



DNREC —Tank Management Section
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Delaware Department of Natural Resources and Environmental Control

Proposed Changes to Delaware's Regulations Governing Aboveground Storage Tanks

The DNREC Tank Management Section (DNREC-TMS) will hold a Public Hearing on the Proposed Changes to Delaware's Regulations Governing Aboveground Storage Tanks (AST Regulations) on Tuesday, December 6, 2016 at 6pm at the DNREC Lukens Drive Office, located at 391 Lukens Drive, New Castle, DE.

The AST Regulations were originally promulgated in 2004. The DNREC-TMS is currently revising the AST Regulations to be consistent with changes made in June 2016 to the Jeffrey Davis Aboveground Storage Tank Act, as well as other changes that reflect the use of current technologies and best management practices that prevent releases from AST systems and ensure an effective cleanup when a release occurs.

Important Proposed Changes include:

Revised Definitions of an In-Service and Out-of-Service AST: The proposed regulations gives the regulated community additional time to perform tank inspection and maintenance activities without the AST being considered out-of-service. The current time period is being extended from 45 days to 180 days.

New Definition of Indicated Release and Imminent Threat of Release: These definitions support changes made in 2016 to the Jeffrey Davis Aboveground Storage Tank Act authorizing the Department to take over situations that pose a danger to public health or where there are signs that an AST has had a release and the owner has been given notice and failed to take appropriate action.

Ensuring new, large ASTs are built a safe distance from a public or private well: The proposed regulations prohibit new, large ASTs from being built within 150 feet of a public well, and 100 feet of a private well. This proposed regulation makes the AST regulations consistent with the Department's well permitting regulations.

Clarified that larger ASTs cannot store regulated substances unless financial responsibility requirements are met: The proposed regulations require that owners and operators of larger ASTs maintain financial responsibility such as insurance to pay for the cleanup and third party damages associated with a release from the AST.



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Revised Release Notification and Corrective Action Requirements: The proposed regulations require responsible parties to develop a conceptual model for any free product that is associated with the release as part of the required investigation, and to submit remedial action progress reports on an annual basis when active remediation techniques are part of the required environmental cleanup actions. The proposed regulations make the AST release reporting and cleanup requirements more consistent with those found in the Underground Storage Tank regulations, adding new definitions, such as for light non-aqueous phase liquids, remedial action, and site assessment.

Adding a Definition of "Empty" and Including "Emptying an AST" as a Change of Service:

The proposed regulations clarify that an AST is considered empty when all of the regulated substances have been removed and the interior has been cleaned. The Department is requiring owners and operators to notify the Department when an AST is considered empty so that the Department can identify when an AST is considered out-of-service.



Revising the Definition of Tank Owner to include Lender Liability Protections:

The proposed regulations make the regulatory definition of owner more consistent with the statutory definition found in the Jeffrey Davis Aboveground Storage Tank Act. The proposed regulations specifically exempts financial

institutions that foreclose on a property containing an AST from being considered the AST owner, provided they do not operate the AST and notify the Department of the foreclosure.

Clarifying Secondary Containment requirements for product loading areas: The proposed regulations specify that owners and operators of new, large ASTs must have secondary containment that can hold up to 110% of the volume of the largest compartment of the vehicle used to load and off-load the material. Secondary containment has always been required, the change involves specifying the volume that is needed.

Clarifying specific requirements of an internal inspection report required for larger tanks:

The proposed regulations provide a detailed list of items that must be included in an internal inspection report. The proposed regulations also clarify that when multiple standards could apply, only one referenced industry standard will be required.

For more information regarding these changes, please call Alex Rittberg at 302-395-2500, or visit the Tank Management Section website at:

<http://www.dnrec.delaware.gov/tanks>