

# Agenda



Welcome and Introductions

Overview of Delaware's UST Program

Purpose of the USTAC

Meeting Governance

Break

DNREC Presentation focusing on changes made to the federal UST regulations

Brainstorming of topics that the USTAC should focus on.

Next Steps

Opportunity for Public Comment

# Purpose of USTAC



- The purpose of the Underground Storage Tank Advisory Committee is to provide feedback and assist the Department in developing changes to the Delaware Underground Storage Tank Regulations and improving Delaware's Underground Storage Tank Program.
- Members are expected to share their perspective and technical expertise to assist DNREC in these efforts.



# Overview of Delaware's Underground Storage Tank Program



# TMS Mission

- Prevent releases of petroleum and hazardous substances from underground and aboveground storage tanks.
- Ensure timely and effective cleanups of releases from tank systems when they occur.
- Ensure the safe operation of boilers and pressure vessels.



# Underground Storage Tanks

## What do we regulate?



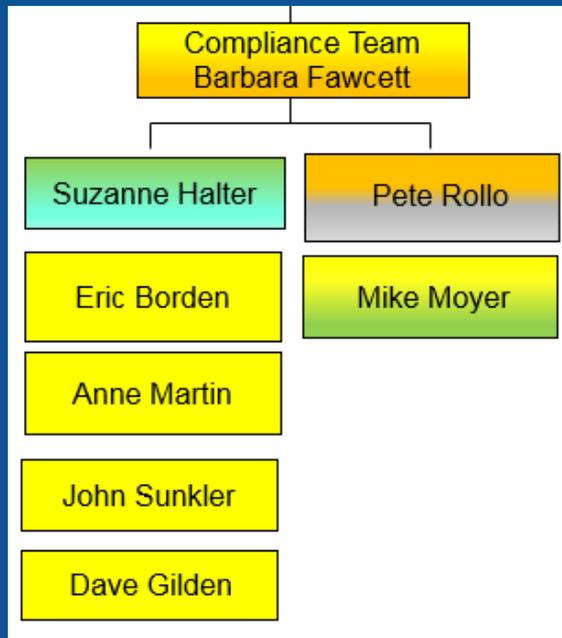
# UST Programs



- Compliance Team

- UST

- Federally regulated USTs
    - State regulated heating fuel
    - Vapor Recovery Program

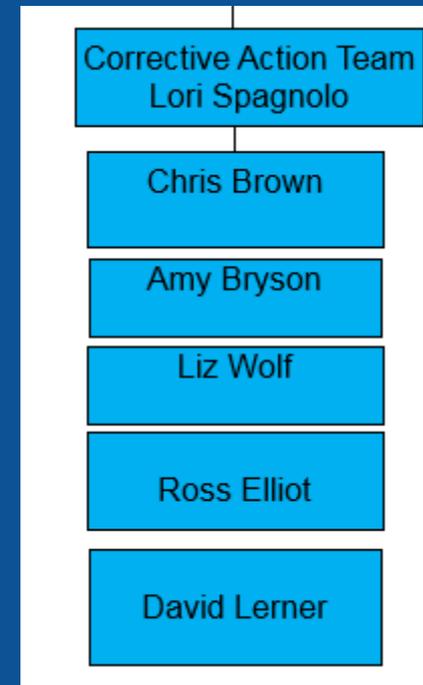


- Corrective Action Team

- Responsible Party Lead

- State Lead

- FIRST Fund Program
    - Heating Fuel Assistance
    - Pay for Performance



# UST Program History



- DUSTA in 1985, Fed Program in 1988
- 1998 Deadline
- Vapor Recovery Program added 1995
- Early 1990's Early Compliance Detection Incentive (ECDI)
- 1998 MTBE an issue
- 2000 Fund for the Inability to Rehabilitate Storage Tanks
- Energy Policy Act of 2005
- 2006 10% Ethanol in Gas Replaces MTBE

# UST Program History



- 2008 & 2010 UST Regulation Changes
- ARRA Funds Available for LUST Cleanups 2009
- 2012 Authority for Environmental Liens
- 2012 ECDI Sunset
- Changes made to UST Cleanup Liability 2014
- Vapor Recovery Regulations Amended 2015
- Heating Oil Assistance Program Created 2015
- Federal UST Program Changes 2015
- Changed liability for Heating Fuel Tanks that received an NFA 2016.



# Who owns Gas Stations in Delaware?

Owner	Number of Facilities Owned
<b>GPM (BP/Valero/Shore Stop)</b>	63
<b>SMO (Shell/Dash In)</b>	44
<b>WaWa</b>	28
<b>Royal Farms</b>	26
<b>Sunoco Inc.</b>	10
<b>Wilson Baker</b>	9
<b>OM-Shiv Groceries (Bodies)</b>	5
<b>Service Oil Company</b>	5

- 8 owners who own 5 or more facilities (65%)
- 9 owners who own 2 to 4 facilities (8%)
- 81 owners who own only a single facility (27%)



# MTBE Plume - Camden, Delaware

My water tastes funny...

25 ppm MTBE

Gas Station

Well



# What we don't want to find!



# UST Program Funding



- HSCA
  - 2 million per year
  - Pays for State Lead Actions and 2.5 Positions
- EPA grants
  - 1 Million per year-2 Different Grants.
  - Pays for 11 Positions
- Other Fees- Pay for 2.5 Positions
  - Tank Registration Fees \$50 per Tank, smaller heating fuel exempt.
  - Vapor Recovery Permit Fees \$75 permit fee for Stage I and Stage II
- General Funds: 0



# UST Bill Signed October 6, 2014





# Typical Story Multiple Owners and Multiple Releases



## Owner History

Owner #5	2008
Owner #4	2007
Owner #3	2001
Owner #2	1998
Owner #1	1985

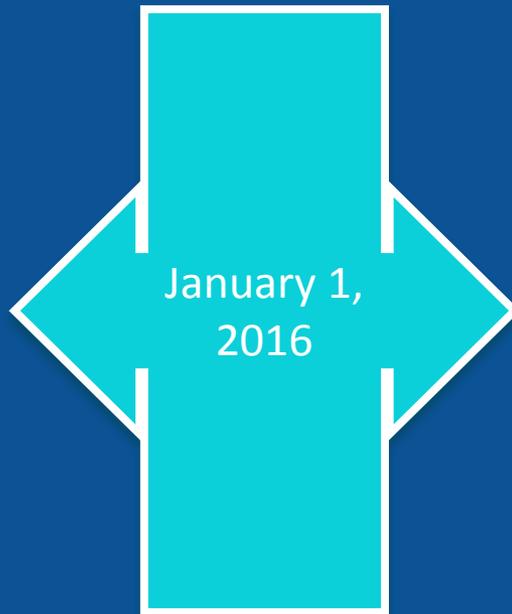
## Release History

Confirmed Release #3	2008
Confirmed Release #2	2003
Confirmed Release #1	1998

# Changes to UST Cleanup Liability



Everyone  
subject to  
proximate  
cause



- If you own or operate the facility on or after January 1, 2016, you are subject to strict, joint and several liability
- If you owned or operated the facility prior to January 1, 2016 and no longer own or operate it on or after January 1, 2016, you remain subject to proximate cause liability.

• .



# Former UST Facilities are Brownfields

What are the Benefits?

- Liability Protection for the Brownfields Developer once a Brownfields Development Agreement is signed.
- The opportunity for state grant funds to perform tank removals, and additional cleanup work.



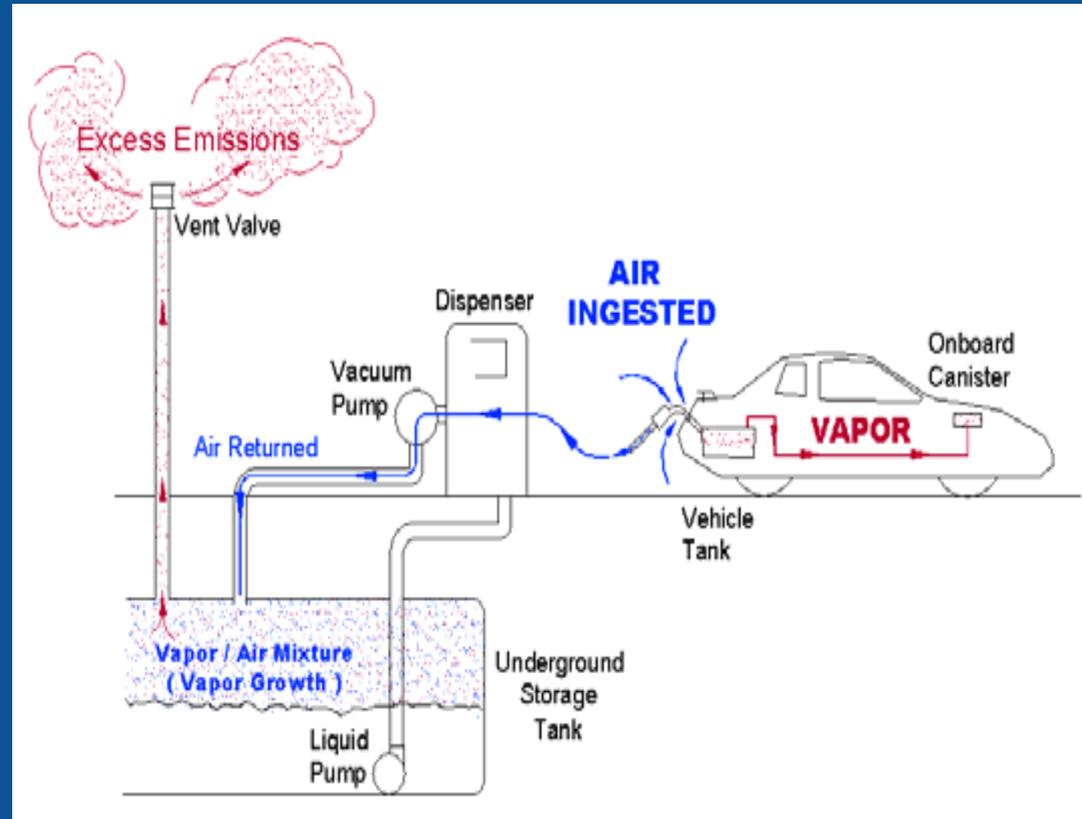
Before



After

# Stage 2 Vapor Recovery Decommissioning

- Carbon canister in the car captures vapors.
- Air drawn back through hose to UST .
- Gasoline evaporates in the UST to re-establish equilibrium (vapor growth).
- Release occurs into the atmosphere via Pressure vacuum (PV) valve or leaks.





# Heating Fuel UST Closure Assistance Program

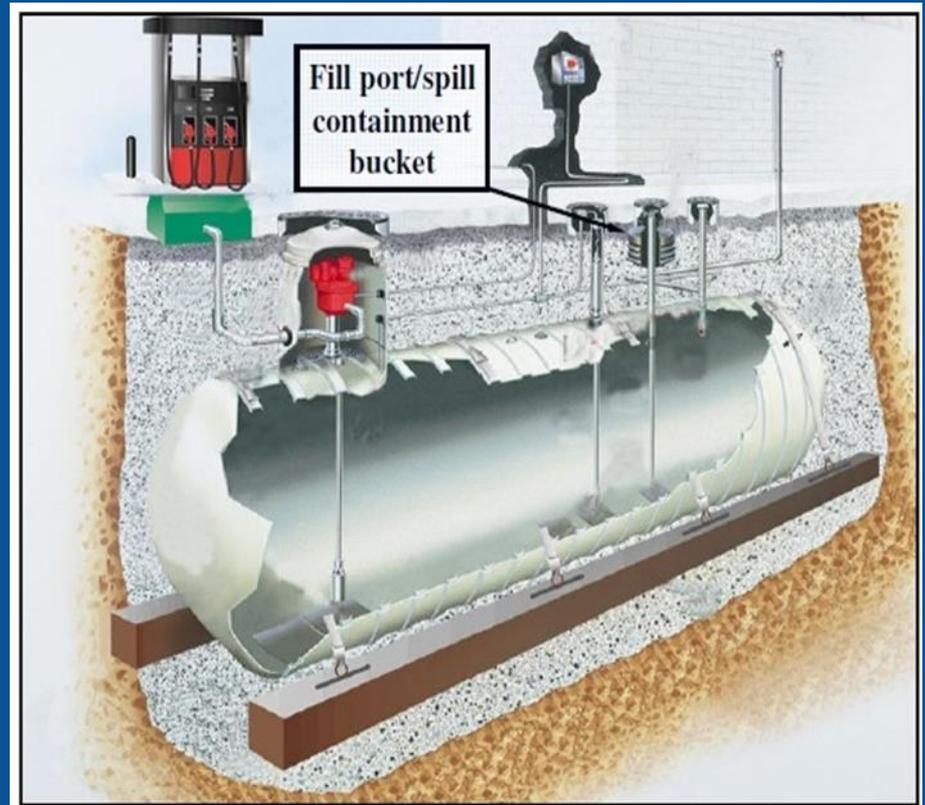
DNREC will pay to remove or close in place residential & commercial tanks buried below ground that hold 1,100-gallons or less of heating fuel.





# UST System

- One or more Tanks
- Pumps
- Piping
- Spill Prevention
- Overfill Prevention
- Corrosion Protection
- Leak Detection System
- Dispensing System





# Types of Things We Do

## A good installation is key!





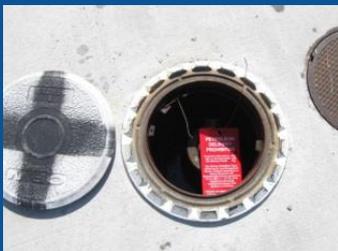
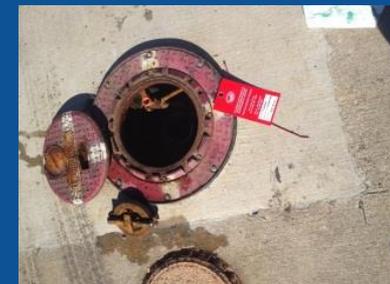
# Types of Things We Do

## Compliance inspections





# Delivery Prohibition is the Enforcement Tool of Choice for Compliance Violations





# Types of Things We Do

## Removals and Retrofits



# Sometimes it is easy to identify the source of a leak!



# Most of the times it's not!





# Common ways TMS discovers a release

## Site Entry into TMS

- Tank Removal
- EPRB Referral
- Failed System Test
- Real Estate Transaction
- Phase II
- Phone Call from Interested Party



# Reporting Requirements

- Owners and operators as well as any person including contractors and consultants have to report a release from a UST.
  - **Indicated Releases** (reported to DNREC-TMS within 24 hrs.) include, but are not limited to:
    - Stained soils or soils that emit characteristic odors of Regulated substance compounds
    - Water from supply wells that exhibits a decrease in water quality from a regulated substance
    - Sheen on a surface water body
    - Abnormal operating conditions
    - Release detection alarms



# Reporting Requirements

- Owners and operators as well as any person including contractors and consultants have to report a release from a UST.
  - **Confirmed Releases**
    - ***Under*** Reportable Quantity (RQ=25 Gallons). Report to DNREC-TMS if it cannot be cleaned up within 24 hrs.
    - ***Exceeds*** RQ. Report to DNREC hotline within 24 hrs. AND report to DNREC-TMS.



# Indicated Release Investigations

- Owner/Operator must begin an investigation within 24 hrs. to:
  - Determine the cause of any abnormal operating condition and;
  - Determine the presence or absence of a Release by
    - Conducting system testing in accordance with the Regulations, or;
    - Measuring for the presence of a Release
  - Investigation must be completed and and corrected within 7 days.



# Hydro Investigation

- Tier 0 screening levels used to determine need for Hydro-investigation.
- Action levels for Contaminants of Concern
  - Gasoline-Range Organics 100 ppm
  - Diesel-Range Organics 1000 ppm
- If levels are below action levels No Further Action necessary, NFA letter issued.
- TPH over 100 but under 1,000 ppm No Further Action “with conditions” , Conditional NFA issued.

# NFA Requirements



- Responsible Party must submit a written request that includes:
  - Demonstration that the site does not threaten human health, safety and the environment;
  - LNAPL has been removed to the extent practicable; and
  - Contaminant levels have been reduced to levels at or below Department approved cleanup goals.
- NFA refers to site conditions at the time of closure.
- If residual contamination exists, a Contaminated Materials Management Plan (CMMP) must be submitted to the Department before any person may disturb the site.

# Questions?



# Purpose of USTAC



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- Members are expected to share their perspective and technical expertise to assist DNREC in these efforts.



# Regulation Development Schedule

- Oct 2016- April 2017      Draft changes to UST Regulations
- April-June 2017      Receive Public Comment on Draft Regulations
- July 2017      Finalize Proposed Changes to the UST Regulations
- October 2017      Conduct Public Hearing
- January 2018      Promulgate Changes to the UST Regulations
- April 2018      Submit Draft State Program Approval Document to EPA
- August 2018      Submit Final State Program Approval Document to EPA

# Meeting Governance

## USTTAC Meeting Ground Rules



- Start and End on Time
- No side conversations
- Respect the agenda
- Keep an open mind
- Respect differences of opinion
- No personal attacks
- Be positive
- Speak one at a time and give everyone a chance to speak
- Be honest and have trust
- Ask questions
- Help facilitator, scribe and note taker capture ideas accurately.
- State a purpose when introducing each new topic.
- Decisions by consensus with motions and votes
- Bio breaks as needed
- Share responsibility for team's progress

# Meeting Governance



- **Chair: Alex Rittberg and Co-Chair Lori Spagnolo (Primary Facilitators)**  
Focuses on the process – the how of the session. Preserves the integrity and disciplined use of the process. Guides the process without directing it. Invites people to attend the meeting and designates them as committee members.
- **Committee Members** Share responsibility for a successful group session with the primary facilitator.
- **Note Taker: Jenn Vavala** Takes detailed notes of the meeting for distribution later.
- **Timekeeper: Nina Dietrich** Monitors how long the group is taking to accomplish its tasks. Provides regular updates to keep group members moving forward.

# Meeting Governance

## Decision making process



- Decisions or recommendations will be decided by a simple majority of the committee members present at the meeting.
- Each person that attends the meeting will be considered a voting member.
- DNREC will not be bound to implement the decisions or recommendations of the USTAC.
- DNREC staff will not be considered voting members



Break Time



What would you like the USTAC to  
work on?



# Next Steps

- Meeting Frequency- Quarterly  
Wednesday January 25<sup>th</sup> 2017
- Submit Comments to the following email:  
DNREC\_USTRegulations
- Follow our activities on the Web:  
<http://www.dnrec.delaware.gov/tanks/Pages/default.aspx>