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Sent: Tuesday, July 16, 2019 3:56 PM
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Subject: UST Regulatory Development
Attachments: TMS response to April workshop comments.doc
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Hello Members of the UST Advisory Committee,

Attached please find the latest response to questions from the TMS workshops held April 16th. I am also happy to announce that our Public Hearing is scheduled for August 27th at our Luken's Drive office, starting at 6:00 pm.

Please accept my sincere appreciation for your participation during this regulatory update. Please contact me should you have any questions.

All the best,
Eileen

Eileen M. Butler

Planner IV

Dept. of Natural Resources & Environmental Control

Division of Waste and Hazardous Substances

Tank Management Section

302-395-2520

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TO: Members of the Underground Storage Tank Advisory Committee

FROM: Eileen M. Butler, Tank Management Section

SUBJECT: Draft Underground Storage Tank Regulations

On April 16, 2019 the Tank Management Section of the Division of Waste and Hazardous Substance held workshops on the draft Underground Storage Tank Regulations, both in Dover and New Castle offices. A number of questions were asked and answered. However, formal concerns were raised by the Mid-Atlantic Petroleum Distributors Association and Mr. Mark Baker during the workshops. After much thought and internal discussion the Tank Management Section provides its responses below.

Part B Section 14:

“14.1.5; This section appears to override the ability to use continuous interstitial monitoring in place of annual piping testing requirements that is available to other forms of double wall piping. This was not discussed as a condition at the meeting. It appears to be another unnecessary barrier to not using a 1/8” slope by requiring a continuous vacuum monitoring system.”

TMS Response:

During the USTAC meeting held on January 22, 2019 to review the remaining outstanding issues with the draft regulations, discussion ensued regarding vacuum monitoring. Members of the USTAC shared their concerns over the original language:

“The interstice of the piping must be under continuous vacuum monitoring and the system must be on a positive shut-down of the STP”

TMS response to those concerns resulted in providing an option for annual line tightness testing and this response was shared with the USTAC in a document sent to the Committee on February 7, 2019 which states as follows:

“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;”

Please note that during the discussion at the 1/22/19 meeting on this issue, TMS indicated that if no slope is pursued, the following (non-exhaustive) list of conditions are required. TMS had indicated during the meeting that this list may be subject to change; however, TMS has not changed the language proposed for the regulation since our “proposed final changes” document was sent to the USTAC on February 7th.

“14.1.6; This was not discussed at the meeting. Can the Department clarify how this section relates to Section 1.19.2, Piping Interstitial Monitoring Requirements?”

TMS Response:

Again, I would refer to our discussion at the 1/22/19 meeting where it was indicated that the initial list that was reviewed for the “no-slope” exemption was not an exhaustive list. With regard to subsection 1.19.2 and how it relates to subsection 14.1.6; TMS was trying to convey that a monthly print out from the ATG indicating that sensors are functioning normally is required to comply with federal requirements. However, to be more explicit we have changed the language to read as follows:

“14.1.6 Continuous interstitial monitoring of the secondary product piping shall be the method of monthly release detection for the product piping system in accordance with subsection 1,19.2.1.2;”

Part B, Section 1.31

“1.31.6 Routine Inspections; Submersible sump containment sumps are permitted to be inspected once every 12 months instead of every 30 days. There is a list of conditions listed, including continuous interstitial monitoring of the piping system. However, also included is that all piping must have the 1/8” slope. This means that any system installed without slope will not be able to take advantage of the once every 12-month inspection interval. There is no reason for this. This was not discussed, but it does appear that this edit occurred back in a 2017 draft of the regulations. It wasn’t impactful at the time because the slope was required elsewhere. Now it stands out as another unnecessary burden to installing a system without 1/8” slope.”

TMS Response:

You are correct in your assessment as it relates to the utilization of both the slope exemption and the 30-Day containment sump inspection. The 1/8” per foot slope requirement has been a provocative issue within TMS. For the first time in the history of the Program, TMS is willing to relax the requirement for a constant slope of the pressurized piping system. However, there remains a healthy concern regarding how passive continuous interstitial monitoring of “flat” product piping systems will accurately and efficiently work to detect leaks as compared to a sloped system. To that end, TMS will be initiating a study with a local educational institution to determine if passive continuous interstitial monitoring leak detection method for a piping arrangement without constant slope will work as efficiently as a piping arrangement with constant slope.

TMS’s position is that until it is proven that a passive continuous interstitial monitoring leak detection method for a piping arrangement without constant slope will work as efficiently as a piping arrangement with constant slope, an inspection of the containment sumps will need to be conducted every thirty (30) days.

“1.31.1.6 – Our members appreciate the provisions for sump inspection frequency which allows UST owners to rely on properly installed sensors for monthly release detection and not put individuals at risk every month with confined space and traffic hazards. It also reduces the probability of water intrusion with the sump lid not being removed every 30 days. However, there is an opportunity to go even further. The EPA has recognized a low-level liquid alternative integrity test method for sumps used as secondary containment and interstitial monitoring for UST system piping as “equally protective of the environment.” This means that this testing

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method can be incorporated into the revised regulations. We urge consideration of this test method as the full sump testing method greatly increases the cost of compliance.

TMS Response:

The Department maintains its reluctance to permit low-level liquid alternative integrity testing as it only tests the sensors and not the sump itself. The EPA has indicated that they will accept the low-level method to satisfy their testing requirements, but the State of Delaware does not agree with that assessment; has the authority to be more protective of the environment; and will not accept low-level liquid integrity testing of sumps.

