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Subject: Draft final regulations
Attachments: Proposed final changes to UST Regulations.docx; 2EPA-UST Regulations 2016 redline from Registrar_redlineWorddoc.docx

Hello members of the UST Advisory Committee:

As per our last meeting on January 22, 2019, I have prepared a summary of changes discussed and agreed to at the meeting. I have also provided the draft we will be submitting to EPA that represents those changes.

I believe we are ready to get back on schedule towards promulgation. We are looking to host workshops in each county in April. Once I have the dates I will send out a notice to everyone.

Thank you for your continued participation and I look forward to seeing you at the workshops!

All the best,
Eileen

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Part B Section 1.31 Routine Inspection Requirements

Part B Sections 1.31.1 and 2.32.1
Part C Sections 1.28.1 and 2.29.1
Part D Section 1.29.1

Now to read as follows:

Owners and Operators shall conduct an inspection at an interval no less frequently than once every thirty (30) Days, unless specified in Part B subsection 1.31.1.6, to monitor the condition of the UST System including all Dispensers, Dispenser sumps, access ports, spill containment devices, transition sumps and Containment Sumps. The routine inspection shall at a minimum include the following:

Part B, Section 1.25 Containment Sump Testing Requirements

Section 1.25.4 reads as follows:

1.25.4 All Dispenser, Tank top, transition and any other Containment Sump tightness testing shall be performed in accordance with the manufacturer's specifications or as directed by the Department. Hydrostatic testing procedures shall meet the following requirements:

1.25.4.1 For post-construction hydrostatic testing, the Containment Sump shall be completely filled and held for twenty-four (24) hours. For any measurable liquid level drop, the Containment Sump is considered non-Liquid Tight.

1.25.4.2 For periodic hydrostatic testing, the Containment Sump shall be filled and held in accordance with the manufacturer's specifications or reference standard, whichever is more stringent. For any measurable liquid level drop, the Containment Sump is considered non-Liquid Tight.

1.25.4.3 Hydrostatic testing liquid shall be properly disposed in accordance with all local, state, and federal requirements.

These changes will also be reflected in Part B Section 2.26
Part C Sections 1.25 and 2.26
Part D Sections 1.25

Section 10.0 Requirements for Operator Training

Part A, Section 10.1.6 reads as follows:

10.1.6 A Facility shall not operate after August 8, 2012 unless a Class A, Class B, and Class C Operator has been designated for each UST System and Class A & Class B Operators have successfully completed a Department approved Training Program (receiving a grade of eighty percent (80%) or higher) and Class C Operators have been trained in accordance with Part A, subsection 10.1.11. At a minimum, the Training Program shall evaluate Class A and Class B Operators to determine these individuals have the knowledge and skills to make informed decisions regarding compliance and determine whether appropriate individuals are fulfilling the operation, Maintenance, and recordkeeping requirements for UST Systems in accordance with Part A, subsection 10.1.10.

Part A, Section 10.1.12 read as follows:

10.1.12 After the Effective Date of these Regulations, a Class A or Class B Operator shall successfully complete (receiving a grade of eighty percent (80%) or higher) a Department approved re-certification Training Program every three (3) years.

This section was removed in its entirety, to be reconsidered after an on-line training program has been established.

Proposed final changes to UST Regulations

On January 22, 2019 members of the UST Advisory Committee and Division of Waste and Hazardous Substances met to review final changes to the proposed UST regulations. The following is an overview of the changes to the draft regulations:

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

Proposed language -

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.

These changes will also be reflected in Part B, Sections 1.9.5.1.3, 2.9.4.3, 2.9.5.1.3
Part C, Sections 1.9.3.3, 1.9.4.1.3, 2.9.3.3, 2.9.4.1.3
Part D, Sections 1.9.4.3 and 1.9.5.1.3

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

Proposed language – New Section 14.0 in Part A to read as follows:

14.0 Conditions Required for Product Piping Slope Exemption

14.1 Owners and Operators who seek a UST System installation that will not meet one-eighth (1/8) inch per foot slope requirement in accordance with Part B Section 1.14, the following conditions shall be met:

14.1.1 Product piping shall be a pressurized system;

14.1.2 All Containment Sumps shall have a functioning sump sensor, programmed for positive shut down of the UST System or the product piping interstice shall be under continuous vacuum monitoring and the UST System shall be programmed for positive shut-down;

14.1.3 The dispenser product piping sump jumper tubes shall be removed or the product piping test boots pulled back after testing to allow the interstice to be open to the sump sensors (Not applicable if continuous vacuum monitoring is implemented);

14.1.4 Annual line leak detector function testing shall include measurements of resiliency or bleedback;

14.1.5 Annual line tightness testing shall be conducted on the piping, primary and secondary, while the system is in operation or a continuous vacuum monitoring of the interstice performing continuous interstitial monitoring of the piping system is required;

14.1.6 Continuous interstitial monitoring of the secondary product piping shall be the primary method of monthly release detection for the product piping system;

14.1.7 Product piping from the dispenser sump closest to the UST System STP sump shall be sloped at a minimum of one-eighth (1/8) inch per lateral foot. Product piping installed with negative slope toward dispenser sumps is prohibited.