

## Part A: 2.0 – Definitions

### Definitions added or changed (refer to Regulations for details):

Airport Hydrant Fuel System  
Class A Operator  
Class B Operator  
Conceptual Site Model  
Containment Sump  
Corrective Action  
Day  
Dispenser  
Dispenser System  
Empty or Emptied  
Field-Constructed Tank  
Holder  
Hydraulic Lift Tank  
Imminent Threat  
Indicia of Ownership  
Institutional Controls  
Liquid Tight  
Mobile LNAPL  
Migrating LNAPL  
Marina Underground Storage Tank System  
Marina Fueling Facility  
Motor Fuel  
Non-Commercial Purposes  
Operator  
Petroleum UST System  
Piping Run  
Precision Test  
Regulated Substance  
Release Detection  
Repair  
Replacement or Replaced  
Secondary Containment or Secondarily Contained  
Security Interest  
Statistical Inventory Reconciliation or SIR  
Tank  
Under-Dispenser Containment or UDC  
Underground Storage Tank or UST  
Verifiable Service

## Part A: 3.0 – Referenced Standards

### **3.2 Applicability**

3.2.1 – **(new)** All referenced standards are listed specifically with the applicable edition or version cited in the regulations.

## Part A: 4.6 – Installation Notification Requirements

### **4.6 Installation Notification Requirements**

4.6.11 – **(new)** If an insurance or risk retention group coverage mechanism is used to comply with the financial

responsibility requirements in Part F, such certification requires submission of an insurance or risk retention group coverage documents, including a copy of the complete insurance policy and any endorsements, and the Certificate Of Insurance (Form D) and UST Schedule (Form R).

4.6.12 – **(new)** At the completion of the UST System installation, the Owner and Operator shall not commence operation of the UST System without written approval **and receipt of a valid Registration Certificate** from the Department.

## Part A: 4.7 – **Repair, Retrofit and Upgrade Notification Requirements**

### **4.7 Repair, Retrofit and Upgrade Notification Requirements**

4.7.1 – Fourteen (14) day notification for work requiring post-construction testing to be approved

- Previously was ten (10) days

4.7.2 – Fourteen (14) day notification for work requiring Site Assessment to be approved

- Previously was ten (10) days

4.7.3.1 – If approval is not received within fourteen (14) days, then Owner/Operator can commence **if construction work is aboveground or within a containment sump**

4.7.3.1.1 Owner/Operator is **required to notify Department two (2) days prior to performing the construction work, and**

4.7.3.1.2 The Owner or Operator shall recognize that any actions taken without prior approval is at the risk of the Owner or Operator and does not absolve the Owner or Operator of the obligation to comply with all applicable requirements of the Regulations.

4.7.5 – If construction work has not begun within ninety (90) days, a new notification form is required

- Previously was sixty (60) days

### **4.8 Removal, Closure In Place, Change In Service and Change in Substance Stored Notification Requirements**

4.8.1 – Fourteen (14) day notification required – includes Removal, Closure in Place, Change in Service and Change in Substance Stored)

- Previously was ten (10) days

4.8.2 – If such action is in response to an Imminent Threat to human health, safety or the environment, the Owner or Operator shall notify the Department in accordance with Part E, subsection 1.3.

## Part A: 5.0 – **Recordkeeping**

5.1.2 - Owners and Operators of UST System Facilities shall make **all records available** for inspection **upon request** by the Department within fourteen (14) Days of the request.

- Previously was ten (10) days

5.1.3 - Three year records retention requirements for:

- Inventory Control
- Tank and Piping RD
- Routine (30 day Walk Around) Inspections
- Containment Sump testing
- Manual tank gauging records
- Overfill prevention equipment inspection

5.1.4 - Lifetime records retention requirements (transferred to new owner) for:

- Cathodic Protection
- Tank lining

UST Registration forms and certificates  
Regulated substance storage and compatibility  
Dates and details of UST system installations  
    Built plans to scale  
    Photos of install  
    Approval letter from Department  
Dates and details of Release Detection systems  
Records of, dates, descriptions, and written documentation of Repairs, Retrofits and Upgrades of the UST Systems and associated Ancillary Equipment including soil and groundwater sampling and laboratory chemical analyses reports.  
UST System Removal and Closed In Place  
Results of the Site Assessment conducted at each site for the purpose of demonstrating compliance with investigation requirements of Part E of these Regulations.  
No further action letters issued by the Department  
Class A, Class B and Class C Operator Training Records for duration of employment  
Any records concerning an alternative procedures approval issued by the Department  
Financial responsibility documentation

## Part A: 9.0 – Delivery & Dispensing Prohibition

Summary (*READ for detail*)

### **(9.2) Process for Field Delivery and Dispensing Prohibitions Without Prior Notice**

#### **(9.2.1)**

**The following conditions warrant immediate Delivery and Dispensing Prohibitions:**

- 1 Department representative determines that an Imminent Threat exists, or
- 2 Spill prevention, overfill prevention, Release Detection, or corrosion protection equipment is not installed as required by these Regulations, or
- 3 Failure to comply with an Indicated Release investigation or Release response requirements in accordance with Part E of these Regulations, or
- 4 Failure to comply with financial responsibility requirements in accordance with Part F of these Regulations.

#### **(9.2.2)**

Department representative shall immediately affix the Delivery Prohibition Tag to the fill Pipe and the Dispensing Prohibition Tag to the affected Dispenser of the UST System(s) involved, so that it is immediately noticeable and available to any Person considering or commencing delivery of Regulated Substances into the UST System or dispensing of Regulated Substances from the UST System(s).

#### **(9.2.3)**

Department representative shall contact the Owner and Operator, as soon as practicable subsequent to the affixing of the Delivery and Dispensing Prohibition Tags and inform the Owner and Operator of:

- a. The affixing of the Prohibition Tags, and
- b. The violation(s) upon which the prohibition is based and
- c. Procedures for filing a Notice of Appeal.

### **(9.3) Process for Delivery Prohibitions with Prior Notice**

- 9.3.1 Upon determination by the Department of a violation of the *Regulations Governing Underground Storage Tank Systems* or **7 Del.C. Chs. 60 or 74**, other than a violation that poses

an Imminent Threat, the Department may give written notice to the Owner or Operator of the following:

- 9.3.1.1 The violation(s) upon which the prohibition is based, and
- 9.3.1.2 The scheduling of an Expedited Evidentiary Hearing, with written notice to the Owner or Operator at least thirty (30) Days before the scheduled date of the Expedited Evidentiary Hearing, and
- 9.3.1.3 The preliminary intention to affix a Delivery Prohibition Tag at the conclusion of the Expedited Evidentiary Hearing, subject to consideration of the evidence submitted and any other pertinent considerations.

#### **(9.4) Process for Expedited Evidentiary Hearing (EEH)**

*(READ for detail)*

### **Part A: 10.0 – Requirements for Operator Training**

*10.1.1 – Same But Make Aware – Provide a List of A/B Operators (see form)*

10.1.6 – Department approved training program – Class A/B operator must receive 80% or higher passing grade

10.1.7 – Reciprocity for Class A/B operator in another state – must receive 80% or higher passing grade on on-line assessment approved by Department

10.1.8 - Individuals assuming responsibility for the duties of a Class A or Class B Operator shall successfully complete Department approved training in the topics listed in Part A, subsection 10.1.10 within thirty (30) Days of being designated as the Class A or Class B Operator (previously 45 days).

### **Part A: 11.0 – (new) Use of Certified Contractors**

The installation, Retrofit, Removal or Closure In Place of an UST System storing Regulated Substance shall have a minimum of one individual, certified for the UST System activity to be performed, present at all times while work is occurring. This individual shall be a permanent employee of the business firm performing the UST System activity and the business firm shall be certified for the UST System activity being performed in accordance with the requirements of Part G of these Regulations. All work performed on an UST System storing Regulated Substance shall be in accordance with the requirements of Parts A, B, C, D, E, G, H and I of these Regulations.

### **Part A: 12.0 – (new) NFA Action Determination**

An Owner or Operator who seeks a no further action determination from the Department for the Removal or Closure In Place of any UST System shall be subject to the requirements of Part A, Section 11.0, Part B, Section 4.0, Part C, Section 4.0, Part D, Section 3.0, Part E, Section 6.0, Part H, subsection 2.5 and Part I, subsection 2.5 as applicable.

### **Part A: 13.0 – (new) Additional Compatibility requirements for Regulated Substance Containing Ethanol and Biodiesel**

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

13.2 Owners and Operators shall follow the notification requirements of Part A Section 4.0 prior to changing to a Regulated Substance containing greater than ten (10) percent ethanol, greater than twenty (20) percent biodiesel, or any other Regulated Substance identified by the Department. In addition, Owners and Operators with UST Systems storing these Regulated Substances shall meet one of the following:

13.2.1 Demonstrate Compatibility of the UST System (including the Tank, Piping, Containment Sumps, pumping equipment, Release Detection equipment, spill equipment, and overfill equipment). Owners and Operators shall demonstrate Compatibility of the UST System using one of the following:

13.2.1.1 Certification or listing of UST System equipment or components by a nationally recognized, independent testing laboratory for use with the Regulated Substance stored; or

13.2.1.2 Equipment or component manufacturer's approval which shall be in writing, indicate an affirmative statement of Compatibility and specify the range of biofuel blends the equipment or component is Compatible with; or

13.2.1.3 Other method or methods determined by the Department to be no less protective of human health and the environment than the options listed in Part A subsection 13.2.1.1 or 13.2.1.2.

13.3 Owners and Operators shall maintain records of Compatibility in accordance with Part A subsection 5.1.4.

## **Part A: 14.0 – (new) 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 requirements in accordance with Part B subsection 1.14.3, the following additional 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 and 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 method of monthly release detection for the product piping system;

14.1.7 Product piping from the dispenser sump closest to the UST System submersible turbine pump 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.