

Outstanding UST Regulatory Issues

Issues Raised by Mid-Atlantic Petroleum Distributors Association:

Part B, Section 1.9.4 Interstitial Monitoring Release Detection Requirements for Tanks Storing Regulated Substance

MAPDA comments – Subsection 1.9.4.3 – current regulations do not allow third-party reports as
~ sole means for release detection reporting
~ unrealistic for “local station” to maintain these paper records
~ unnecessarily burdens tank owners with paperwork

TMS will amend the language as follows:

1.9.4.3 The interstitial monitoring equipment shall be capable of producing a record of Release Detection monitoring results. Original test records or equivalent third party test reports that duplicate the ATG console settings and test programming shall be made available upon request.

Part B, Section 2.9.5 Automatic Tank Gauge Release Detection Requirements for Tanks Storing Regulated Substance

MAPDA comments – Subsection 2.9.5.1.3 – the periodic validation of third-party test reports should be clearly defined or removed.

TMS response – see above.

Part B, Section 1.14 General Piping Installation Requirements for UST Systems Storing Regulated Substance

MAPDA comments – Subsection 1.14.3 – the 1/8” slope requirement for product piping is
~ an obsolete requirement and ask that the Department eliminate it from the proposed regulation.
~ extremely costly, requiring deep tank burials
~ costly installations of excessive monitoring equipment to meet alternative approval requirements

TMS response – We previously allowed exceptions to the 1/8” slope requirement through issuing alternate approvals when site conditions warranted it so that needed retrofit work may proceed. We have also looked at other surrounding state’s slope requirements and propose Delaware adopt the following:

At any installation and retrofit the owner now has two options for installation of pressurized product piping; a) piping installation where a 1/8” slope is followed, or b) piping installation where technologies or site conditions necessitate not meeting slope. If no slope is pursued, the following (non-exhaustive) list of conditions are required:

- ~ Piping must be sloped from the initial dispenser sump toward the UST/submersible turbine pump (STP) sump at a minimum of 1/8" per lateral foot;
 - ~ Product piping must be a pressurized system;
 - ~ Flexible piping may not be used for vapor, vent, or Stage II piping system;
 - ~ All containment sumps must have a functioning sump sensor, programmed for positive shut down of the STP;
 - ~ The interstice of the piping must be under continuous vacuum monitoring and the system must be on a positive shut-down of the STP.
- Existing stations that received alternate approvals relating to the slope requirement will not have to retrofit to meet these conditions assuming all leak detection are being met and no issues exist at the site.

Part B, Section 1.31.1.6 Submersible Turbine Pump Containment Sumps that are part of an UST System

MAPDA comments – We urge consideration of the low-level liquid alternative integrity test method for sumps.

TMS response – We are reluctant to allow low-level integrity testing. Our position is that it tests the sensor and not the sump itself. There are too many scenarios where sensors are ignored or pulled up to the top of the sump rendering it ineffective.

Section 10.0 Requirements for Operator Training

MAPDA comments – include:

- 1) Has recertification been defined by the department? Will they have to repeat the course again? Is DNREC in development of an on-line training program?

TMS response – DNREC is working towards providing an on-line training and certification program. Should an on-line format be implemented, we will address the regulations at that time. DNREC will remove the requirements for retraining at this time.

- 2) Why are Class C operators prohibited from performing the 30-Day routine inspections? Rationale?

TMS response – Class C operators are trained to deal with emergency situations. Class A/B operators are required to know maintenance and operational requirements for an UST System.

- 3) Has DNREC prepared a small business impact statement for this specific regulation?

TMS response – the current costs to attend the classroom training is nothing, it is a free service.