

THINK



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Governor Minner signs AST Bill

by Jill Hall

On July 8, 2002 Governor Ruth Ann Minner signed the Jeffrey Davis Aboveground Storage Tank (AST) Act, effectively creating a new regulatory program in the Department of Natural Resources and Environmental Control. The bill, sponsored by Senators David McBride, and Dorinda Connor and Representative Robert Quillen, was a collaborative effort involving industry representatives, environmental and civic organizations and the DNREC.

The legislation requires the DNREC to promulgate regulations within 24 months to set standards for the construction, operation, maintenance and repair of aboveground storage tanks. The DNREC will develop the regulations through a consensus building process by establishing a technical advisory group including AST technical experts, representatives of the petroleum, chemical and agricultural industries, and environmental and civic organizations. In conjunction with the regulatory development process public hearings will be held prior to final adoption. Minutes from meetings of the AST technical advisory workgroup will be made available on the DNREC AST web page as development of the regulations progresses.

The legislation requires that tanks of certain sizes, storing regulated substances, be registered with the Department; larger tanks will also be charged an annual tank registration fee of \$300.00 or \$750.00 depending upon the size of the tank. For the 2002 calendar year annual tank fees will be charged from July 1 – December 31 reducing

the annual fee by 50%. Beginning January 1, 2003 the full annual fee amount will be charged. A one-time construction fee will be charged for the installation of all new ASTs greater than 39,999 gallons and some ASTs greater than 12,499 gallons.

AST registration must be received by September 6, 2002 and fees are due by October 1, 2002. To determine whether your tank must be registered, pay an annual registration fee and/or is subject to regulations you must first determine the tank function, capacity in gallons, and product stored.

Is my tank an AST?

Vessels that are not considered to be aboveground storage tanks:

- Septic tanks
- Surface impoundments, pits, ponds, or lagoons
- Liquid traps or associated gathering lines directly related to oil or gas production or gathering operations
- Flow through process tanks
- Transformers, regulators and breakers used for the sole purpose of electrical power distribution and transmission
- Containment vessels operated as part of a publicly owned treatment works or used for the storage and conveyance of wastewater to a treatment plant regulated in accordance with the Clean Water Act, (i.e. a facility requiring a wastewater treatment permit)

*Registration
due by
Sep. 6, 2002*

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Does my tank need to be registered?

Aboveground storage tanks that are exempt from the registration requirement:

- Farm tanks less than 1,100 gallons
- Propane tanks
- Heating fuel tanks used for consumptive purposes on the premises and less than 1,100 gallons
- Motor fuel or motor oil tanks less than 1,100 gallons used for non-commercial purposes
- Tanks regulated under the State's Boiler Safety Program, Title 29, Del. C. §8210
- Tanks regulated under the State's Accidental Release Prevention Program, Title 7, Del. C., Chapter 77

Is the product in my tank a "regulated substance"?

Regulated substances are

- defined as a liquid or gas that:
- a) contains one percent or more of a hazardous substance as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 [42U.S.C. §9601(14)] and any amendments thereto; or
 - b) contains 0.1 percent or more of a carcinogen as defined by EPA in the Integrated Risk Information System (IRIS) April 2002 and as updated; or
 - c) is a petroleum product, including crude oil or any fraction thereof, which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute); or
 - d) is a substance determined by the Secretary through regulation to present a risk to public health or safety or the environment if released into the environment.

Registration forms require CAS numbers and SIC Codes if you have one. Web sites where you may find these are:

CAS Numbers

- <http://library.niehs.nih.gov/start/registry.htm>,
- <http://www.epa.gov/ceppo/ehs/ehscas.html>

SIC Codes

- <http://www.osha.gov/oshstats/sicser.html>,
- http://www.epa.gov/enviro/html/sic_lkup.html

The Registration form with instructions, copies of the Jeffrey Davis Aboveground Storage Tank Act, fact sheets and requirements are available on the web at: <http://www.dnrec.state.de.us/dnrec2000/Divisions/AWM/ast>. If you have questions please call us at 302-395-2500.■

AST Requirements		Registration	New Constr. Fee	Annual Fee	Release Remediation	Labeling	Enforcement	Subject to Regulations
1	ASTs 250-12,499 gal. - Regulated Haz. Substance & Petroleum and not otherwise exempt (see 5-12 below)	X			X	X	X	
2	ASTs 12,500-39,999 gal. (Regulated Haz.Substance and Petroleum other than heating fuel, kerosene and diesel).	X	\$1,500.00	\$300.00	X	X	X	X
3	ASTs 12,500 to 39,999 gal. - Heating Fuel, Diesel, & Kerosene	X			X	X	X	
4	ASTs greater than 39,999 gal. - Regulated Haz. Substance and Petroleum (includes Heating Fuel, Diesel & Kerosene)	X	\$3,750.00	\$750.00	X	X	X	X
5	ASTs less than 1,100 gal (Heating Fuel for consumptive use on the premises where stored)				X	X	X	
6	ASTs less than 1,100 gal (Motor Fuel or Motor Oil for noncommercial purposes)				X	X	X	
7	AST - Propane (Any Size).				X	X	X	
8	Aboveground Farm Tank less than 1,100 gal.				X	X	X	
9	Aboveground Storage Tanks Installed On A Temporary Basis, Not To Exceed Six Months (Any Size, Any Substance).				X	X	X	
10	ASTs Regulated Pursuant To Title 29 Del.C. §8210. (Boiler Safety Program)				X		X	
11	ASTs and associated equip. regulated as part of a process regulated by Title 7 Del.C.Ch 77. (Accidental Release Prevention Prog.)				X		X	
12	ASTs do NOT include: Flow through process tanks, Wastewater treatment works containment vessels, Transformers, Septic Tanks, Pipelines.							

UST Change-In-Service Requirements

by Brian Churchill

There has been some confusion over what constitutes a UST Change-In-Service. In the UST Regulations, a change-in-service is a very broad term encompassing several different activities. It is defined as, "any change to a regulated UST system to include but not limited to change in nature of contents, removal or abandonment, change in status from either in-service or out of service or conversion to unregulated use."

The Regulations also state in Part B Section 3.02 D and Part C Section 4.02 D that before a change-in-service is completed, owners and operators must measure for the presence of a release where contamination is most likely to be present at the UST site.

In other words, if you are going to change product, place your tank out-of-service, or remove/abandon it you must characterize the site to see if there has been a release. In addition, you must also notify the UST Branch of your intentions by completing and submitting a notification form.

Change of product

The UST Branch has had sampling requirements for removals and abandonments in place for many years and owners, contractors and consultants are familiar with these requirements. The UST Branch recently developed a change-in-product guidance document to help determine the required soil sampling at a given site when the owner decides to change the product in an UST.

Anytime an UST undergoes a change-of-product other than changing grades of gasoline, or less commonly, grades of heating fuel, a site assessment *must* be

conducted. As specified in the guidance document, USTs under 1,100 gallons require two borings be installed on diagonally opposite corners of the tank and a total of four samples (2 grab/2 composite) collected. For USTs over 1,100 gallons, one boring must be installed on each side of the tank and a total of eight samples (4 grab/4 composite) are required. In addition, one grab sample must be taken under each product dispenser unless the dispenser is located in the tank field. Analytical requirements are those contained in DERBCAP Tier 0. Sound familiar? These are the same site assessment requirements as for tank abandonment.

Out-of-service

In addition to sampling that may be required, there are other considerations such as length of time out of service and corrosion protection requirements when an UST is taken out of service or placed back into service. For this reason, please contact the UST Branch if you wish to place your tank out of service or reactivate an out of service tank.

Change to unregulated use

USTs converted to unregulated use must be evaluated on a site by site basis. Please contact the UST Branch for soil sampling requirements.

For a copy of the guidance document or for more information about change-in-service requirements please visit our web page: <http://www.dnrec.state.de.us/dnrec2000/Divisions/AWM/ust/> or contact the UST Branch. ■

DE Hazardous Chemical Inventory Reporting

by Sarah King

The Delaware Emergency Planning and Community Right-to-Know Act (EPCRA) requires facilities that store hazardous substances on-site above 55 gallons/500 pounds to submit a hazardous chemical inventory report, (also known as a Tier II report). These reports are due March 1 for the previous calendar year.

The Delaware reporting requirements include gasoline and diesel fuel at retail gas stations. To comply with the reporting requirements, a completed Annual Facility Form should be filled out for each site. In addition, one Annual Chemical form should be filled out for each hazardous substance stored on-site above the threshold. A site plot plan is required to be submitted showing the layout of the facility and the location of the hazardous substance(s). There is a \$40 reporting fee associated with each substance reported. Hazardous substances can also include; kerosene, propane, motor oil, ethylene glycol (antifreeze), etc... Motor vehicle fuels are exempt from reporting fees, (this only includes gasoline and diesel fuel for retail sale).

To get the necessary forms or get further information about the EPCRA Tier II reporting requirements, visit our web site at www2.state.de.us/serc/epcra.htm or call the EPCRA Reporting Program at (302) 739-4791. ■



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Announcements

Kathleen Stiller Banning – UST Branch Manager, married Monte Banning July 8 in a ceremony in the Bahamas. The family is living in the Wilmington area.

Tara Chambers – UST Branch Senior Secretary, was reclassified and promoted to Administrative Specialist II. This was in recognition of the extra duties Tara has assumed.

Nichole Mobile – UST Branch Secretary, was reclassified and promoted to Administrative Specialist I. She has worked in the UST Branch for a year.

UST Branch Personnel Testify in Washington

May 8, 2002

UST Branch Manager, Kathy Stiller Banning, testified on behalf of ASTSWMO (Assoc. of State and Territorial Solid Waste Management Officials) at a Senate Subcommittee Hearing (Environment and Public Works Committee, Subcommittee on Superfund, Toxics, Risk, and Waste Management) on UST and LUST related provisions in Senate Bill 1850.

May 21, 2002

Pat Ellis, UST Branch Hydrologist, testified on behalf of the National Ground Water Association at a House Subcommittee Hearing (Committee on Energy and Commerce, Subcommittee on Environment and Hazardous Materials) on MTBE contamination in Groundwater: Identifying and addressing the problem.

UST Web site: www.dnrec.state.de.us/dnrec2000/Divisions/AWM/ust/

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