name (Please Print)	Address	Phone Number	E-mail address
William Logue	520 Fellowship Dr S.A. 110 Mt. Laurel NJ 08054	856-651-8792	wlogue@tarknology.com
William KACHTEL	801 NUTES FARM K.S. PA	610 444 1163	WPKINCE@VERIZON.NET
David Peterson	2431 Annie Cir Chesapeake VA	407 403 2995	david.peterson@7-11.com
Annette Donnelly	3801 West Chestertown, MD	215-977- 6551	annette.donnelly@sunoco.com
R.T. Leicht	SFM Office	302 323 5365	R.T.LEICHT@ESTATE.PA.US
Tom Tuszyn	3611 Roland Ave Baltimore, MD 21211	410-889-0200	truszyn@royalfarms.com
Barb Fawcett	DN 1002 TMS		
Mike Hayes	Delaware Crtrl Refinery	302-834-6212	michael.Hayes@PBFenergy.com
Jew Foster	1815 GAINFIELD Avenue P.O. Box 154 VZV	610 278 7203	jewfoster@msn.com



UST Advisory Committee – May 2, 2018

Name (Please Print)	Address	Phone Number	E-mail address
MARC BAKER		302-684-8569	mrb@wilsombaker.com
ARON SEAR	8215 HAMMILL RD. HENRICO VA 23228	804-658-5550	asear@envoalliance.com
STEVE STOOKER	Looletto, MD	301-807-4499	Sstooker@bugi.net
Mark Dery	920 Keith Lane Owings, MD	410-287-3850	mderoy@ustsources.com
Joshua Wirth	269 West Baltimore Rte. 1, Gaithersburg, MD 20878	610-761-3674	joshua.wirth@anwk.com
Joseph Zar			j.zar@envoalliance.com



# Delaware USTAC

May 2, 2018

## Agenda

• introductions	10:00-10:05
• Follow-up from Loop System Presentation	10:05-10:15
• Regulation Promulgation Schedule	10:15-10:30
• Summary of EPA Comments	10:30-11:30
• Public Comments	11:30-11:50

## 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.



## Promulgation Schedule

May 2, 2018	Discussion of EPA Comments at USTAC
July 15, 2018	DNREC publishes next draft
August 2018	Next USTAC
September 2018	DNREC Conducts Public Workshops
December 2018	DNREC Publishes Proposed Regulations
January 2018	DNREC Conducts Public Hearing
March 2019	Regulations Promulgated

## EPA Comments on Draft Regulations

- EPA has a multi-person review team that includes OUST, Region 3, and Regional Counsel.
- 354 Individual comments on the draft regulations.
- 18 Comments were concerns that may affect State Program Approval (SPA).
- Each comment is being vetted and addressed.

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:

- (a) One percent (1%) or more by volume of a Hazardous Substance as defined by CERCLA, or
- (b) One tenth percent (0.1%) or more by volume of a carcinogen as defined by IRIS.
- (c) Petroleum
- (d) Alternative fuels, such as including but not limited to ethanol or
- (e) 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 & F



- 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:

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

EPA Comments on Draft Regulations Part F



- Are financial responsibility amounts sufficient?

- 1.3 Amount and Scope of Financial Responsibility
  - 1.3.1 Per-Occurrence Financial Responsibility Amounts
    - 1.3.1.1 Owners or Operators of UST Systems shall demonstrate financial responsibility for taking Corrective Action and for compensating third parties for Bodily Injury and Property Damage caused by Accidental Releases from the operation of UST Systems in at least the following per-Occurrence amounts:

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 and piping 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 and piping must be secondary contained and use interstitial monitoring for release detection.

1.29.2.1 Owners and Operators shall monitor Used Oil UST Systems using inventory control and at least one of the following Release Detection methods:

- 1.29.2.1.1 Continuous interstitial
- 1.29.2.1.2 Automatic tank gauge performing Tank tightness testing at a minimum of once every thirty (30) calendar Days as prescribed in Part B,
- 1.29.2.1.3 Manual tank gauging
- 1.29.2.1.4 Department approved alternative method.

## EPA Comments on Draft Regulations Part B

- New and replaced tanks and piping 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.

Public Comment



## DNREC Tank Management Section (TMS) 2018 UST Class A & Class B Operator Training

**Note: All UST facilities must have designated Class A & Class B Operators that have successfully completed a Department approved training program.**

### Underground Storage Tank Operator Training (no fee)

Upon completion of this training course, the student will demonstrate a broad understanding of underground storage tank (UST) systems operation, safety, regulatory and emergency procedures (EPA 40 CFR and Delaware UST Regulations). Students will be able to identify components of UST systems, explain methods of inspection, required record keeping, financial responsibility and basic spill prevention methods.

<b>New Castle County, Lukens Drive Office, Pat Ellis Conference Room</b> 391 Lukens Drive, New Castle, Delaware	
February 14, 2018	8:30am – 3:30pm
June 13, 2018	8:30am – 3:30pm
October 10, 2018	8:30am – 3:30pm
<b>DNREC TMS Email</b>	<a href="mailto:DNREC.USTOperatorTraining@state.de.us">DNREC.USTOperatorTraining@state.de.us</a>
<b>Registration Address</b>	Provide your name, phone number, email address, organization
<b>Information</b>	David Gildea, 302-395-2500

<b>Kent County, Richards &amp; Robbins Building, DNREC Auditorium</b> 89 Kings Highway, Dover, Delaware	
April 4, 2018	8:30am – 3:30pm
August 8, 2018	8:30am – 3:30pm
December 12, 2018	8:30am – 3:30pm
<b>DNREC TMS Email</b>	<a href="mailto:DNREC.USTOperatorTraining@state.de.us">DNREC.USTOperatorTraining@state.de.us</a>
<b>Registration Address</b>	Provide your name, phone number, email address, organization
<b>Information</b>	David Gildea, 302-395-2500

