April 12, 2017

# Delaware USTAC

# Agenda

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|---|---|
| • Introductions | 10:00-10:05 |
| • Review of the Minutes from January 24, 2017 Meeting | 10:05-10:15 |
| • Discussion of draft regulations: Part A Requirements | 10:15-12:00 |
| • Lunch Break | 12:00-1:00 |
| • Discussion of draft regulations: Part B Requirements | 1:00-2:45 |
| • Goals for Next Meeting | 2:45-2:50 |
| • Public Comment | 2:50-3:00 |

# 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.

# 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: Sara Golladay** Monitors how long the group is taking to accomplish its tasks. Provides regular updates to keep group members moving forward.

# 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

# Promulgation Schedule

| | |
|---|---|
| Tuesday January 24,2017 | Discuss Initial Draft of Changes with the USTAC |
| Friday March 31, 2017 | Share 2nd draft of changes with USTAC and EPA |
| Wednesday, April 12, 2017 | USTAC Meeting Part A and Part B (10 a.m. - 3 p.m.) |
| Wednesday, May 10, 2017 | USTAC Meeting Part A , Part B, Part E (1 - 3 p.m.) |
| Wednesday, June 7, 2017 | USTAC Meeting Part A, Part B, Part C, Part D, Part E (1 - 3 p.m.) |
| Thursday July 1, 2017 | Make any necessary changes to 3rd draft and share with USTAC and EPA |

# Promulgation Schedule (Cont.)

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|---|---|
| July -September , 2017 | EPA Review |
| November 15, 2017 | Conduct USTAC4 Meeting |
| January 2018 | Conduct Public Workshops |
| March 2018 | Proposed Regulations to State Registrar |
| July 2018 | Promulgation by Cabinet Secretary |
| October 2018 | State Program Approval |

# Discussion of Draft Changes to UST Regulations

Draft changes based on Federal Rule Changes

- Airport Hydrant Fuel Systems and Field Constructed Tanks
- Emergency Generator Tanks
- Operator Training
- 30 Day Walk Around Inspections
- Overfill Protection
- Secondary Containment
- Containment Sump Testing
- Other Definitions
- Reference Standards

# Discussion of Draft Changes to UST Regulations

Changes  not driven by Federal Rule Changes

- Additional Rules for USTs located at Marinas
- Consistency  with ITRC Regarding NAPL Definitions
- Sustainable Remediation Techniques
- Use of Institutional Controls

# Delaware Regulations Governing Underground Storage Tanks

Part A: General Requirements for Underground Storage Tank Systems

Part B: Installation, Operation and Maintenance:  Excludes Heating Fuel

Part C:  Installation, Operation and Maintenance: Heating Fuel

Part D:  Installation, Operation and Maintenance: Hazardous Substances

Part E: Requirements for Release Reporting, Corrective Action

# Delaware Regulations Governing Underground Storage Tanks

Part F: Financial Responsibility

Part G: Contractor Certification

~~Part H: Governing Reimbursement for Petroleum Contamination Site Cleanup~~

Part H: Field Constructed Tanks

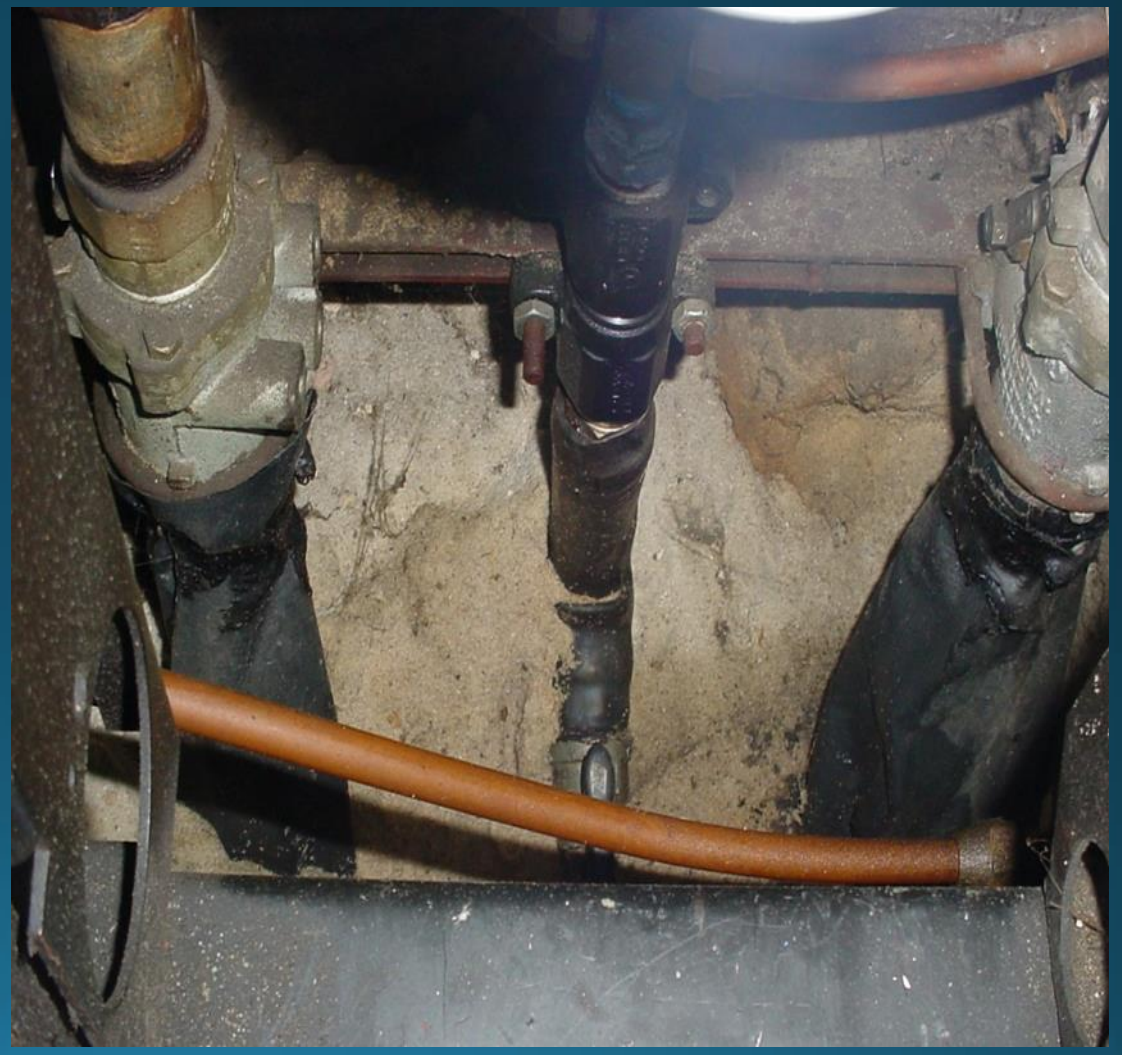
Part I : Airport Hydrant Fuel Systems

# Uncontained Sump Concerns:

- Product released goes directly into the environment with no alarms
- Corrosion concerns with soil and water in direct contact with product piping

60 out of 291 Gas Dispensing Facilities Do Not Have Containment Sumps

# Uncontained Sumps

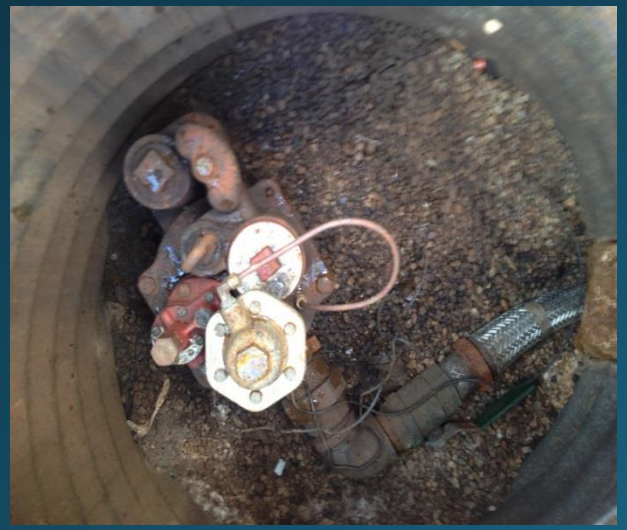


# Secondary Containment Requirements

DNREC Has Had Secondary Containment Requirements in Place Since 2008

***New Federal Requirements:***

- Requires  new and replaced tanks and piping to be double walled.
- Requires interstitial monitoring (and sumps if they are used for interstitial monitoring)
- Requires under-dispenser containment for new dispenser systems



***What DNREC would like to change:***

- Phase out non liquid tight containment found at the tank top and under dispensers.

# Operator Training Requirements

DNREC Has Had UST Operator Training Requirements in Place Since 2010

***New Federal Requirements:***

- Owners must designate and ensure 3 classes (A,B, & C) of operators are trained
- Recordkeeping is required for as long as the operator is designated at the facility
- Retraining is required for Class A and B operators at facilities determined to be out of compliance

# 30 Day Walk Around Inspections

DNREC Has Had Routine Inspection Requirements in Place Since 2008

***New Federal Requirements:***

- Walk around inspection every 30 Days
  - Check spill prevention equipment
  - Check release detection equipment and records
- Annually
  - Check containment sumps
  - Check hand held release detection equipment

***What DNREC will need to change:***

- 28-31 Days will Change to every 30 Days
- DNREC is currently more stringent in inspecting containment sumps as part of 30 day walk around inspection.

# Requirements for Overfill Protection

***New Federal Requirements:***

- Overfill protection equipment will be checked every 3 years.
- Inspect to make sure overfill operates as intended
- Ball Floats will not be allowed on retrofit or new installations.

***What DNREC will need to change:***

- DNREC will add an annual inspection requirement for owners/operators to demonstrate that overfill equipment functions properly.
- Prohibition on installing ball floats at new installation or when replacement is needed.

***What DNREC would like to change***: Phase out the use of ball floats on all systems.

# Containment Sump Testing

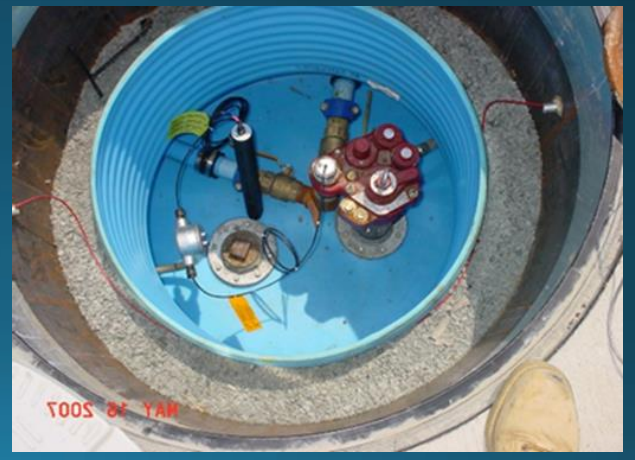
DNREC Has Had Containment Sump Testing Requirements in Place Since 2008

***New Federal Requirement:***

- Test sumps used for piping interstitial monitoring to ensure they are liquid tight every 3 years.
    - Double-walled sumps with periodic interstitial monitoring between the containment sump walls are not required to meet the testing requirement
    - Keep records for 3 years

***DNREC would like to change:***

- Test all containment sumps to see if they are liquid tight every three years.



# *Removing Deferrals for Field-Constructed USTs and Airport Hydrant Fuel Distribution Systems*

- ***New Federal Requirements:***
  - Requires Release Reporting, Spill Prevention, Overfill Prevention, Release Protection, Cathodic Protection, Operator Training.
  - Exceptions to meeting secondary containment requirement for some FCT & AHS piping
  - Provides unique options for meeting release detection requirements

# Removing Deferral for Emergency Generator USTs

DNREC has had requirements release detection for emergency generator USTs since 2008.

**New Federal Requirements:**

- Removes the deferral and requires release detection for existing tanks and piping associated with Emergency Generator USTs. New installations must meet all standards.

***What DNREC will need to change:***

- New and existing emergency generator USTs release detection for piping will need to be modified.

# Part A Reference Organizations and Standards (Pages 14-17)

Reference Standards were added based on changes to the federal regulations to comply with technical requirements or because they were newly cited by DNREC.

Examples:

3.3.5.5 RP 1200, *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*

3.3.5.4 *RP 1000 Marina Fueling Facility Systems (2014 Edition)*

Still need to list specific editions of the documents.

# Additional Requirements for USTs at Marinas

- Definitions of Marina UST, Marina Fueling Facility
- Referenced  PEI RP 1000
- Require upgrade to marine grade equipment at new installation and retrofit.

# Sustainable Remediation Techniques

- Referenced ASTM and ITRC Guidance
- Encouraged but not required
- Incorporated into Remedial Action Workplans

# Institutional Controls

- Acknowledge that  institutional controls can be incorporated into a remedial action workplan to manage the risk from exposure to hazardous substances.

- When required ensure the institutional control has been put in place before issuing a No Further Action Letter

- Deed Notices
- GMZ's
- Environmental Covenants

Written Comments on the Draft Regulations Can be sent to

DNREC_USTRegulations@state.de.us

# Opportunities for public participation and public comments.

Next Meeting Date Wednesday May 10, 2017
10AM-3PM