



Delaware Underground Storage Tank Systems

Public Hearing

*Regulatory Revisions
7 DE Admin. Code 1351*

Underground Storage Tank Systems

December 9, 2020



Objectives

- *Clarify existing regulatory language*
- *Add clarifying language*
- *Include a federally mandated compliance deadline*
- *Correct typographical and grammatical errors*



Statutory
Basis:
7 Del. C.
Chapter 74

Underground Storage Tank Act Sections

- *7405 [Registration by owner]*
- *7407 [Release detection and release prevention]*
- *7408 [Inspection and monitoring]*
- *7410 [Financial responsibility]*



Corrections:
7 DE
Admin.Code
1351

- *Part A: Definitions and Notification*
- *Parts B/C/D: Installation, Operation and Maintenance*
- *Part E: Reporting, Release Investigation and Remedial Action*
- *Part F: Financial Responsibility*



Part A

Section 2.0

Definitions

Correction:

“Liquid Tight”: Change *“UST top sumps”* to *“Tank top sumps”*

Part A

Section 4.0



Registration and Notification Requirements:

Multiple Use Notification Requirements

Add reference to include:

- Part H (Field-Constructed UST Systems)
- Part I (Airport Hydrant Fuel Systems)

Part A

Section 4.0



Registration and Notification Requirements:

Repairs, Retrofits or Upgrades

Add post-construction testing reference for:

- *Part C (Consumptive Use Heating Fuel UST Systems)*
- *Part D (Hazardous Substances UST Systems)*

Part A

Section 4.0



Registration and Notification Requirements:

Repairs, Retrofits or Upgrades

Add Site Assessment reference for:

- *Part C (Consumptive Use Heating Fuel UST Systems)*
- *Part D (Hazardous Substances UST Systems)*



Parts B/C/D
Sections
1.0 & 2.0

Installation, Operation and
Maintenance Requirements:
Spill Containment Testing

Add reference to include:
*Adherence to manufacturer's
specifications*



Parts B/C/D
Sections
1.0 & 2.0

Installation, Operation and
Maintenance Requirements:
Overfill Prevention Equipment

Add reference to include Federal
mandate:

*“The first inspection shall occur
prior to October 13, 2021.”*



Part B
Sections
1.0 & 2.0

Installation, Operation and
Maintenance Requirements:
Emergency Generator USTs

Correction:

*Change “line leak detection” to
“Piping Release Detection”*

Part B

Section 1.0



Installation, Operation and Maintenance Requirements: *Emergency Generator USTs* *(installed on or after 1/11/2008)*

Piping release detection:

- *Using STP pump, per 1.19.2*
- *Safe Suction, per 1.20.1*
- *U.S. Suction, per 1.20.2*

Part B

Section 2.0



Installation, Operation and Maintenance Requirements: *Emergency Generator USTs* *(installed before 1/11/2008)*

Piping release detection per 2.31.5:

- *Using STP pump, per 2.20.1.5 (single wall pipe) or 2.20.2 (double wall pipe)*
- *Safe Suction per 2.21.1*
- *U.S. Suction per 2.21.2 (single wall pipe) or 2.21.3 (double wall pipe)*

Part B
Section 1.0



Installation, Operation and
Maintenance Requirements:
Marina Fueling Facility USTs

Delete “Additional” from Section
heading



Part B

Section 1.0

Installation, Operation and Maintenance Requirements: *Marina Fueling Facility USTs*

NFPA 30A Applicability:

*Change “After January 11, 2020”
to “installed on or after January 11,
2008”*

Part E

Section 5.0



Reporting, Release Investigation,
Remedial Action and No Further
Action Determinations:

Remedial Action Requirements

Remedial Action Work Plan:

*Change “Hazardous Substances”
to “Regulated Substances”*

Part E

Section 6.0



Reporting, Release Investigation,
Remedial Action and No Further
Action Determinations:

No Further Action Requirements

Institutional Controls:

*Change “replacement” to
“placement” of Environmental
Covenant*



Part F Section 1.0

Financial Responsibility: *Applicability*

Add reference to include:

- Part H (Field-Constructed UST Systems)
- Part I (Airport Hydrant Fuel Systems)



Part F

Section 1.0

Financial Responsibility:
Applicability

Syntax correction:

*Change “regulated substances”
to “Regulated Substances”*

Public Comment



*Deadline for public comments is by
close of business December 24, 2020*

Submit via email to:

DNRECHearingComments@delaware.gov

*using the online form at
<https://de.gov/dnreccomments>*

OR, or by U.S. mail to the following address:

*Lisa Vest, Hearing Officer
DNREC – Office of the Secretary
89 Kings Highway, Dover DE 19901*

Exhibits



1. *Excerpts from applicable sections of current regulations governing Underground Storage Tank (UST) Systems [published January 1, 2020] citing the proposed changes to promulgated language*
2. *Signed Start Action Notice #2020-01*
3. *Regulatory Flexibility Analysis and Impact Statement Form*
4. *Legal Request – DOJ Review of Draft UST Regulatory Revision*
5. *Public Meeting Calendar Notice of Public Hearing scheduled for December 9, 2020 at 6:00 p.m. using the State's WebEx platform*
6. *Register Notice of Public Hearing on 1351 Underground Storage Tank System Regulations scheduled for December 9, 2020*
7. *Legal Notice of Public Hearing on 1351 Underground Storage Tank System Regulations*
8. *Affidavit of Publication, Legal Notice of Public Hearing, Delaware State News, published November 15, 2020, advertising the December 9, 2020 Public Hearing on Regulations Governing Underground Storage Tank Systems*
9. *Legal Notice of Public Hearing, The News Journal, published November 15, 2020 advertising the December 9, 2020 Public Hearing on Regulations Governing Underground Storage Tank Systems*
10. *The Department PowerPoint presentation for the December 9, 2020 Public Hearing on Regulations Governing Underground Storage Tank Systems*