

Proposed UST Changes

DE Reg page #	Part	Section	Change	Reasoning for Change
1	A	Title	deleted "Tank Management Section"	Consistency with current Division organization
1	A - H	starts at 1.2.1.1	deleted "one thousand one hundred (1,100) gallons"; added "1,100 gallons"	Numbering changed in accordance with Delaware Regulatory Style Manual. Changes in numbering are noted throughout the regulation
5	A	1.2.2.4	added "DERBCAP means Delaware Risk Based Corrective Action Protocol."	Incorporating by reference DERBCAP Guidance document
7	A	2.0	added "HIG means Hydrogeologic Investigation Guidance."	Incorporating by reference HIG document
12	A	2.0	Site Assessment Definition: added "as described in DERBCAP,"; deleted "where contamination is most likely to be present"; deleted "Selection of sample types, sample locations and measurement methods shall be based on the nature of the stored substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a Release. A Site Assessment is not restricted to the property containing the UST System."	Referencing DERBCAP, removing language that is prescriptive and not appropriate in a definition. Compliance with Delaware Regulatory Style Manual
13	A	2.0	Tank Definition: added "a single"; deleted "Substances"; added "Substance	Amended definition to recognize tanks with multiple compartments
13	A	2.0	added "'Tier 0", as described in DERBCAP, means the initial process of gathering and evaluating data at time of a tank related activity to assess soil and confirm the presence or absence of a release of a regulated substance."	Definition associated with inclusion of DERBCAP in regulation
13	A	2.0	Underground Storage Tank or UST definition: deleted "any one or combination of Tanks " added "a Tank," deleted "Regulated Substances" added "a single Regulated Substance,"	Amended definition for consistency

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16	A	3.3.1.8	deleted "RP 1637, <i>Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Service Stations and Distribution Terminals</i> , 3rd Edition, July 2006."; added "RP 1637, <i>Using the API Color-Symbol System to Identify Equipment, Vehicles, and Transfer Points for Petroleum Fuels and Related Products at Dispensing and Storage Facilities and Distribution Terminals</i> , Fourth Edition, April 2020."	Updated reference standard
19	A	3.4	added "3.4 Incorporation by Reference"	New Section to allow for the incorporation of three standards that will have enforcement authority provided by the regulation
19	A	3.4.1	added "3.4.1 The Delaware Risk-Based Corrective Action Protocol, Volume 1, dated January 30, 2023, published by the Department of Natural Resources and Environmental Control, for Petroleum Underground and Aboveground Storage Tank Sites is hereby adopted and incorporated by reference as the Delaware Risk-Based Corrective Action Protocol and is an enforceable part of these Regulations."	Incorporation by reference DERBCAP Guidance document
19	A	3.4.2	added "3.4.2 The Hydrogeologic Investigation Guidance, dated January 30, 2023, published by the Department of Natural Resources and Environmental Control, is hereby adopted and incorporated by reference for the purposes of compliance with Corrective Action requirements established in Part E and is an enforceable part of these Regulations."	Incorporate by reference HIG document
19	A	3.4.3	added "3.4.3 The Investigation, Risk Determination and Remediation Guidance for the Vapor Intrusion Pathway Guidance, dated January 30, 2023, published by the Department of Natural Resources and Environmental Control, is hereby adopted and incorporated by reference for the purposes of compliance with Corrective Action requirements established in Part E and is an enforceable part of these Regulations."	Incorporate by reference VI Pathway Guidance document
22	A	4.7.1	deleted "B, subsection 1.28.7 or Part B, subsection 2.29.7 or Part C, subsection 1.27.7 or Part C, subsection 2.28.7 or Part D, subsection 1.28.7 "; added "A, subsection 15.8"	update citation to identify updated organization of regulations

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22	A	4.7.2	deleted "Site Assessment in accordance with Part B, subsection 1.28.11 or Part B, subsection 2.29.11 or Part C, subsection 1.27.11 or Part C, subsection 2.28.11 or Part D, subsection 1.28.11"; added "Tier 0 soil sampling and analysis in accordance with Part A, subsection 15.12"	update citation to identify updated organization of regulations
23	A	5.1.1	added ", and all site evaluations and reports, including soil sampling and analyses according to protocols specified in DERBCAP."	updated citation to reference requirements specified in DERBCAP
24	A	5.1.4.7	deleted "soil and groundwater sampling and laboratory chemical analyses reports"; added all site evaluations and reports, including soil sampling and analyses according to protocols specified in DERBCAP.	updated citation to reference requirements specified in DERBCAP
25	A	5.1.4.8	deleted "Records"; added records, in accordance with Section 18.0, all site evaluations and reports, including soil sampling and analyses according to protocols specified in DERBCAP."	updated citation to reference requirements specified in DERBCAP
25	A	5.1.4.9	deleted "Results of the Site Assessment conducted at each site for the purpose of demonstrating compliance with investigation requirements of Part E of these Regulations."	added language in 5.1.4.7 that negates need for this wording
32	A	12.0	added "identified in Part A, subsection 1.2.1"; added "and Section 18.0,"; deleted "Part B, Section 4.0, Part C, Section 4.0, Part D, Section 3.0,"	Added language and new citation for clarity purposes and deleted citations to old sections
33-36	A	New Section 15.0, 16.0, 17.0, 18.0	Repair, Retrofit, and Upgrade Requirements for UST Systems, Change in Service Requirements and Requirements for Empty UST Systems, Change in Substance Stored Requirements for UST Systems, and Removal or Closure in Place Requirements for UST Systems	Moved requirements from Parts B, C, and D to new sections in Part A for clarity and better organization of regulation
39	B	1.4.1	deleted "any portion of the UST System where aquifers underlying the UST Facility are determined to need such protection, or where groundwater below the UST Facility is within a well head protection area, or where groundwater is susceptible to contamination in order to protect the safety, health, welfare, and environment of the State"; added "UST Systems."	Secondary Containment is required on UST Systems regardless of location to sensitive natural resources
39	B	1.4.3.4	added "For UST Systems in proximity to a well head protection area, or excellent recharge area boundary as determined by the Department, double-walled vent Piping is required."	The Department requires double-walled vent piping when UST system is near sensitive natural resources

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46	B	1.12.1	delete "Site Assessment"; added soil sampling and analysis; deleted "Part B, subsections 1.28.10 and 1.28.11"; added "the requirements specified in DERBCAP"	changed citation
52	B	1.20.3	deleted "1.30.5.1"; added "1.29.5.1"	amended citation due to renumbering
54	B	1.23.1.2.2	deleted "A different color symbol shall be used for each type of Regulated Substance or grade of Regulated Substance being stored at the Facility."	We refer to standard API RP 1637
58	B	1.28	deleted entire subsection	moved to Part A, Section 15.0
59	B	1.29(new 1.28)	renumbered entire subsection	renumbered subsection for remainder of Part B, Section 1.0
77	B	2.9.11.1.7	deleted "master"; added "primary"	providing clarity
87	B	2.24.1.2.1	deleted "Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Service Stations and Distribution Terminals or API IP 1542, Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuel Equipment"; added " <i>Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Service Stations and Distribution Terminals or API IP 1542, Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuel Equipment</i> "	updated reference standard
87	B	2.24.1.2.2	delete "A different color symbol shall be used for each type of Regulated Substance or grade of substance being stored at the Facility."	We refer to standard API RP 1637
87	B	2.25.1.1.3	delete "Control of External Corrosion on Underground or Submerged Metallic Piping Systems"; added " <i>Control of External Corrosion on Underground or Submerged Metallic Piping Systems</i> "	changed to italics
93	B	2.27.1	deleted "Part B, subsection 2.29"; added "Part A, Section 15.0"	updated citation
93	B	2.29	removed entire subsection and renumbered remainder of Part B	moved subsection to Part A, Section 15.0

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100	B	old 2.34.1.1 (new 2.33.1.1)	deleted "B, Section 4.0 and the applicable hydrogeologic investigation and Remedial Action requirements of"; added "A, Section 18.0,"; added "and the requirements specified in DERBCAP"	updated citation and added language for clarity
101	B	old 2.34.2.5 (new 2.34.2.5)	deleted "Part B, Section 4.0 of these Regulations and the applicable hydrogeologic investigation and Remedial Action requirements of"; added "Part A, Section 18.0,"; added " and the requirements specified in DERBCAP."	updated citation and added language for clarity
101 - 106	B	3.0, 4.0, 5.0, and 6.0	Deleted entire Sections	All sections moved to Part A, Sections 16.0, 17.0, and 18.0
108	C	1.4.1	deleted "any portion of the UST System where aquifers underlying the UST Facility are determined to need such protection, or where groundwater below the UST Facility is within a well head protection area, or where groundwater is susceptible to contamination in order to protect the safety, health, welfare and environment of the State"; added "UST Systems"	In 2008 Division changed new installation requirements to all new tanks and piping requiring secondary containment
112	C	1.9.1.3	added "the requirements specified in DERBCAP and"	updated reference for clarity
114	C	1.12.1	deleted "a Site Assessment"; added "soil sampling and analysis" deleted "Part C, subsections 1.27.10 and 1.27.11 " added "the requirements specified in DERBCAP"	changed citation
121	C	1.23.1.2.2	delete "A different color symbol shall be used for each type of Consumptive Use Heating Fuel or grade of substance being stored at the Facility."	We refer to standard API RP 1637
125	C	1.27	deleted entire subsection	Section moved to Part A, 15.0
126	C	old 1.28 (new 1.27)	renumbered entire subsection and remaining sections of Part C	renumbered subsection for remainder of Part C, Section 1.0
128	C	2.1.7	deleted "Consumptive Use Heating Fuel shall not be deposited into an UST System that is not in compliance with the financial responsibility requirements of Part F of these Regulations."	Financial Responsibility is not required for Consumptive Use Heating Fuel UST Systems
133	C	2.9.2.1.4	deleted "Statistical Inventory Reconciliation"	SIR is not a valid option for Consumptive Use Heating Fuel UST Systems

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137	C	2.9.8	deleted entire subsection of "Statistical Inventory Reconciliation Release Detection Requirements for Tanks Storing Regulated Substance"	SIR is not valid option for Consumptive Use Heating Fuel UST Systems
141	C	2.19.2	deleted "Statistical Inventory Reconciliation methods shall be in accordance with Part C, subsection 2.9.8"	SIR is not valid option for Consumptive Use Heating Fuel UST Systems
146	C	2.23.1.2.2	delete "A different color symbol shall be used for each type of Consumptive Use Heating Fuel or grade of Consumptive Use Heating Fuel being stored at the Facility."	We refer to standard API RP 1637
151	C	2.26.1	added "All 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 A, Section 15.0 prior to and no later than December 31, 2025."	moved up to new location within section and added deadline for compliance
151	C	2.26.2	deleted "All Tank top, transition and any other Containment Sumps not utilized as part of a Release Detection system and of single wall design shall be Liquid Tight and shall be tested for Liquid Tightness once every thirty-six (36) months in accordance with Part C, subsection 2.26.3 and when deemed necessary by the Department to determine if a threat to human health, safety or the environment exists."	they are all included in the new 2.26.1, and fall under the deadline
152	C	2.28	deleted entire subsection	Subsection moved to Part A, Section 15.0
153	C	old 2.29 (new 2.28)	renumbered entire subsection	renumbered subsection for remainder of Part C, Section 2.0
154	C	old 2.30.1 (new 2.29.1)	deleted "Part C, Section 2.28"; added "Part A, Section 15.0"	updated citation
154	C	old 2.30	deleted entire subsection and renumbered remaining section	new 2.26.1 section
155	C	old 2.32.1.6.4 (new 2.31.1.6.4)	deleted "C, Section 4.0 of these Regulations and the applicable hydrogeologic investigation and Remedial Action requirements of"; added "A, Section 18.0,"; added ", and the requirements as specified in DERBCAP".	updated citation and added language for clarity

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156 - 160	C	3.0, 4.0, 5.0, and 6.0	deleted all sections	All sections moved to Part A, Sections 16.0, 17.0, and 18.0
162	D	1.4.1	deleted "any portion of the UST System where aquifers underlying the UST Facility are determined to need such protection, or where groundwater below the UST Facility is within a well head protection area, or where groundwater is susceptible to contamination in order to protect the safety, health, welfare and environment of the State"; added "UST Systems"	In 2008 Division changed new installation requirements to all new tanks and piping requiring secondary containment
163	D	1.4.3.2	deleted "vapor return Piping and, where required,"	doesn't apply to hazardous substance tanks. Only for gas tanks.
163	D	1.4.3.3	deleted "and under each dispenser"	UST systems containing hazardous substances do not have dispensers
169	D	1.12.1	deleted "a Site Assessment"; added "soil sampling and analysis"; deleted "Part D, subsections 1.28.10 and 1.28.11"; added "requirements specified in DERBCAP"	changed citation
177	D	1.23.1.2.2	deleted "A different color symbol shall be used for each type of Regulated Substance or grade of Hazardous Substance being stored at the Facility."	We refer to standard API RP 1637
181	D	1.28	deleted entire subsection	moved subsection to Part A, Section 15.0
182	D	old 1.29 (new 1.28)	renumbered remaining subsection	renumbered subsection for remainder of Part D, Section 1.0
184 - 189	D	2.0, 3.0, 4.0, and 5.0	deleted all sections	All sections moved to Part A, Sections 16.0, 17.0, and 18.0
189	E	1.1.1	deleted "302-395-2500"; added "302-395-2600"	updated phone number
189	E	1.2.1.1	deleted "302-395-2500"; added "302-395-2600"	updated phone number
190	E	1.3.2.2	deleted "302-395-2500"; added "302-395-2600"	updated phone number
191	E	1.4.1	deleted "302-395-2500"; added "302-395-2600"	updated phone number
191	E	1.4.2	deleted "302-395-2500"; added "302-395-2600"; added "in accordance with the requirements specified in the Hydrogeologic Investigation Guidance (HIG),"	updated phone number; added citation to HIG
191	E	1.5.1	deleted "302-395-2500"; added "302-395-2600"	updated phone number
191	E	1.5.3	deleted "302-395-2500"; added "302-395-2600"	updated phone number
193	E	2.4.1.3	deleted "site assessment"; added "sampling and analysis"	updated for clarity

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195	E	4.1.1	added "in accordance with the requirements specified in the HIG"	updated citation and added language for clarity
196	E	4.2.1.4	deleted "Program"; added "Protocol"	updated for citation reference
196	E	4.2.3	deleted "Department guidance"; added "the requirements specified in the HIG"	updated for clarity and citation reference
199	E	6.1.1.1	deleted "A demonstration that"; added "Documentation indicating"	updated for clarity
199	E	6.1.1.2	deleted "LNAPL"; added "Documentation indicating that NAPL" and "the requirements specified in DERBCAP and"	updated for clarity and citation reference
199	E	6.1.1.3	deleted "Contaminant"; added "Documentation indicating that contaminant" and "specified in DERBCAP and the RAWP, and "	updated for clarity and citation reference
264	G	1.4.1	deleted "DNREC"	redundant language
269	H	2.2.1	deleted "Part B, Section 4.0"; added "Part A, Section 18.0"	updated citation
269	H	2.3.1	delete "1.31"; added "1.30"; deleted "1.31.2"; added "1.30.2"	updated citation
271	H	2.5.1	added "as specified in DERBCAP"; deleted "Part B, Section 4.0"; added "Part A, Section 18.0"	added for clarity
272	I	2.2.1	deleted "Part B, Section 4.0"; added "Part A, Section 18.0"	updated reference citation
272	I	2.3.1	deleted "1.31"; added "1.30"; deleted "1.31.2"; added "1.30.2"	updated citation
274	I	2.5.1	added "as specified in DERBCAP"; deleted "Part B, Section 4.0"; added "Part A, Section 18.0"	added for clarity; updated reference citation