Public Hearing

Delaware Underground Storage Tank Systems Regulatory Revision

AUGUST 2019

Agenda

- Introductions
- EPA/Compliance Date
- Regulation Promulgation Schedule
- Summary of Regulatory Changes
- Public Comments

DNREC Schedule

- Delaware's schedule
  - Public Hearing:
    - Summer 2019
  - Promulgation:
    - November 2019

Delaware Specific Changes

- UST Operator Training
- Financial Responsibility and Insurance; changes to assist Owners/Operators
- Out of Service and Empty requirements
- Delivery and Dispensing Prohibition
- Product Piping Slope Exemption
- Marinas

Delaware Specific Changes

- 30-Day Routine Inspection
- Hydrostatic testing of containment sumps
- Non-Liquid tight access structures
- Emergency Generators

Class A/B Operator Training

Part A, Section 10

80% or higher constitutes a passing grade necessary to receive certification

Financial Responsibility

Part F

- Termination or nonrenewal notification to the Department
  - By insured – existing requirement
  - By insurer – new requirement
- Installation requirements – complete insurance policy
- Financial Responsibility Requirements – Part F
  annual submission

Financial Responsibility

Part A, Section 5

- Record keeping– lifetime of Ownership

Part A, Section 9

- Cause for Dispensing/Delivery Prohibition –

Part F, Section 2

- Insurance Policy Exclusions Prohibited
  - Voluntary UST System removals
  - Self-insured Retentions

Out Of Service and Empty – FR Considerations

Definition of Out Of Service:

Is not in use – no Regulated Substance added or withdrawn from the UST System

Is ***intended*** to be put back In Service

Definition of Empty:

All Regulated Substances have been removed from the UST System using commonly employed practices so that no more than one inch (1) or 2.5 centimeters of residue, or three tenths of one percent (0.3%) by weight of the total capacity of the UST System, remains in the UST System.

Out of Service – FR Considerations

Part B, Section 3.0 Requirements for *Out of Service*:

- Operation/Maintenance of corrosion protection
- Operation/Maintenance of Release Detection
- UST System testing
- Routine inspection
- Financial Responsibility

Site Assessment when UST System is Out Of Service for twelve (12) months; no longer required to render the UST System empty

Empty – FR Considerations

Part B, Section 6.0 Requirements for *Empty UST Systems*:

- Vent pipes open and functioning
- Cap and secure all other Pipes, pumps, manways, and Ancillary Equipment
- Continue corrosion protection until UST System is Removed or Closed In Place
- Within three (3) months of rendering UST System Empty: Site Assessment, or Removal, or a Closure In Place is required

Delivery and Dispensing Prohibition

Part A, Section 9
Added dispensing prohibition to potential enforcement action when certain conditions exist:

1. Imminent threat – Part A
2. Lack of Spill/overfill prevention, Release Detection, Corrosion Protection – Part B
3. Owner/Operator out of compliance with Indicated Release investigation – Part E
4. Owner/Operator out of compliance with financial responsibility requirements – Part F

Delivery and Dispensing Prohibition

"Imminent Threat" means an actual Release or a potential for a Release which requires action to prevent or mitigate damage to the environment or endangerment to public health or welfare.

Dispensing prohibition tag shall be affixed to the dispenser in conjunction with delivery prohibition tag affixed to the fill pipe

Product Piping Slope Exemption

Part A, Section 14.0
If seeking a UST System installation not meeting 1/8" per foot slope requirements, the following conditions shall be met:

- Product piping shall be pressurized
- Sump sensors for all Containment Sumps
- Annual line tightness testing
- Sump jumper tubes removed/product piping test boots pulled back
- Continuous interstitial monitoring
- Product piping installed with negative slope toward dispenser sumps is prohibited (except in accordance with RP 1000 for Marinas)

Marinas

For existing UST Systems at marinas there are a few important requirements identified in NFPA 30A:

- Prohibition of nozzle hold-open latch devices
- Automatic-closing dispensing nozzles
- Shut off valves

Marinas

Part B, Section 1.33

For newly installed UST Systems at marinas or any retrofits at existing marinas. This is not retroactive.

A few important requirements in response to PEI RP 1000 standards:

- Exposed Piping must have UV protection
- Incorporation of shut off valves and auto shutoff nozzle
- Use of marine compatible materials

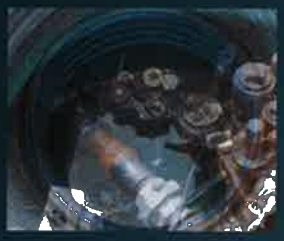
30-Day Routine Inspection Exemption

Part B, Section 1.31

STP Containment Sumps may be inspected annually instead of once every 30 Days if the following is met:

- Continuous Interstitial Monitoring
- Product, Vent, Vapor, Return, and Suction Piping shall have a 1/8" per foot slope back to the tank
- Sump sensors that are part of Release Detection must be tested annually and monitored once every 30 Days

Hydrostatic Testing Procedures



Part B, Section 1.25

Post-construction testing

sump completely filled and held for 24 hrs.

Periodic hydrostatic testing

- sump filled to a minimum of four (4) inches above the highest penetration fitting or sump sidewall seam, (whichever is higher)
- liquid level no less than 24 inches from bottom of sump
- held for a minimum of 1 hour

Non-Liquid Tight Access Structures

Part B, Section 2.27
All Dispenser, Tank top, transition and any other non-Liquid Tight access structures shall be prohibited after December 31, 2025

Containment Sumps shall be installed (upgraded) in accordance with Part B prior to and no later than December 31, 2025

Emergency Generators

Part B, Section 1.30

- Always regulated in Delaware
- Refining regulatory language
  - Product Piping Slope
  - Line leak detection and Periodic line testing
- Product Piping Slope exemption does not apply

Federal Requirements

- Compatibility – new section Part A Section 13.0
- Date for Overfill prevention inspection – Oct. 13, 2021
- Field Constructed UST Systems – no longer deferred from regulation
- Airport Hydrant System USTs – no longer deferred from regulation

Compatibility

Part A, Section 13.0

Owners and Operators shall use an UST System made of or lined with materials that are Compatible with the Regulated Substance Containing Ethanol and Biodiesel stored in the UST System.

Compatibility shall be demonstrated by one of the following:

- certification by a nationally recognized independent testing laboratory
- equipment or component manufacturer's approval
- other method no less protective of human health and the environment

Overfill Prevention – Federal Requirement

Part B, Section 1.22

Owners and Operators shall ensure that overfill prevention equipment is inspected a minimum of *once every three (3) years*. The first inspection shall occur prior to October 13, 2021. At a minimum, the inspection shall ensure that overfill prevention equipment is functioning in accordance with manufacturer's specifications and shall activate at the correct level.

Overfill Prevention – Delaware Requirement

Parts B and C, Sections 1 & 2 and Part D, Section 1

- Vent line flow restrictors (ball float valves) shall not be installed for overfill prevention *after the Effective Date of these Regulations*.
- Existing vent line flow restrictors shall be removed not later than October 13, 2021 unless the following condition exists:

  the overfill prevention equipment automatically achieves partial shut off of flow into the UST when the UST is eighty five percent (85%) full and complete shut off of flow at eighty eight percent (88%) full.

Part H – Installation, Operation and Maintenance of Field Constructed UST Systems

- One-time notice to the Department of the UST System
- Compliance with requirements of Parts A, B, C, D, E, F, & G
- Upgrade Requirements
- Routine Inspection Requirements
- Release Detection Requirements
- Closure Requirements to Previously Removed or Closed in Place UST Systems

Part I – Installation, Operation and Maintenance of Airport Hydrant Systems

- One-time notice to the Department of the UST System
- Compliance with requirements of Parts A, B, C, D, E, F, & G
- Upgrade Requirements
- Routine Inspection Requirements
- Release Detection Requirements
- Closure Requirements to Previously Removed or Closed in Place UST Systems

Website for Document Review

https://dnrec.alpha.delaware.gov/events/406/public-hearing-proposed-amendments-to-7-de-admin-code-1351-underground-storage-tanks-ust/

- Existing Regulations
- Federal Regulations
- Proposed Regulations
- Revised proposed amendments (clerical errors)
- List of Standards

Revised Proposed Amendments

B 1.22.3.4, B 2.23.3.4, C 1.22.3.4, C 2.23.3.5, D 1.22.3.4 Overfill Prevention Requirements

Existing vent line flow restrictors (ball float valves) shall be removed not later than three (3) years after the effective date of these Regulations unless the following condition exists:

Existing vent line flow restrictors (ball float valves) shall be removed no later than October 13, 2021 unless the following condition exists:

Revised Proposed Amendments

B 2.27.1 Containment Sump Requirements for Non-Liquid Tight Access Structures for UST Systems Installed/Existing Prior to 1/11/08

Dispenser sumps shall be designed and installed such that Regulated Substance accumulating within the sump is contained and can be detected or is conveyed to the Tank top sump via the Piping interstitial space where it is contained and can be detected. All Dispenser, Tank top, transition and any other non-Liquid Tight access structures shall be prohibited after December 31, 2025. Containment Sumps shall be installed in accordance with Part B, Section 2.29 prior to and no later than December 31, 2025.

Revised Proposed Amendments

B 2.27.1 Containment Sump Requirements for Non-Liquid Tight Access Structures for UST Systems Installed/Existing Prior to 1/11/08

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Revised Proposed Amendments

B 2.30.4.1.7 Manual Tank Gauging Procedure for Used Oil UST Systems

Owners and Operators shall keep all manual tank gauging records utilized to comply with Release Detection requirements on file for the life of the UST System years and shall make the records available to the Department within ten (10) days of the Department's request.

Revised Proposed Amendments

B 2.30.4.1.7 Manual Tank Gauging Procedure for Used Oil UST Systems

Owners and Operators shall keep all manual ~~tank~~ Tank gauging records utilized to comply with Release Detection requirements on file for ~~the life of the UST System~~ three (3) years and shall make the records available to the Department within ~~ten (10) days~~ fourteen (14) Days of the Department's request.

Written Comments on the
Draft Regulations
sent to:
DNRECHearingComments@delaware.gov
by September 11, 2019

Public Comment


Comment Timer
3 minutes per person