



START ACTION NOTICE # 2020-01
DOCKET # 2020-R-WH-0005

1. TYPE OF ACTION:

Revise the current *Regulations Governing Underground Storage Tank Systems* to increase protection of public health and the environment by clarifying existing regulatory language, adding clarifying language and effective dates, and correcting typographical and grammatical errors. The State of Delaware regulations must be at least as stringent as the federal regulations under the requirements of 40 CFR 281, State Program Approval.

2. PURPOSE OF ACTION:

The purpose of the revisions is to keep the Regulations current with requirements from the federal level.

3. STATUTORY BASIS:

7 Del.C., Chapter 74, The Underground Storage Tank Act

4. IS THIS PROPOSED REGULATORY ACTION REQUIRED AS A RESULT OF FEDERAL STATUTE OR REGULATION? IF SO, PROVIDE LINK TO FEDERAL MANDATE.

The proposed regulatory action is a result of US Code, Title 42, Chapter 82, Subchapter IX.
<https://uscode.house.gov/browse/prelim@title42/chapter82/subchapter9&edition=prelim>

5. DATE OF MOST RECENT REVIEW/AMENDMENT:

The most recent amendments to the *Regulations Governing Underground Storage Tank Systems* were published in the Delaware State Register on January 1, 2020. The proposed amendments for this Start Action Notice are pursuant to EO-36.

6. LIKELY AFFECTED PUBLIC:

The Regulations impact owners and operators of underground storage tanks (UST) greater than 110 gallons containing a regulated substance. USTs with a capacity less than 1,100 gallons and storing either motor fuel to support farming activities or other non-commercial purposes or storing heating fuel are exempt from the operation and maintenance requirements. These USTs are however still subject to cleanup requirements should a release from the UST occur.

7. PROPOSED SCHEDULE OF ACTIVITIES:

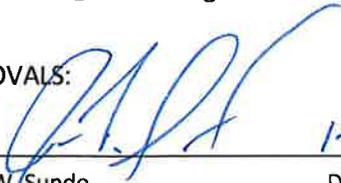
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|----------------|---|
| • January 2020 | Regulatory re-write by DNREC-CAPS staff |
| • March 2020 | Advertise Public Hearing |
| • April 2020 | Public Hearing |
| • May 2020 | Publish Final Regulations |

8. REVIEW COMMITTEE:

The previously established Underground Storage Tank Advisory Committee (USTAC) will be utilized to assist the Department in the development and review of the Regulations.

9. RESPONSIBLE STAFF MEMBER:
(name, physical address, phone and fax numbers, and e-mail address)
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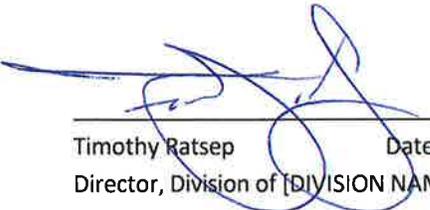
10. APPROVALS:



Jason W. Sunde
Responsible Staff Member

1-16-2020

Date



Timothy Ratsep
Director, Division of [DIVISION NAME]

1/16/2020

Date



Shawn M. Garvin
Secretary

1/27/20

Date