

Part A: 2.0 Definitions

REMOVED

- Above Ground Release - REMOVED
- Below Ground Release – REMOVED

ADDED

- Dispenser System – Added
 - any transitional components that connect the Dispenser to the underground associated with the UST System.
- Conceptual Site Model – Added
 - means a comprehensive graphical model and written and summary describing what is known or hypothesized about environmental contamination at a site and the relationship among key site information that are pertinent to decision-making. A CSM is a model or representation that evolves over the life cycle of site investigation and cleanup efforts and provides a platform for evaluating the data gaps and related uncertainty associated with site history and operations; geology, hydrogeology and hydrology; contaminant sources, release mechanisms and fate and transport; potential receptors and exposure pathways.
- Empty – Added
 - no more than one inch (1) or 2.5 centimeters of residue, or three tenths of one percent (0.3%) by weight of the total capacity of the UST System, remains in the UST System
- Field Constructed Tank – Added
 - means an Underground Storage Tank constructed in the field, such as an Underground Storage Tank constructed of concrete that is poured in the field, or a steel or fiberglass Underground Storage Tank primarily fabricated in the field.
- Holder – added
 - means a Person who, upon **[January 11, 2020]** or in the future, maintains Indicia of Ownership primarily to protect a Security Interest in a Petroleum UST or UST system or Facility or property on which a Petroleum UST or UST system is located. A Holder includes the initial holder (such as a loan originator); any subsequent Holder (such as a successor-in-interest or subsequent purchaser of the security interest on the secondary market); a guarantor of an obligation, surety, or any other person who holds ownership indicia primarily to protect a security interest; or a receiver or other person who acts on behalf or for the benefit of a Holder.
- Imminent Threat – added
 - an actual Release or a potential for a Release which requires action to prevent or mitigate damage to the environment or endangerment to public health or welfare.
- Indicia of Ownership – Added
 - means evidence of a secured interest, evidence of an interest in a security interest, or evidence of an interest in real or personal property securing a loan or other obligation, including any legal or equitable title or deed to real or personal property acquired through or incident to foreclosure. Evidence of such interests include mortgages, deeds of trust, liens, surety bonds and guarantees of obligations, title held pursuant to a lease financing transaction in which the lessor does not select initially the leased property (hereinafter lease financing transaction), and legal or equitable title obtained pursuant to foreclosure. Evidence of such interests also includes assignments, pledges, or other rights to or other forms of encumbrance against property that are held primarily to protect a security interest. A person is not required to hold title or a security interest in order to maintain Indicia of Ownership.
- Institutional Controls – added

- means non-engineered instruments, such as administrative and legal controls including an Environmental Covenant (EC) as described in **7 Del.C. §§7907-7920**, the Uniform Environmental Covenants Act (UECA).
- Liquid Tight – added
 - means Under-Dispenser Containment, UST top sumps and spill prevention equipment that are impervious to the substance contained, or to be contained, so as to prevent seepage of Regulated Substance from the containment into the environment and seepage of liquids from the environment into the containment.
- Marina Underground Storage Tank System – Added
 - means any UST System and its associated Ancillary Equipment and containment system, if any, maintained and operated at a Marina Fueling Facility.
- Marina Fueling Facility – added
 - means any land-based fueling Facility that dispenses fuel over, adjacent to, or in close proximity to the water for the purpose of fueling watercraft.
- Petroleum UST System – added
 - means an UST System that contains petroleum or a mixture of petroleum with de minimis quantities of other Regulated Substances. Such systems include those containing Motor Fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and Used Oils.
- Piping Run – added
 - means all pressurized Piping from a single submersible turbine pump to the farthest dispenser or all Piping from a suction pump back to the Underground Storage Tank.
- Statistical Inventory Reconciliation (SIR) – added
 - means Release Detection methods based on the application of statistical principles to inventory data.
- Under Dispenser Containment (UDC) – Added
 - means containment underneath a Dispenser System designed to prevent leaks from the Dispenser and Piping within or above the UDC from reaching soil or groundwater and to prevent seepage of liquids from the environment into the containment.
- Verifiable Service – added
 - means a delivery system utilizing hand delivery by a State of Delaware Environmental Protection Officer or any mail delivery system whereby a signature of recipient and date of delivery is required.

SIGNIFICANT CHANGE

- Airport Hydrant Fuel System – changed
 - means ~~a fuel distribution system utilizing underground Piping that supplies vertical Pipe dispensing points located in flush, surface-mounted, below grade pits~~ a UST System which fuels aircraft and operates under high pressure with large diameter Piping that typically terminates into one or more hydrants, also known as fill stands. The Airport Hydrant Fuel System begins where fuel enters one or more Tanks from an external source such as a pipeline, barge, rail car, or other Motor Fuel carrier.
- Class A, B & C – changed
 - Class A –
 - means ~~an individual having primary responsibility for the overall operation and maintenance of an UST System.~~ the individual who has primary responsibility to operate and maintain the UST System in accordance with applicable requirements established by the Department. The class A Operator typically manages resources and personnel, such

as establishing work assignments, to achieve and maintain compliance with regulatory requirements.

- primary responsibility to meet regulations. Typically manages resources and personnel by establishing work assignments, to achieve and maintain compliance with regulatory requirements.
- Class B -
 - ~~means an individual having responsibility and direct control over daily on-site operation and maintenance of an UST System.~~ the individual who has Day to Day responsibility for implementing applicable regulatory requirements established by the Department. The Class B Operator typically implements in-field aspects of operation, Maintenance, and associated recordkeeping for the UST System.
 - Day to Day responsibilities. In field aspects of operation, maintenance & recordkeeping
- Class C –
 - ~~means an individual, on-site employee having primary responsibility for addressing emergencies presented by a Release from an UST System.~~ The individual responsible for initially addressing emergencies presented by a spill or Release from an UST System. The Class C Operator typically controls or monitors the dispensing or sale of Regulated Substances.
 - responsible for initially addressing emergencies by a spill or release. Typically controls or monitors dispensing and sales.
- Containment Sump – changed
 - ~~means Product Tight under dispenser, Piping and Underground Storage Tank top structures, enclosing equipment or Piping or used for Release Detection, such that there are no pathways for Regulated Substances to enter the environment.~~ a Liquid Tight container that protects the environment by containing leaks and spills of Regulated Substances from Piping, Dispensers, pumps and related components in the containment area. Containment Sumps may be single walled or Secondarily Contained and located at the top of the Tank (Tank top or submersible turbine pump sump), underneath the Dispenser (Under- Dispenser Containment Sump), or at other points in the Piping Run (transition or intermediate sump).
- Motor Fuel – changed
 - ~~means petroleum or other substance that includes motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, alternative fuels including but not limited to ethanol, methanol or biodiesel and is typically used in the operation of a motor engine.~~ a complex blend of hydrocarbons typically used in operation of a motor engine, such as motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any blend containing one or more of these substances (for example: motor gasoline blended with alcohol).
- Precision Test – changed
 - ~~means a test capable of detecting a Release and that is approved by the EPA and meets or exceeds NFPA 329, *Underground Leakage of Flammable and Combustible Liquids*, and quantifying Release rates with adjustments for variables in accordance with NFPA 329, *Recommended Practice for Handling Releases of Flammable and Combustible Liquids and Gases*.~~
- Repair – **changed**
 - ~~means to restore or replace an UST System component that is not functioning per manufacturer's specifications or Department requirements.~~ to proper operating condition a Tank, Pipe, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, Release Detection equipment or other UST System component that has caused a Release of product from the UST System or has failed to function properly.
- Secondarily Contained – changed

- means a ~~system installed to prevent any volume of Regulated Substance Released from the Tank and Piping system from reaching the soils or water outside the system for the anticipated period of time necessary to detect and recover the Released substance.~~ Release prevention and Release Detection system for a Tank or Piping. The system has an inner and outer barrier with an interstitial space that is monitored for leaks. This term includes Containment sumps when used for interstitial monitoring or Piping.