

List of Proposed Changes AST Regulations April 2016

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1	List of Proposed Changes to Delaware Regulations Governing Aboveground Storage Tanks		
2	Section	Action	Comments on Change
3	Owner and Operator/Owner or Operator		Owner and Operator changed to Owner or Operator in situations where only one party needs to submit documents to the Department; however as stated in Part A, Owner and Operators are jointly and severally liable for all requirements.
4	All terms "within x days of the effective date of the Regulations"	Amended	Actual date inserted
5	PART A		
6	Part A, Section 1.2.2	Amended	reference to Part A, Section 8 deleted as that section was moved to Part E; all sections then renumbered.
7	Part A, Section 1.2.2.4	Amended	Defined terms capitalized
8	Part A, Section 1.2.3, 1.2.3.1 and 1.2.3.2.	Amended	Due to renumbering and changes to Part A, there are several reference changes in this section. ASTs of smaller size are only subject to certain portions of the Regulations. These include registration, but no annual fee, submittal of new registration whenever there are changes in the information provided, submittal of confidential information protection and signage requirements, and remediation of any Release of Regulated Substance. Size deliniations changed to accurately match statute size requirements.
9	Part A, Section 1.2.6.	Amended	Farm/Agricultural BMPs must be submitted in writing and approval from DNREC must be in writing
10	Part A, Definitions - AST	Amended	Aboveground Storage Tank definition: clarified that AST does not include an AST that has met the requirements of Permanent Closure in accordance with the AST Regulations
11	Part A, Definitions - AST	Amended	Added under Flow Through Proces Tanks that are not exempted: 4) a tank that stores fuel for combustion subsequently used to provide heat for a process
12	Part A, Definitions - AST	Amended	Added for clarification the words "permanently installed" prior to 'point of isolation'
13	Part A, Definitions - Change In Service	Amended	Change-In-Service: to include "when the AST is Emptied"
14	Part A, Definitions- Consumptive Use	Amended	Clarification added - Heating Fuel AST must be directly connected to the heat generating equipment and the fuel must be utilized solely to generate heat
15	Part A, Definition - Corrective Action	Added	New - not previously defined
16	Part A, Definitions - Day	New	To clarify whether "days" means business or calendar days a definition of "day" has been added.
17	Part A, Definitions - Effective Date	Added	means the most recent date of promulgation of these Regulations
18	Part A, Definitions - Empty or Emptying	Added	New definition
19	Part A, Definitions - External Liner	Added	Added a definition of External Liner.
20	Part A, Definitions - Flow Through Process Tank	Amended	Added to definition: "does not include (4) a tank that stores fuel for combustion subsequently used to provide heat for a process"
21	Part A, Definitions - Heating Fuel	Amended	clarification added

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22	Part A, Definitions - Imminent threat of a Release	Added	means the potential for a Release which requires action to prevent or mitigate damage to the environment or endangerment to public health or welfare which may result from such a release
23	Part A, Definitions - Indicated Release	Added	means there are signs that an AST, or the secondary containment system are failing or could potentially fail to contain a Regulated Substance. Indicated Releases are Releases that are not observable and are not directly attributable to another source
24	Part A, Definitions - Legal Defense Cost and Provider of Financial Assurance	Amended	Financial Assurance changed to Financial Responsibility for consistency with the rest of the Regulations
25	Part A, Definitions - Motor Oil	Added	Definition of Motor Oil added for clarification of what tanks are exempt in Part A, Section 1.2.2.4.
27	Part A, Definitions - New AST	Amended	clarification added: means a Person operating a facility or who has operated a facility, including, but not limited to, by lease, contract or other form of authorization agreement. Operator includes any Person who has any of the responsibility for the care, custody, and control of the daily operation of an AST.
28	Part A, Definitions - Noncommercial	Amended	The definition has been modified for clarification of what activities and businesses qualify as "Noncommercial" to qualify for the exemption in Part A, Section 1.2.2.4.
29	Part A, Definitions - Owner	Amended	Commensurate with new legislation 2014
30	Part A, Participation in Management	Added	means actually participating in the management or operational affairs of an Aboveground Storage Tank or Facility and does not include merely have the capacity to influence, or the unexercised right to control, an Aboveground Storage Tank or Facility operations.
31	Part A, Definitions- Permanent Change in Contents	Amended	Amended definition to include any circumstance where a change in contents would affect a tank's regulated status . "the replacement of one substance stored in an AST and Ancillary Piping for another substance that would effect a change in the AST and Ancillary Piping's regulated status based on capacity and substance stored."
32	Part A, Definitions - Pipe	Amended	Added "vapor recovery piping" to definition of Pipe
33	Part A, Definitions - Regulated Substance	Amended	clarification added to definition of petroleum "petroleum product, or contains one percent (1%) or more of a petroleum product, or was originally derived from a petroleum or petroleum containing product" ;and added Heating Fuel
34	Part A, Definitions - Remedial Action	Added	means activities conducted to protect human health, safety, and the environment. These activities include but are not limited to evaluating risk, making no further action determinations, monitoring institutional and engineering controls, and designing and operating cleanup equipment
35	Part A, Definitions, Sacrificial Anode Cathodic Protection System	Amended	Added "Cathodic Protection" for clarification

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36	Part A, Definitions - Site Assessment	Added	means to measure for the presence of a Release where contamination is most likely to be present at an AST site. Selection of sample types, sample locations and measurement methods shall be based on the nature of the substance stored, 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 AST System
37	Part A, Definitions, Tank Management Branch	Amended	"Branch" changed to "Section" to update to current title
38	Part A, Section 3.1	Amended	Updated addresses, phone numbers of referenced standards organizations
39	Part A, Section 3.1.1.11	Amended	Added: United States Department of Labor, Occupational and Safety and Health Administration.
40	Part A, Section 3.2.1.	Amended	Amended for referenced standards to be those in effect on the date of Promulgation, not the most recent edition or version in future publication.
41	Part A, Section 3.3	Amended	Updates and additions to Standards used in the Regulations. Added date of edition currently in effect to each standard. 27 specific edition dates added
42	Part A, Section 3.3.1.9.	Added	Added: reference standard API RP 2015, Requirements for Safe Entry and Cleaning of Petroleum Storage Tanks
43	Part A, Section 3.3.1.10	Added	Added referenced standard API RP 2016, Guidelines and Procedures for Entering and Cleaning Petroleum Storage Tanks
44	Part A, Section 3.3.4.2.	Added	Added referenced standard NFPA 30A, Code for Motor Fuel Dispensing Facilities and Repair Garages
45	Part A, Old Section 3.4.2.	Deleted	Deleted reference standard NFPA 303, Fire Protection Standard for Marinas and Boatyards: Not utilized in regulations
46	Part A, Section 3.3.6.2	Added	Added: Standard SP031 Standard for Repair of Shop-Fabricated Above Ground Tanks for Storage of Flammable and Combustible Liquids 4th Edition, November 2008
47	Part A, Section 3.3.8.2	Added	ANSI Standards now ASME standards - names updated
48	Part A, Section 3.3.8.3	Added	ANSI Standards now ASME standards - names updated
49	Part A, Section 3.3.8.4	Added	ANSI Standards now ASME standards - names updated
50	Part A, Section 3.3.8.5	Added	ASME, Boiler & Pressure Vessel Code, Section VIII, Division 1, Design & Fabrication of Pressure Vessels
51	Part A, Section 3.5.5 (old)	Deleted	ANSI Standards now ASME standards
52	Part A, section 3.3.10.1	Added	Added: OSHA, 29 CFR, 1910.1200, Occupational Safety and Health Standards, Toxic and Hazardous Substances, Hazard Communication. May 2012
53	Part A, Section 4.1.2	Added/Amended	Wording amended to delete "registration of ASTs shall be renewed annually by payment of registration fees", as some ASTs do not require payment of fees only registration.

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54	Part A, Section 4.1.6	Amended	Clarified what circumstances require the Owner to notify DNREC of any significant change in information presented on the original registration form.
55	Part A, Section 4.1.8.	Added	Safety Data Sheet to be submitted with AST Registration Form
56	Part A, Section 4.1.9	Added	Requirement that Owners notify DNREC within 7 working days of the date of final completion of a new installation. DNREC will issue written approval to operate within 7 working days of final completion.
57	Part A, Section 4.1.10	Added	ASTs not subject to annual registration fee do not require annual renewal.
58	Part A, Section 4.3	Amended	Added: Permanent Closure in Place, Emptying to title
59	Part A, Section 4.3.2	Amended	Added "Empty" to Notification Requirements
60	Part A, Section 4.3.4	Added	Any change in the schedule of work for a Change In Service must be communicated to the Department in writing a minimum of 48 hours prior to the new scheduled date of work
61	Part A, Section 4.3.5	Added	The Owner shall notify DNREC in writing of the actual completion date of any Change in Service.
62	Part A, Section 4.4.1	Amended	Deleted reference to transfer of ownership form. New owners must submit a new registration form, required Safety Data Sheets, and proof of Financial Responsibility. Forms must be submitted within 72 hours of ownership change. Previously forms must be submitted within 30 days of ownership change.
63	Part A, Section 4.4.3	Amended	Deleted reference to "ownership transfer form" as such does not exist.
64	Part A, Section 4.5.2	Amended	added "Feb 1 of each year thereafter .. For clarification
65	Part A, Section 4.5.3	Amended	Table expanded to clarify registration fee schedule by tank size and substance stored
66	Part A, Section 4.5.4	Amended	Clarify that registration fees are no longer assessed for Permanent Closure in Place or Removal or Permanent Change in Contents only after the O/O has complied with the applicable requirements in the Regulations and site assessment soil samples have been received by the Department.
67	Part A, Section 4.5.5.	Added	The initial AST registration fee will not be assessed until the calendar year following the year in which the New AST installation is completed
68	Part A, Section 4.6.1.	Amended	Changed required prior notification from 10 days to 30 days for retrofit/upgrade work
69	Part A, Section 4.6.2	Amended	Added standard that once written approval for a Retrofit or Upgrade is received the work may proceed.
70	Part A, Section 4.6.3	Amended	Added standard that if Retrofit or Upgrade work has not commenced within one year the approval will expire and an extension must be requested.
71	Part A, Section 4.6.4	Added	Added requirement that retrofit or upgrade may proceed after Dept approves. The Dept must issue a formal letter with 30 days of the Dept's receipt of the notification.

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72	Part A, Section 5.1.1	Amended	Clarified wording
73	Part A, Section 5.2.1	Amended	Clarified wording
74	Part A, Section 5.3.1	Amended	The Department must provide a justification for denial, approval or approval with conditions of an alternative procedures request.
75	Part A, Section 5.4	Deleted	included in amendments to Part A, §5.3
76	Part A, Section 6.1.1.3	Added	Add authority to take photographs at a site visit
77	Part A, Section 7.2	Deleted	Moved to Part E
78	Part A, Section 8	Deleted	Moved to Part E
79	Part A, Section 9	Renumbered as Section 8	
80	Part A, Section 10	Renumbered as Section 9	Require tanks to have NFPA hazard label, name of chemical stored, registration from ID#, Empty or Permanently closed, as applicable.
81	Part A, Section 9	Amended	added new sections 9.1.2 and 9.2.2 and 9.3.2. to clarify wording.
82	Part A, Section 9.4.2.	Added	Added a section for tanks installed or brought into service after the February 1, 2006 date for compliance with labeling as this date has passed.
83	Part A, Sections 9.5.1.and 9.5.2	Added	Requirement that ASTs that are Permanently Closed in accordance with the Regulations be labeled as such including the date of closure. For tanks already Permanently Closed, labeling would be required within 90 days of the effective date of the revised Regulations.
84	PART B		
85	Part B, Table of Contents Section 9	Amended	
86	Part B, Section 1.1.9 moved to 1.2.1	Amended	Table expanded to clarify construction fee schedule by tank size and substance stored
87	Part B, Section 1.1.9	Added	Added requirement that AST and all equipment be compatible with the substance stored. Clarification as referenced standards used already required this.
88	Part B, Section 1.1.10	Added	Set minimum distances from Public or Industrial wells for installation of new ASTs to mirror Div of Water Regulations
89	Part B, Section 1.1.11	Added	Set minimum distances from Private wells for installation of new ASTs to mirror Div of Water Regulations
90	Part B, Section 2.1.12	Amended	Changed requirement that metallic Field-Constructed ASTs installed after the effective date of these Regulations be inspected and tested in accordance with the design standard(s) under which the AST was constructed as applicable, instead of API 650.
91	Part B, Section 3.1.4.3	Amended	Clarified wording from "leakage" to "Leak"
92	Part B, Section 5.1.1	Amended	Added the word "All" at the beginning of 5.1.1 and "including double bottom tanks" to clarify
93	Part B, Section 5.2.1.	Amended	Changed "Level 3" to a NACE Cathodic Protection Specialist Certification to be consistent with current terminology

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94	Part B, Section 5.3.1.	Amended	Changed to :Cathodic Protection Systems shall be installed at the time of installation or upgrade of a metallic AST and shall be operational at the completion of the installation or upgrade, or other schedule approved by the Dept.
95	Part B, Section 5.3.5	Amended	Clarified that testing must be done in accordance with Part C, Section 5, and deleted discussion of repair since they appear in Part C, Section 5.
96	Part B, Section 5.3.5	amended	Deleted "after installation of a Sacrificial Anode System" as this applies to Impressed Current also and the wording is redundant with the remaining wording in 5.3.5.
97	Part B, Section 6.1.10	Amended	Added the word "any" prior to Regulated Substance
98	Part B, Sections, 6.3.1.2.2., 6.3.1.2.3. and 6.3.1.2.4	Amended	Updated Referenced Standards to current titles
99	Part B, Section 6.5.1.2.	Amended	Changed "Level 3" to a NACE Cathodic Protection Specialist Certification to be consistent with current terminology
100	Part B, Section 6.7.1.	Amended	clarified wording
101	Part B, Section 6.7.2.	Amended	clarified wording
102	Part B, Section 7	Amended	Section now includes Spill Containment
103	Part B, Section 7.1.5 (moved from Part B, Section 8.1.5)	moved	Moved from Part B, 8.1.5. to Part B 7.1.6
104	Part B, Section 7.1.6	Added	Added requirement for transfer areas for ASTs installed after the next effective date of the Regulations have specific volume requirements (110% of the volume of the largest compartment of the largest vehicle that may be utilized.
105	Part B, Section 7.2.1.3.	Amended	added to dike capacity "regardless of engineering controls or design"
106	Part B, Section 7.2.2.1.	Amended	Added the same requirements for secondary containment for curbing/paving as are currently stated for other forms of 2nd containment. "110% of the volume of the largest AST or 100% of the volume of the largest AST plus six inches of freeboard for precipitation, regardless of engineering controls or design."
107	Part B, Section 7.2.3.1.	Amended	Added specific requirements for the amount of Leaked Regulated Substance that must be contained in a vault to be consistent with other forms of 2nd containment. "and shall have a minimum capacity to contain 110% of the volume of the largest AST."
108	Part B, Section 7.2.4.1.3.	Amended	Added the same requirements for secondary containment for double walled ASTs as are currently stated for other forms of 2nd containment. "of freeboard for precipitation, regardless of engineering controls or design."
109	Part B, Section 7.2.5.1.	Deleted	Section deleted. External liner now defined in Definitions section.
110	Part B, Section 7.2.5.1	Amended	Changed "lining materials' to defined term "External Liners"
111	Part B, Section 7.2.5.2	Amended	Changed "lining materials' to defined term "External Liners"
112	Part B, Section 8.1.2	Added	Clarification: statement that overfill equipment must be installed on all new ASTs

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113	Part B, Section 8.1.3	Added	Clarification: statement that overfill equipment must be installed on all reactivated ASTs
114	Part B, Section 8.1.5	moved	Moved to Part B, Section 7.1.5
115	Part B, Section 8.1.9	Amended	Changed overfill prevention and measuring device shall be "indepent of each other" to "shall operate indepentently" of each other.
116	Part B, Section 9.1.2	Amended	Added "Visual methods cannot be utilized as the sole method of Release Detection"
117	Part B, Section 9.1.3	Amended	Deleted "other than visual" as visual RD methods are not allowed as the sole method of RD
118	Part B, Section 10.1.1.	Added	Added standard STI SP031 to repair standards. Standard not written at time of last regulation amendments.
119	Part B, Section 11	Amended	All statements of "within x date of the effective date of the Regulations" changed to the actual calendar date
120	Part B, Section 11.1.5. and 11.1.6	acceptable internal liner	Amended to define acceptable internal liner
121	Part B, Section 11.1.9	Added	Within 1 year of the new effective date of the Regulations, all ASTs, piping appurtenances and 2nd containment must be compatible with the substance stored.
122	Part B, Section 11.3.1	Amended	changed notification from 10 to 60 days
123	Part B, Section 11.3.2	Amended	changed notification from 10 to 60 days
124	Part B, Section 11.4.1	Amended	changed notification from 10 to 60 days
125	Part B, Section 11.4.2	Amended	changed notification from 10 to 60 days
126	Part B, Section 12	Amended	All statements of "within x date of the effective date of the Regulations" changed to the actual calendar date
127	Part B, Section 12.1.2.1; 12.1.2.2.;12.1.2.3.	Amended	Changed "any" to "the" to be consistent with 12.1.2.4. and 12.1.2.5.
128	Part B, Section 13.1.3	Amended	Clarified wording for activities that must take place when an AST is taken out of service for greater than 18 months
129	Part B, Section 13.1.4	Added	Added requirement that OOS AST that is not empty must be in compliance with the AST Regulations as applicable.
130	Part B, Section 13.1.5.	Added	Added requirement that OOS AST that is empty is not required to do inspection, monitoring and testing while empty and OOS
131	Part B, Section 13.1.7	Added	Added clarification that an AST that is OOS, empty and has had a site assessment performed is considered to be permanently closed.
132	Part B, Section 13.1.8	Added	Added clarification that an AST that is used only periodcially, such as seasonal use, are not OOS, even when the tank is not storing RS.
133	Part B, Section 13.2.1	Deleted	
134	Part B, Section 13.2.1	Amended old 13.2.2	changed type of notification form
135	Part B, Section 13.2.2	Amended old 13.2.3	Empty and OOS ASTs must be tested and inspected prior to being placed back in service. Removed 1 year OOS time frame
136	Part B, Section 13.2.3	Added	ASTs OOS before June 11, 2004 must comply with new tank standards before being placed back into service
138	Part B, Section 13.2.3.1. thru 13.2.3.4	Deleted	Deleted. Testing and inspection requirements in new 13.2.2.
139	Part B, Section 14 Title Heading	Amended	Added to Section Heading: Retrofit, Upgrade, repair or maintenance

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140	Part B, Section 14.1.1	Amended	Deleted original wording. Simplified to a requirement that Owners and Operators must notify the Dept of any evidence of soil or groundwater contamination regardless of tank activity being performed, and comply with all corrective action requirements.
141	Part B, Section 14.2.	Amended	Added Retrofit, Upgrade, repair and maintenance to activities that may require a site assessment be performed.
142	Part B, Section 14.2		Site Assessment requirements - Deleted Change in Service from title
143	Part B, Section 14.2.1.4	Amended	Clarified that site assessment must be performed when soil is excavated during retrofit, upgrade, repair or maintenance
144	Part B, Section 14.2.2.3	Deleted	
145	Part B, Section 14.2.2.4	Added	Site Assessments shall be performed in accordance with AST Site Assessment Guidance or other approved procedures.
146	Part B, Section 14.2.3	Added	Site Assessment cannot be performed without prior writtten approval from the DNREC-TMS
147	Part B, Section 14.2.4	Added	Analytes must be selected based upon all Regulated Substances stored in the tank over its lifetime. Lab methods must be approved by the DNREC-TMS.
148	Part B, Section 14.2.5	Amended	Samples must be submitted to a lab that is certified to perform the required analyses.
149	Part B, Section 14.2.6	Amended	Samples must obtained from locations with the highest suspected concentration of chemicals of concern.
150	Part B, Section 14.2.7	Amended original 14.2.6	Site assesment due within 90 days, instead of 30 days.
151	Part B, Section 16.1.3	Amended	Clarified by adding words "Site Assessment"
152	Part B, Section 16.2	Amended	No changes in actions required to Permanently Close an AST; wording changed for ease of understanding
153	Part B, Section 16.2.1.1	Deleted	
154	Part B, Section 16.2.1.2	Deleted	
155	Part B, Section 16.2.1.1 (original 16.2.1.3)	Amended	Amended wording
156	Part B, Section 16.2.1.2	Added	New section; requires securing of AST to prevent unathorized access
157	Part B, Section 16.2.1.3.	Added	New section; Empty the AST and Piping and retain documentation of disposal for 3 years
158	Part B, Section 16.2.1.4	Added	New section. Cross reference labeling with Part A, Section 9.5
159	Part B, Section 16.3	Added	Added a Section specifying what is required to return to service an AST which was Permanently Closed prior to the effective date of the AST Regs. I.E. It has to be treated as a New AST with payment of construction fee and submission of installation documentation and must meet new tank requirements.
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161	PART C		

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162	Part C, Section 1.1.1.1.	Amended	Measuring gauges must be capable of measuring the level in the AST over the <i>entire operating range</i> as opposed to the <i>full range</i> of the AST. The full range of the AST often cannot be measured, the operating range can.
163	Part C, Section 1.1.2	Amended	All statements of "within x date of the effective date of the Regulations" changed to the actual calendar date
164	Part C, Section 2.1.1	Amended	All statements of "within x date of the effective date of the Regulations" changed to the actual calendar date
165	Part C, Section 2.1.3	Amended	deleted reference to Part A, Section 8 as that section has been deleted. Added reporting and C/A requirements must be followed anytime there is evidence of a Leak or Release. "Leak" added.
166	Part C, Section 3.1.2	Amended	All statements of "within x date of the effective date of the Regulations" changed to the actual calendar date
167	Part C, Section 3.1.5.	Added	The gauge or measuring device required in Part B, section 8 must be calibrated, tested, operated and maintained in accordance with manufacturer's specifications.
168	Part C, Section 3.1.6.	Added	Manufacturer's instructions and performance claims for the measuring device or gauge must be retained for the life of the AST.
169	Part C, Section 3.1.7.	Added	If the manufacturer of the gauge or measuring device cannot be determined the gauge or measuring device must be calibrated to 1% of the volume of the AST.
170	Part C, Section 3.1.8.	Added	The overfill protection system must be calibrated, tested, operated and maintained in accordance with manufacturer's specifications.
171	Part C, Section 3.1.9	Added	Manufacturer's instructions and performance claims for the overfill protection system must be retained for the life of the AST.
172	Part C, Section 4		All statements of "within x date of the effective date of the Regulations" changed to the actual calendar date
173	Part C, Section 4.1.2.	Amended	Options for testing piping in addition to API570 were added including "in accordance with manufacturer's specifications or a method approved in writing by the Department"
174	Part C, Section 4.1.3.	Amended	Any alternative method of risk based testing schedule must be approved in writing by the Dept. In no case shall test intervals exceed 10 years.
175	Part C, Sections 5.1.3 and 5.1.4		All statements of "within x date of the effective date of the Regulations" changed to the actual calendar date
176	Part C, Section 5.2.1.	Amended	Changed monitoring frequency of Impressed Current CP Systems from 63 days to 31 days and repairs to be made within 60 days.
177	Part C, Section 5.2.3	Amended	Impressed Current CP systems that are not operating as required must be repaired or replaced within 60 days - changed from 90 days to 60 days.
178	Part C, Section 5.3.1	Amended	Changed monitoring frequency of Sacrificial Anode CP Systems from 63 days to 31 days and repairs to be made within 60 days.

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179	Part C, Section 5.3.2	Amended	Sacrificial Anode CP systems that are not operating as required must be repaired or replaced within 60 days - changed from 90 days to 60 days.
180	Part C, Section 5.4.1	Amended	Changed NACE Level 3 corrosion specialist to NACE CP Specialist to be consistent with NACE
181	Part C, Section 5.4.2	Amended	Changed NACE Levels to CP Technician, Technologist or Specialist to be consistent with NACE
182	Part C, Section 6.1.1	Amended	Added "only one standard shall be applied"
183	Part C, Section 6.1.3 and 6.1.4	Amended	All statements of "within x date of the effective date of the Regulations" changed to the actual calendar date
184	Part C, Section 6.2.6	Amended	All statements of "within x date of the effective date of the Regulations" changed to the actual calendar date
185	Part C, Section 6.3.1	Amended	External inspections shall at a minimum follow the "latest approved" edition changed to "most recent referenced" edition of national recognized codes... Added "as listed in Part A, Section 3" to address public comment.
186	Part C, Section 6.3.3	Amended	Updated Standards Titles
187	Part C, Section 6.4.1	Amended	External inspections shall at a minimum follow the "latest approved" edition changed to "most recent referenced" edition of national recognized codes... Added "as referenced in Part A, Section 3"
188	Part C, Section 6.4.2.	Amended	Updated Standards Titles
189	Part C, Section 6.4.3	Amended	All statements of "within x date of the effective date of the Regulations" changed to the actual calendar date
190	Part C, Section 6.4.6.	Amended	Alternative inspection intervals may be utilized only for ASTs with 110% secondary containment dikes and a continuous method of leak detection. The interval between internal inspections cannot exceed 20 years.
191	Part C, Section 6.4.7	Amended	Added internal inspection reports must be submitted to the Dept. "within 30 days of inspection completion" ...
192	Part C, Section 6.4.8	Added	Stipulates exactly what must be included in an internal inspection report.
193	Part C, Section 6.4.8.3, 7.4.8.3., 8.1.7.2.1.3.	Amended	The wording was amended to remove the option for "external inspection" as the section refers only to internal inspections.
194	Part C, Section 7.1.1	Amended	Shop-Fabricated ASTs can use API 653, or STI-SP00a or NACE RP0294 for inspection criteria. Added "only one standard shall be applied"
195	Part C, Section 7.1.3 and 7.1.4	Amended	All statements of "within x date of the effective date of the Regulations" changed to the actual calendar date
196	Part C, Section 7.2.2	Amended	Updated Standards Titles
197	Part C, Section 7.2.6	Amended	All statements of "within x date of the effective date of the Regulations" changed to the actual calendar date
198	Part C, Section 7.3.3	Amended	Updated Standards Titles

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199	Part C, Section 7.4.1.	Amended	Updated Standards Titles
200	Part C, Section 7.4.3	Amended	All statements of "within x date of the effective date of the Regulations" changed to the actual calendar date. Updated Standards titles.
201	Part C, Section 7.4.8.	Added	Stipulates exactly what must be included in an internal inspection report.
202	Part C, Section 8.1.1.1	Amended	Added "only one standard shall be applied"
203	Part C, Section 8.1.2.2	Amended	Updated Standards Titles
204	Part C, Section 8.1.4.2.2	Amended	All statements of "within x date of the effective date of the Regulations" changed to the actual calendar date
205	Part C, Section 8.1.5.2	Amended	Updated Standards Titles
206	Part C, Section 8.1.5.6	Amended	All statements of "within x date of the effective date of the Regulations" changed to the actual calendar date
207	Part C, Section 8.1.7.2.	Added	Stipulates exactly what must be included in an internal inspection report.
208	Part C, Section 8.1.7.3	New numbering	
209	Part C, Section 8.1.8	Amended	Corrected numbering by level
210	Part C, Section 8.1.8.1	Amended	Corrected numbering by level
211	Part C, Section 8.2.1.5.1	Amended	Added Standards title
212	PART D		
213	Part D, All Sections	Amended	"financial assurance" changed to "financial responsibility" throughout section for consistency
214	Part D, Section 2.1.2.	Amended	Changed wording from "annual basis" to "every 12 months" to clarify.
215	Part D, Section 2.1.4	Added	O/O must send copy of valid FR mechanism to the Dept within 30 days of confirmation of a release
216	Part D, Section 2.1.5	Added	No regulated substance may be placed in an AST without proof of valid FR
217	Part D, All Sections	Amended	Appendix changed to Form throughout Part D
218	Part D, Section 16.1.2.	Amended	Requires the Owner or Operator to notify the Dept of cancellation of FR within 10 days.
219	Part D, Section 16.1.3	Added	When an Owner or Operator changes from one FR mechanism to another the Dept must receive the required documentation of the new FR mechanism within 10 days of the change.
220	Part D, Section 17.1.2	Added	If a provider cancels or fails to renew FR, the O/O must submit proof of alternative FR to the Dept in accordance with the requirements of Part D.
221	Part D, Section 17.1.3.	Added	When an Owner or Operator fails to obtain alternative FR in the event of cancellation or nonrenewal the O/O must provide notice to the Dept.
222	Part D, Section 17.1.4	Added	If liability insurance is cancelled or non-renewed the insurer must notify the Dept within 15 days after cancellation or non renewal.
223	Part D, Section 19	Amended	When Insurance is the FR mechanism it may be cancelled after a claim has been submitted, not when all CA is completed. For all other Fr mechanisms they may be cancelled after Corrective Action is complete.

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224	Part D, Section 20.1.2	Amended	"assurance" changed to "financial responsibility"
225	Part D, All Forms	Amended	Chart added to each form to list all ASTs covered by that particular FR mechanism
226	Part D, Form A, Alt 1, #13	Amended	Add wording inadvertently omitted
227	Part D, Form A, Alt II, #20	Amended	Add wording inadvertently omitted
228	Part D, Form B	Amended	Word "Delaware" deleted; error
229	Part D, Form B, #9	Amended	Title added to blank; inadvertently omitted
230	Part D, Form C and D	Added	The insurance company must notify DNREC of any cancellation or non-renewal of an AST insurance policy.
231	Part D, Form E	Amended	Part D, Section 15 corrected to Part D, Section 18
232	Part D, Form G	Amended	Deleted Section 2 - applicable only to standby trust agreements. Renumbered all successive sections.
233	Part D, Form G	Amended	removed language appropriate only to standby trust fund from trust fund form
234	Part D, Form G, Section 12	Amended	Added reference to new Section 18 to clarify designated signers.
235	Part D, Form G, Section 18	Amended	Added a section requiring a list of the persons designated by the Grantor to sign orders, requests and instructions to the trustee.
236	Part D, Form H, Section 13	Amended	Added reference to new Section 19 to clarify designated signers.
237	Part D, Form H, Section 19	Added	Added a section requiring a list of the persons designated by the Grantor to sign orders, requests and instructions to the trustee.
238	Part D, Form K	Amended	Deleted incorrect wording of "minimum amount required of \$1 million" and changed to "minimum amount required in Part D, Section 3."
239	Part D, Form M	Amended	Part D, Section 15 corrected to Part D, Section 18
240	Part D, Form N	Amended	Part D, Section 15 corrected to Part D, Section 18
241	Part D, Form O	Amended	(3) second paragraph deleted. Typographical error in original Regulations.
242	Part D, Form O	Amended	changed "tank" to "AST" for consistency
243	Part E		
244	Entire Part Deleted and Replaced		
245	Part E, Section 1.1	Added	Leaks Inside Secondary Containment
246	Part E, Section 1.1.1	Added	No Person shall knowingly allow any Leak of a Regulated Substance from an AST into Secondary Containment to continue.
247	Part E, Section 1.1.2	Added	A Leak of a Regulated Substance inside Secondary Containment in any quantity that cannot be cleaned up within (7) days shall be reported to the Tank Management Section as soon as possible, but in no instance shall reporting exceed (7) seven days from the time of discovery. Reporting may be made in person or by telephone or by electronic mail.
248	Part E, Section 1.1.3	Added	Documentation of the Leak and the calculations of how the Leak amount was determined shall be maintained by the Owner and Operator at the Facility for the operational life of the AST.
249	Part E, Section 1.1.4	Added	Actions to prevent a reoccurrence of the Leak and actions to mitigate evidence of the Leak shall be completed within (30) thirty days. These actions shall include but are not limited to:

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250	Part E	Added	1.1.4.1 Repairing or replacing defective equipment, or;
251	Part E	Added	1.1.4.2 Modifying operating procedures, or;
252	Part E, Section 1.1.4.3	Added	Retraining employees.
253	Part E, Section 1.1.5	Added	Evidence of a Leak on Secondary Containment surfaces other than soil, shall be mitigated by mechanical and/or chemical means that do not compromise the impermeability of the Secondary Containment and which permit potential future Leaks to be readily discernible from evidence of previous Leaks, in accordance with PART E.1.1.4.
254	Part E, Section 1.1.6	Added	Evidence of a Leak on Secondary Containment surfaces comprised of soil, that cannot be eliminated by surficial scraping, shall be eliminated by excavating all impacted soils or a means by which a new stain is easily detectable and which does not compromise the impermeability of the Secondary Containment, in accordance with PART E.1.1.4. Any area that is excavated shall be backfilled with a material of equal or superior impermeability.
255	Part E, Section 1.1.6.1	Added	The Department must be notified in person or by telephone, five (5) days in advance of any excavation activities within Secondary Containment.
256	Part E, Section 1.1.6.2	Added	Staining that extends through the impermeable Secondary Containment surface is considered a Release and Hydrogeologic Investigation must be completed in accordance with PART E. 4.2.
257	Part E, Section 2	Added	Reporting Requirements
258	Part E, Section 2.1	Added	Indicated Releases from ASTs
259	Part E, Section 2.1.1	Added	Indicated Releases are signs that an AST, or the Secondary Containment are failing or could potentially fail to contain a Regulated Substance. Indicated Releases are Releases that are not observable and are not directly attributable to another source Observable Releases must refer to PART E.4.2. Indicated Releases include, but are not limited to, the following:
260	Part E, Section 2.1.1.1	Added	Stained soils or soils that emit characteristic odors of Regulated Substance compounds which are exposed during activities including but not limited to digging, boring or excavation activities, retrofit of ASTs, Removal of an AST or collection of soil samples around an AST that is Permanently Closed In Place, or results from an Phase I or Phase II environmental Site Assessment; or

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261	Part E, Section 2.1.1.2	Added	Water from supply wells, public or private, that exhibit a decrease in water quality, which is shown by subsequent analysis to result from the presence of a Regulated Substance; or
262	Part E, Section 2.1.1.3	Added	The appearance of characteristic odors of a Regulated Substance in basements or other enclosed spaces; or
263	Part E, Section 2.1.1.4	Added	The appearance of a sheen on a surface water body; or
264	Part E, Section 2.1.1.5	Added	The appearance of a sheen or measurable NAPL in a supply well, monitoring well, or observation tube; or
265	Part E, Section 2.1.1.6	Added	Failure of a Tank, Piping or vapor recovery test; or
266	Part E, Section 2.1.1.7	Added	A laboratory report that indicates a sample collected from or near an AST excavation, soil boring, monitor well or observation tube contains a Regulated Substance; or
267	Part E, Section 2.1.1.8	Added	Notification from the State Emergency Prevention and Response Section or another State or Federal agency of the discovery of a Release of uncontained Regulated Substances or compounds; or
268	Part E, Section 2.1.1.9	Added	Documentation on a tank inspection report that the AST integrity may have been compromised includes but is not limited to:
269	Part E	Added	2.1.1.9.1 Holes in the AST; or
270	Part E, Section 2.1.1.9.2	Added	Thinning of AST structural material below the minimum design standard; or
271	Part E, Section 2.1.1.9.3	Added	Cracks in welds or steel plates.
272	Part E, Section 2.1.1.10	Added	Abnormal operating conditions include but are not limited to the following:
273	Part E, Section 2.1.1.10.1	Added	The sudden loss of product from any portion of the AST;
274	Part E, Section 2.1.1.10.2	Added	Inventory control discrepancies over a consecutive two month period;
275	Part E, Section 2.1.1.10.3	Added	A signal from any release detection device or method that indicates a Release may have occurred;
276	Part E, Section 2.1.1.10.4	Added	The unexplained presence of water in the AST;
277	Part E, Section 2.1.1.10.5	Added	Evidence of a Release of a Regulated Substance noted during a routine inspection.
278	Part E, Section 2.2	Added	Reporting Requirements for Indicated Releases
279	Part E, Section 2.2.1	Added	Any indication of a Release of a Regulated Substance from an AST that was not witnessed, is not immediately quantifiable, and has impacted soil, surface water, or groundwater, and is discovered by any Person, including but not limited to environmental consultants, environmental contractors, utility companies, financial institutions, real estate transfer companies, or AST Owners or Operators shall be reported within 48 hours to:

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280	Part E, Section 2.2.1.1	Added	The DNREC Tank Management Section by calling 302-395-2500 during normal business hours, which are 8am to 4pm, Monday through Friday, excluding state holidays or emergency state office closures. Reporting to the Tank Management Section does not release any Person from complying with the requirements of 7 Del. C., Chapter 60 and the Regulations promulgated there under as amended and if an imminent threat to human health, safety or the environment exists.
281	Part E	Added	2.2.1.2 If the phone numbers listed in these Regulations are not valid it is the responsibility of the Owner and Operator to take all reasonable steps to ascertain a valid phone number.
282	Part E	Added	2.2.2 The Department may require that the AST be taken Out of Service and Emptied until the cause of the Indicated Release is determined, if the Department deems such action necessary to protect human health, safety or the environment.
283	Part E	Added	2.2.3 Abnormal operating conditions, mechanical abnormalities, or equipment issues that indicate that a Release of a Regulated Substance has occurred, may be occurring, or has the potential to occur must be investigated in accordance with PART E. Section 3.
284	Part E	Added	2.3 Reporting Requirements for Releases
285	Part E, Section 2.3.1	Added	Owners and Operators shall not knowingly allow any Release of a Regulated Substance from an AST to continue. Owners and Operators shall take immediate action to contain any Release so as to minimize the environmental impact of the Release and to immediately identify and mitigate fire, explosion and vapor hazards.
286	Part E, Section 2.3.2	Added	Any Release of a Regulated Substance from an AST in excess of the reportable quantities specified in the regulations promulgated pursuant to 7 Del. C., Chapter 60, §6028, the <i>Delaware Regulations Governing the Reporting of a Discharge of a Pollutant or an Air Contaminant</i> , as amended, that is discovered by any Person, including but not limited to environmental consultants or contractors, utility companies, financial institutions or real estate transfer companies, shall be reported within 24 hours to:
287	Part E, Section 2.3.2.1	Added	The Department's 24-hour Release Hot Line by calling 800-662-8802, and

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288	Part E, Section 2.3.2.2	Added	The DNREC Tank Management Section by calling 302-395-2500, during normal business hours, which are 8am to 4pm, Monday through Friday, excluding state holidays or emergency state office closures.
289	Part E, Section 2.3.2.3	Added	If the phone numbers listed in these Regulations are not valid it is the responsibility of the Owner and Operator to take all reasonable steps to ascertain a valid phone number.
290	Part E, Section 2.3.3	Added	Owners and Operators shall immediately contain the Release and shall complete the Release response, investigation and Remedial Action requirements of PART E. Section 7. as required.
291	Part E, Section 2.3.4	Added	Owners and Operators shall comply with the release notification requirements of any and all state, federal or municipal agencies.
292	Part E, Section 2.3.5	Added	Any Release of a Regulated Substance in a quantity less than the reportable quantity specified in the regulations promulgated pursuant to Title 7 Del. C., Chapter 60, §6028, the <i>Delaware Regulations Governing the Reporting of a Discharge of a Pollutant or an Air Contaminant</i> , as amended, shall be documented at the time of discovery on the routine in-service inspection report. If the commencement of cleanup activities cannot begin within 24 hours or cannot be completed within seven (7) days the Tank Management Section shall be notified in person or via fax, electronic mail, or by telephone on the eighth day, and the requirements of PART E.4.2 shall apply.
293	Part E, Section 3	Added	Indicated Release Investigation Requirements
294	Part E, Section 3.1	Added	General Requirements for Indicated Release Investigation
295	Part E, Section 3.1.1	Added	If at any point in the Indicated Release Investigation it is determined that a Release of a Regulated Substance from an AST in excess of the reportable quantities specified in the regulations promulgated pursuant to 7 Del. C., Chapter 60, §6028, the <i>Delaware Regulations Governing the Reporting of a Discharge of a Pollutant or an Air Contaminant</i> , as amended, has occurred, the Department must be notified immediately and Release Response actions in accordance with PART E.4.2, must begin.
296	Part E, Section 3.1.2	Added	Unless Remedial Action is immediately initiated in accordance with the requirements of PART E.6.1.3, Owners and Operators shall investigate and confirm, within seven (7) days, any indication of a Release of a Regulated Substance including but not limited to those listed in PART E.2.1.1.
297	Part E, Section 3.2	Added	Indicated Release Investigation Procedures

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298	Part E, Section 3.2.1	Added	Upon discovery of an indication of a Release Owners and Operators shall:
299	Part E, Section 3.2.1.1	Added	Within twenty-four (24) hours initiate an investigation to determine the cause of any abnormal operating condition; and
300	Part E, Section 3.2.1.2	Added	3.2.1.2 Within twenty-four (24) hours initiate an investigation, for completion within seven (7) days, to determine the presence or absence of a Release by:
301	Part E, Section 3.2.1.2.1	Added	Conducting inspection and testing of the AST and Secondary Containment as necessary to conclusively determine the presence or absence of a Release; or
302	Part E, Section 3.2.1.2.2	Added	3.2.1.2.2 Measuring for the presence of a Release where contamination is most likely to be present at the AST site. In selecting sample types, sample locations and measurement methods, the type of initial indication of contamination, type of backfill and soil, the depth of groundwater, and other factors appropriate for identifying the presence and source of the Release shall be considered; or
303	Part E, Section 3.2.1.2.3	Added	Other procedures as directed by the Department.
304	Part E, Section 3.2.1.3	Added	When the abnormal operating condition is the result of an equipment failure or malfunction, Owners and Operators shall Repair or replace all faulty equipment in accordance with these Regulations.
305	Part E, Section 3.2.1.4	Added	When the Release investigation determines that a Release has occurred, Owners and Operators shall comply with the hydrogeologic investigation and Remedial Action requirements of PART E.4.2.
306	Part E, Section 3.2.2	Added	If a Release is confirmed or a Repair is required, the Department must be notified within thirty (30) days of the completion of any Repairs and Indicated Release investigation. Owners and Operators and AST contractors shall submit documentation to the Department including, but not limited to, the following:
307	Part E, Section 3.2.2.1	Added	Repair completion documentation; and
308	Part E, Section 3.2.2.2	Added	Sampling results; and
309	Part E, Section 3.2.2.3	Added	Test results as required by the Department.
310	Part E, Section 3.2.3	Added	If following the Indicated Release Investigation, it is confirmed that a Release from an AST has not occurred, documentation of the Indicated Release Investigation must be maintained for the life of the AST.

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311	Part E, Section 3.2.3.1	Added	Results of the Indicated Release Investigation must be submitted to the Department if requested by the Department.
312	Part E, Section 4	Added	Release Response Requirements
313	Part E, Section 4.1	Added	Department Authority to Assume Control of Releases
314	Part E, Section 4.1.1	Added	The Department reserves the right to assume control of any Release or Indicated Release situation when it is determined that the Owner and Operator are not responding promptly or effectively. In such cases all liability, including payment to the Department of response costs, will remain with the Owners and Operators.
315	Part E, Section 4.1.2	Added	To protect human health, safety and the environment the Department reserves the right for the Department or its contractors to enter and take appropriate actions on affected properties to investigate, abate and remediate contamination.
316	Part E, Section 4.2	Added	Initial Release Response Requirements
317	Part E, Section 4.2.1	Added	In response to a Release from an AST, the Owner and Operator shall promptly take the following steps:
318	Part E, Section 4.2.1.1	Added	If a faulty AST component is determined to be the cause of a Release, the component or, if necessary, the entire AST system, shall be taken Out of Service and shall not be returned to service until the AST is functioning in compliance with all applicable portions of these Regulations; and
319	Part E, Section 4.2.1.2	Added	At the Department's direction a hydrogeologic investigation in accordance with PART E.Section 5 shall be conducted to determine an estimate of the amount and type of Regulated Substance Released; and
320	Part E, Section 4.2.1.3	Added	Owners and Operators shall implement the following to contain the Release:
321	Part E, Section 4.2.1.3.1	Added	If NAPL is present, NAPL Corrective Action shall be immediately initiated in accordance with PART E.4.3; and,
322	Part E, Section 4.2.1.3.2		Nearby receptors shall be protected from impacts of Regulated Substances by preventing free and mobile NAPL migration through recovery and containment, and the Department shall be notified of all such activities; and
323	Part E, Section 4.2.1.3.3		All flammable material shall be properly handled and vapors shall be mitigated to prevent fires, explosions and impacts to receptors.
324	Part E, Section 4.3	Added	NAPL Corrective Action Requirements

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325	Part E, Section 4.3.1	Added	At sites where there is a Release of NAPL, the Owners and Operators shall remove and remediate the NAPL to the maximum extent practicable following the requirements established in PART E. Section 4 while continuing, as necessary, the Release confirmation steps and the investigation required in PART E. Section 5.
326	Part E, Section 4.3.2	Added	The Owners and Operators shall formulate a NAPL Conceptual Site Model (NCSM) to determine the most efficient and environmentally protective remedial approach for addressing the Release.
327	Part E, Section 4.3.3	Added	The Owners and Operators shall verbally communicate a preliminary NCSM to the Department within forty-eight (48) hours of the discovery of a Release of NAPL. The preliminary NCSM shall address as many of the criteria listed in PART E.4.3.4 as possible.
328	Part E, Section 4.3.4	Added	The NCSM shall at a minimum address the following factors with regard to the NAPL Release:
329	Part E, Section 4.3.4.1	Added	The feasibility and necessity of an immediate response;
330	Part E, Section 4.3.4.2	Added	Direct and potential impacts to human health and the environment;
331	Part E, Section 4.3.4.3	Added	The type and estimated volume of the NAPL released;
332	Part E, Section 4.3.4.4	Added	The evidence, or occurrence, of the NAPL Release (Mobile NAPL, Free NAPL in a well, Residual NAPL discovered during an investigation);
333	Part E, Section 4.3.4.5	Added	The potential recoverability of all NAPL phases;
334	Part E, Section 4.3.4.6	Added	The geometry of the NAPL Body;
335	Part E, Section 4.3.4.7	Added	The estimated age and duration of the NAPL Release;
336	Part E, Section 4.3.4.8	Added	The characteristics of the subsurface soils;
337	Part E, Section 4.3.4.9	Added	The chemical and physical properties of the NAPL;
338	Part E, Section 4.3.4.10	Added	Groundwater classification for the area such as wellhead protection areas, excellent recharge areas, or source water protection areas.
339	Part E, Section 4.3.5	Added	Owners and Operators shall base all short and long term Remedial Action decisions upon the information in the NCSM, which shall be updated, in writing, at a minimum of once every three (3) calendar months, or on a schedule approved by the Department.

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340	Part E, Section 4.3.6	Added	NAPL removal shall be conducted in a manner that minimizes the spread of contamination, including dissolved and vapor phases, into previously uncontaminated areas by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site, and that properly treats, discharges or disposes of recovery by-products in accordance with all applicable local, state and federal requirements.
341	Part E, Section 4.3.7	Added	If NAPL recovery is not practicable, and does not support site Remedial Action objectives as determined by the Department, Owners and Operators may submit a written request for Department approval to discontinue NAPL recovery. The request shall at a minimum include the following:
342	Part E, Section 4.3.7.1	Added	Technical feasibility of other proven groundwater and soil treatment techniques to further reduce NAPL at the site; and
343	Part E, Section 4.3.7.2	Added	Costs, time frames, and resources involved to further reduce NAPL levels employing the current and alternative method(s) proposed; and
344	Part E, Section 4.3.7.3	Added	A demonstration that the remaining NAPL body is not contributing to any unstable daughter plumes such as a dissolved plume and vapor migration; and
345	Part E, Section 4.3.7.4	Added	A demonstration that remaining NAPL does not pose any risk to human health, safety, and the environment; and
346	Part E, Section 4.3.7.5	Added	An assessment of the persistence and fate of the NAPL in the subsurface; and
347	Part E, Section 4.3.7.6	Added	A description of the individual site characteristics, including natural rehabilitative processes; and
348	Part E, Section 4.3.7.7	Added	Statements regarding current versus future land use of the site.
349	Part E, Section 4.3.8	Added	The Department may require Owners and Operators to follow any applicable guidance or industry referenced standards in order to create a sound NCSM, from which optimal Remedial Action decisions can be made.
350	Part E, Section 5	Added	Hydrogeologic Investigation Requirements
351	Part E, Section 5.1	Added	General Requirements for Hydrogeologic Investigation
352	Part E, Section 5.1.1	Added	After a Release is confirmed, the Owner and Operator shall conduct a hydrogeologic investigation as the first step in the Corrective Action process unless directed to do otherwise by the Department.
353	Part E, Section 5.1.2	Added	The investigation shall at a minimum include the following:

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354	Part E, Section 5.1.3	Added	Determine the nature of the Release, including the chemical compounds present, their concentrations, quantity released and their physical and chemical characteristics related to potential human health and environmental impacts and cleanup procedures; and
355	Part E, Section 5.1.3.1	Added	Determine the extent of the Release, both horizontal and vertical, including whether the contaminant is distributed homogeneously or heterogeneously; and
356	Part E	Added	5.1.3.2 Determine the physical characteristics of the site, including characteristics affecting the occurrence, distribution, and movement of the released contaminant and characteristics affecting access to the site, both horizontal and vertical, which may influence the feasibility of various investigatory and remediation procedures; and
357	Part E, Section 5.1.3.3	Added	Evaluate, in accordance with the Delaware Risk-Based Corrective Action Program (DERBCAP) or other Department approved procedure, the potential risks posed by the Release including identification of environmentally sensitive receptors, and estimate the impacts to human health and the environment that may occur as a result of the Release.
358	Part E, Section 5.1.4	Added	The results of the hydrogeologic investigation shall be organized in report form and be signed by a professional geologist or professional engineer registered in the State of Delaware as required in 24 Del.C. Chapter 36 and the Delaware Board of Registration of Geologists Regulations and 24 Del.C. Chapter 28.
359	Part E, Section 5.1.5	Added	The Department shall receive the results of the hydrogeologic investigation no later than one hundred and twenty (120) days after the Release was reported and confirmed. Upon receiving the hydrogeologic investigation report, the Department shall review the report and either accept the conclusions and recommendations of the report, require additional information to be submitted, or require that the Owner and Operator submit a remedial action work plan as required by PART E.Section 7.

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360	Part E, Section 5.1.6	Added	At any point after reviewing the information contained in the hydrogeologic investigation report, the Department may require the Owner and Operator to submit additional information or to develop and submit a remedial action work plan to address contaminated soils, surface water or groundwater.
361	Part E, Section 5.1.7	Added	Additional investigation information or remedial action work plans requested by the Department shall be submitted within ninety (90) days or other Department approved schedule.
362	Part E, Section 5.1.8	Added	Owners and Operators may submit investigation reports for a site separately or as part of a proposed long term Remedial Action work plan in accordance with the requirements of PART E. Section 7.
363	Part E, Section 5.2	Added	Quality Assurance and Quality Control Requirements
364	Part E, Section 5.2.1	Added	Owners and Operators shall develop and implement a site specific Quality Assurance/Quality Control (QA/QC) plan for the activities to be carried out during the hydrogeologic investigation. The QA/QC plan shall be submitted to the Department upon the request of the Department.
365	Part E, Section 5.3	Added	Site Safety Requirements
366	Part E, Section 5.3.1	Added	Owners and Operators shall develop and implement a site specific health and safety plan that covers all hydrogeologic investigation tasks. The health and safety plan shall address the site worker protection levels, protection of persons living near the site and site access control during the investigation. The health and safety plan shall be submitted to the Department upon the request of the Department.
367	Part E, Section 6	Added	Administrative Option for Remedial Action
368	Part E, Section 6.1	Added	Requirements for Administrative Option for Remedial Action
369	Part E, Section 6.1.1	Added	The Department may waive the requirement of a hydrogeologic investigation when the Owner and Operator has taken the appropriate initial response steps to eliminate imminent dangers and to prevent any further Release and the Owner and Operator chooses to submit a Remedial Action work plan (RAWP) to remediate contaminated soil, ground water and/or surface water.
370	Part E, Section 6.1.2	Added	If the Department determines that the implementation of Remedial Actions are not achieving adequate protection of human health and the environment, the Department may require additional responses to be taken.

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371	Part E	Added	6.1.3 The Owner and Operator may, in the interest of minimizing environmental contamination and promoting more effective corrective action, begin remediation of soil and ground water before the Remedial Action work plan (RAWP) is approved provided that they:
372	Part E, Section 6.1.3.1	Added	Notify the Department of their intention to begin remediation; and,
373	Part E, Section 6.1.3.2	Added	Comply with any conditions imposed by the Department, including halting remediation or mitigating adverse consequences from cleanup activities; and
374	Part E, Section 6.1.3.3	Added	Incorporate these self-initiated remediation measures in the remedial action work plan that is submitted to the Department for approval pursuant to PART E.Section 7.
375	Part E, Section 6.1.3.4	Added	Recognize that any actions taken by the Owner and Operator without prior Department approval is at the risk of the Owner and Operator and does not absolve the Owner and Operator of the obligation to comply with the Remedial Action requirements of PART E.Section 7.
376	Part E, Section 7	Added	Remedial Action Work Plan Requirements
377	Part E, Section 7.1	Added	General Remedial Action Requirements
378	Part E, Section 7.1.1	Added	At any point after reviewing the information contained in the hydrogeologic investigation report, the Department may require the Owner and Operator to submit additional information or to develop and submit a RAWP for responding to contaminated soils, surface water and groundwater.
379	Part E, Section 7.1.2	Added	The RAWP shall address the contamination of soils, groundwater and surface water, including all occurrences of NAPL resulting from a Release, and shall be submitted to the Department in a timeframe specified by the Department. The RAWP shall provide for adequate protection of human health, safety and the environment, and shall establish cleanup goals for the site.
380	Part E, Section 7.1.3	Added	The Owner and Operator shall modify any RAWP that does not provide for adequate protection of human health, welfare, safety and the environment, as necessary to meet the requirements of PART E.Section 8.
381	Part E, Section 7.1.4	Added	The RAWP shall include sufficient design information that demonstrates that the remedial technology shall meet the cleanup goals approved by the Department and shall include an estimated time to cleanup completion for the remediation method proposed in the RAWP.
382	Part E, Section 7.1.5	Added	A RAWP shall propose a Remedial Action method for the site that shall:
383	Part E, Section 7.1.5.1	Added	Reduce the contaminant levels at the site to meet the cleanup goals proposed in the Remedial Action work plan and approved by the Department; or

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384	Part E, Section 7.1.5.2	Added	Reduce the contaminant levels to achieve the cleanup goals established by the Department; or
385	Part E, Section 7.1.5.3	Added	Monitor the site over time to provide technically based assurance that the site contamination is controlled under natural conditions and that those conditions will not now, or at some future time, adversely impact human health, safety or the environment.
386	Part E, Section 7.1.6	Added	The Department shall approve the RAWP when satisfied that implementation of the RAWP provides for measures considered adequate to protect human health, safety, and the environment.
387	Part E, Section 7.1.7	Added	The RAWP shall be organized in report form and signed by a professional geologist or professional engineer registered in the State of Delaware as required in 24 Del.C. Chapter 36 and the Delaware Board of Registration of Geologists Regulations and 24 Del.C. Chapter 28.
388	Part E, Section 7.1.8	Added	The RAWP shall be of site specific design and shall be based on the results of the hydrogeologic investigation, or contain appropriate investigatory steps if submitted without a prior hydrogeologic investigation having been completed.
389	Part E, Section 7.1.9	Added	The RAWP may propose a phased approach to site remediation. If data can justify site closure, Owner and Operator may request site closure in accordance with the requirements of PART E. Section 8. Remedial Action will be considered complete only upon the Department's evaluation and approval of a satisfactory closure request.
390	Part E, Section 7.1.10	Added	The RAWP shall include a summary of past efforts and a description of any new or continued efforts to effectively remove NAPL as described in PART E. Section 4.
391	Part E, Section 7.2	Added	Quality Assurance and Quality Control Requirements
392	Part E, Section 7.2.1	Added	Owners and Operators shall develop and implement a site specific Quality Assurance/Quality Control (QA/QC) plan for the activities to be carried out during implementation of the RAWP and the QA/QC plan shall be included in the RAWP submitted to the Department.
393	Part E, Section 7.3	Added	Site Safety Requirements
394	Part E, Section 7.3.1	Added	Owners and Operators shall develop a site-specific health and safety plan which shall be included in the RAWP and shall cover all Remedial Action tasks. The health and safety plan shall, at a minimum, address site worker protection levels, protection of persons living near the site, and site access control during the remediation.
395	Part E, Section 7.4	Added	Implementation and Reporting Schedule
396	Part E, Section 7.4.1	Added	Upon approval of the RAWP by the Department, the Owners and Operators shall implement the RAWP, including any modifications to the RAWP made by the Department, within the timeframe approved by the Department.

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397	Part E, Section 7.4.2	Added	Owners and Operators shall monitor, evaluate and report to the Department the results of implementing the Remedial Action at a minimum of once every three (3) calendar months, or within the time schedule approved in the RAWP. Copies of all records documenting the transport and disposal of any free product, contaminated water and soil, or other waste that is generated at the site while investigation and Remedial Action work is being performed shall be included in each report.
398	Part E, Section 7.4.3	Added	Owners and Operators shall submit a Remedial Action progress report to the Department once every twelve (12) calendar months that includes an evaluation of the effectiveness of the Remedial Action to determine whether additional measures must be implemented to meet the cleanup goals established in the RAWP. The evaluation shall include an estimate of time to Remedial Action completion.
399	Part E, Section 7.4.4	Added	Owners and Operators shall submit recommendations for optimization and improvement as needed to achieve the cleanup goals established in the RAWP, as part of each Remedial Action progress report.
400	Part E, Section 7.5	Added	Post Remedial Monitoring
401	Part E, Section 7.5.1	Added	Upon completion of Remedial Action activities the Owners and Operators shall perform four (4) consecutive quarters of groundwater sampling or other sampling schedule as approved by the Department to ensure the contaminant plume is stable and shrinking and that rebounding does not occur.
402	Part E, Section 8	Added	No Further Action
403	Part E, Section 8.1	Added	Request for No Further Action Determination
404	Part E, Section 8.1.1	Added	After all RAWP goals have been achieved, the Owner and Operator shall submit a written request to the Department for site closure. Closure documentation shall include but is not limited to the following:
405	Part E, Section 8.1.1.1	Added	A demonstration that the site does not threaten human health, safety and the environment based on current land use of the site and surrounding area; and
406	Part E, Section 8.1.1.2	Added	NAPL does not exist or has been addressed in accordance with PART E.4.3; and
407	Part E, Section 8.1.1.3	Added	Contaminant levels have been reduced to levels at or below the cleanup goals approved by the Department.
408	Part E, Section 8.1.2	Added	Owners and Operators shall submit all documents, permits, certificates, approvals, etc. relating to the transportation of impacted environmental media and materials from the site including ASTs, soils, Regulated Substances, and water that has not been previously submitted to the Department. Documentation shall include tipping fees, waste receipts, bills of lading or any other documentation verifying that all waste has been properly disposed.

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409	Part E, Section 8.2	Added	Department Response to a Request for No Further Action
410	Part E, Section 8.2.1	Added	The Department shall issue a letter requiring no further action (NFA) and documenting that site cleanup objectives have been met. The closure approval does not absolve the Owner and Operator from previously incurred or potential future liability.
411	Part E, Section 8.2.2	Added	The NFA letter applies to site conditions at the time that the closure request was made. If the risk posed by the site changes in the future, due to land use changes at the site or surrounding area or due to other reasons, the Owner and Operator shall perform additional Remedial Action as necessary to eliminate the risk to human health, safety and the environment.
412	Part E, Section 8.2.3	Added	Any Person disturbing any residual contamination at the site by digging, boring, excavating, dewatering, or other means, shall submit a contaminated material management plan to the Department for approval prior to work commencing.