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 Eileen Butler (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: Melina Lounsbury 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
- Share responsibility for team’s progress
Agenda

- Introductions 10:00 - 10:05
- Discussions with EPA/Compliance Dates 10:05 - 10:15
- Regulation Promulgation Schedule 10:15 - 10:30
- Summary of Regulatory Changes 10:30 - 11:45
- Public Comments 11:45 - 11:55
- Next Steps 11:55 - 12:00
EPA-DNREC Schedule

• Non-SPA States and Territories vs SPA States
  New UST requirements start:
  • October 13, 2018 for Non-SPA States and Territories
  • October 13, 2021 for SPA States

• Delaware’s schedule
  Promulgation:
  • October 2019
  Implementation:
  • October 13, 2021
Promulgation Schedule

November 2018  Discuss draft of changes with USTAC

December 2018  Submit next draft to EPA

January 2019  EPA Review, Legal Review by DAG
              Begin revision of SPA document

February 2019  Resolve any outstanding issues with EPA
               Continue SPA document revision

March 2019  Additional legal review as needed
<table>
<thead>
<tr>
<th>Month</th>
<th>Event</th>
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<tbody>
<tr>
<td>March 2019</td>
<td>Continue SPA document revision</td>
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<td></td>
<td>Public workshops</td>
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<tr>
<td>April 2019</td>
<td>Final SPA document update</td>
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<tr>
<td>June 2019</td>
<td>Publication of Proposed Regulations in State Register</td>
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<tr>
<td>July 2019</td>
<td>Public hearing</td>
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<tr>
<td>September 2019</td>
<td>Secretary’s Order Promulgating Regulations</td>
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<tr>
<td>October 2019</td>
<td>Submit SPA Package to EPA</td>
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What has happened since May?

Regulatory changes
Changes throughout regulations for clarity and consistency
Sections A, B, C, D, E, G
Operator Training
Financial Responsibility and Insurance; changes to assist Owners/Operators
Out of Service and Empty requirements
Delivery and Dispensing Prohibition
Operator Training

- Require passing grade of 80%
- Re-certification requirement – every three (3) years as per Part A Section 10.1.12
- 30 day inspection by Class A or Class B certified Operator
Financial Responsibility

- Insurance policy exclusions – (EPA memo) Part F 2.2.4 and 2.2.5
  - Voluntary UST System removals
  - Self-insured retentions
- Termination or nonrenewal notification to the Department
  - By insured – Part F 2.14.1.1.4 (not a new requirement)
  - By insurer – Part F 2.14.1.1.5
Financial Responsibility

- Installation requirements – Part A 4.6.11 – complete insurance policy required
- Record keeping Part A 5.1.4.14 – lifetime of Ownership
- Cause for Dispensing/Delivery Prohibition – Part A 9.2.1.4
- Financial Responsibility Requirements – Part F 1.1.8 annual submission
Out of Service vs Empty

Requirements for Out of Service:
• Operation/Maintenance of corrosion protection
• Operation/Maintenance of Release Detection
• UST System testing
• Routine inspection
• Financial Responsibility
Site Assessment when UST System is Out Of Service for twelve (12) months; no longer required to render the UST System empty

Requirements for Empty UST Systems:
• Vent pipes open and functioning
• Cap and secure all other Pipes, pumps, manways, and Ancillary Equipment
• Continue corrosion protection until UST System is Removed or Closed In Place
Within three (3) months of rendering UST System Empty:
   Site Assessment, or Removal, or a Closure In Place is required
Out Of Service vs Empty

Definition of Out Of Service:
Is not in use – no Regulated Substance added or withdrawn from the UST System
Is *intended* to be put back In Service

Definition of Empty:
All Regulated Substances have been removed from the UST System using commonly employed practices so that 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.
Part A Section 9
Added dispensing prohibition to potential enforcement action when certain conditions exist:

1. Imminent threat
2. Lack of Spill/overfill prevention, Release Detection, Corrosion Protection
3. Owner/Operator out of compliance with Indicated Release investigation
4. Owner/Operator out of compliance with financial responsibility requirements
“Imminent Threat” means 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.

Dispensing prohibition tag shall be affixed to the dispenser in conjunction with delivery prohibition tag affixed to the fill pipe.
Definitions:
  Day
  Regulated Substance – 0.1% is not same as *de minimis* (so minor as to merit disregard)

Compatibility – new section Part A Section 13.0
Alternative Approval Procedures – new section Part A Section 6.0
Interstitial monitoring – required for new tanks and piping
  Annual Interstitial monitoring – if criteria are met
Date for Overfill prevention – Oct. 13, 2021
  Overfill prevention – ball valve
Day means a calendar Day; however, when used to determine when a document is due and the Day falls on the weekend or a holiday, the document may be submitted on the first working Day after the weekend or holiday.
Regulated Substance

means a liquid that contains:

(a) Any substance defined in Section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability act (CERCLA) of 1980; but not including any substance regulated as a hazardous waste under RCRA subtitle C; or

(b) Any volume of a carcinogen as defined by EPA in the Integrated Risk Information System (IRIS) April 2002 and as updated; or

(e) A substance determined by the Secretary through regulation to present a risk to public health or welfare or the environment if released into the environment.
Owners and Operators shall use an UST System made of or lined with materials that are Compatible with the Regulated Substance Containing Ethanol and Biodiesel stored in the UST System.

Compatibility shall be demonstrated by one of the following:

- certification by a nationally recognized independent testing laboratory
- equipment or component manufacturer’s approval
- other method no less protective of human health and the environment
Alternative approvals will only be considered when they are consistent with the *no less stringent* requirements of Subtitle I, Section 9004 of the Resource Conservation and Recovery Act of 1976.

The alternative procedure or technology must meet or exceed the requirements found in these Regulations.
Interstitial Monitoring

- Submersible turbine pump Containment Sumps annual inspection if:
  - Equipped with continuous interstitial monitoring
  - Vent and vapor return Piping slope back to Tank $\frac{1}{8}$” per foot
Overfill Prevention

• Vent line flow restrictors (ball float valves) shall not be installed for overfill prevention after the Effective Date of these Regulations.

• Existing vent line flow restrictors shall be removed not later than three (3) years after the Effective Date of these Regulations unless the following condition exists:
  
  the overfill prevention equipment automatically achieves partial shut off of flow into the UST when the UST is eighty five percent (85%) full and complete shut off of flow at eighty eight percent (88%) full.
Owners and Operators shall ensure that overfill prevention equipment is inspected a minimum of *once every three (3) years*. The first inspection shall occur prior to October 13, 2021. At a minimum, the inspection shall ensure that overfill prevention equipment is functioning in accordance with manufacturer’s specifications and shall activate at the correct level.
Written Comments on the Draft Regulations Can be sent to

DNREC_USTRegulations@state.de.us
Public Comment