



APPROVED BY [Signature]

DATE 11-8-13

START ACTION NOTICE

2013-24

1. TYPE OF ACTION : Amend the Delaware Regulations Governing Aboveground Storage Tanks (the Regulation s)

2. PURPOSE OF ACTION :The Regulations were originally completed in 2004 and amended in 2005. When originally promulgated Delaware was one of very few states with an AST regulatory program and the federal government does not have a regulatory program, therefore there was very little information available for Delaware in constructing Regulation s. In the ensuing eight years the DNREC-TMS has through education and field experience identified several technical aspects of the Regulation s that need revisions. The reasons include Regulation s that are not specific in nature, technical areas that are not addressed , new technologies in the last 8 years that are not included, and new industry standards. The proposed revisions will add clarity and will ensure the requirements in the Regulation s are up to date and in line with current industry practices and standards.

3. STATUTORY BASIS: 7 Del.C. Chapter 74A

4. LIKELY AFFECTED PUBLIC: Aboveground storage tanks are not subject to operation and maintenance requirements un less they store at least 12,500 gallons of a regulated substance that is not diesel, heating fuel or kerosene or at least 40,000 gallons of diesel, heating fuel or kerosene. Due to the large size of the tanks that are subject to O&M requirements the regulated community is largely commercial. Providing clarity in the Regulation s and updating to remain current with technology will benefit the regulated community.

5. PROPOSED SCHEDULE OF ACTIVITIES:

- DNREC staff completes preliminary draft - December 2013
- Aboveground Storage Tank Technical Advisory Committee (ASTTAC) meetings - January -June 2014
- Public Workshops - July 2014
- Public Hearing - Oct 2014
- Promulgation - Jan 2015

6. REVIEW COMMITTEE:

Aboveground Storage Tank Technical Advisory Committee -This committee was instrumental in assisting in the drafting of the original Regulation s. The Committee includes representatives of the AST industry, contractors, consultants, tank owners and operators, financial experts and environmental oversight organization s.

7. RESPONSIBLE STAFF MEMBER:

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8. APPROVALS:

[Signature] 10/23/13  
Responsible Staff Member Date

[Signature] 11.23.13  
Division Director Date