

USTAC Meeting Minutes

5-10-17

- Alex Rittberg called the meeting to order at 10:05am and presented a short PowerPoint that included: Introductions, discussion of the Agenda, the Purpose of USTAC, Meeting Governance, and the regulatory promulgation schedule.
- Question 1: Tom McKenna – how good is EPA with the turnaround time of 60 days?
 - Alex Rittberg answered that EPA is committed to keeping to their turnaround time.
- Question 2: Mark Baker - June 28th meeting, is that where we will see the results of these meetings?
 - Alex Rittberg answered yes.
- Alex Rittberg explained that Delaware was making some changes based on the 2015 federal changes and others based on Delaware's discretion.
- Alex Rittberg explained that Uncontained Sumps were a concern to the Department and presented information showing the number of leaks and releases from systems that did not have containment sumps.
- The previous meeting minutes were reviewed and approved.
- Changes Discussion:
 - Part B
 - 2.1.3
 - Requirement was put in place in 2008 with a 3 year phase out period. Eliminates double elbow swing joints on rigid (fiberglass piping) because mechanical vibration may untighten connection and cause leaks. We allowed facilities to weld their double elbow swing joints versus replace them with flex connectors. (Alex Rittberg)
 - Keeping date for historical purposes so we have something to reference if needed (Barbara Fawcett)
 - 2.4.1
 - Tom McKenna asked is secondary containment a defined term?
 - Alex Rittberg answered yes, DNREC is trying to work with Registrar's Office to continue to capitalize defined terms.
 - 2.4.3.4
 - Barbara Fawcett explained the difference between Part A and Part B Sections 1 and 2.
 - 2.9
 - 2.9.1.3: Alex Rittberg explained that DNREC was taking comments into consideration and developing language based on the last two meetings. 2.9.2.1.3 to 2.9.2.1.7:
 - Alex Rittberg explained that DNREC was eliminating the use of Observation tubes, monitoring wells, vadose zone vapor detection tubes, and U-tubes as approved methods of leak detection. These methods were phased out as a primary method of tank release detection in January 2013 because newer and better technology was available that could detect leaks sooner. Annual tank tightness testing was phased out sooner with the phase out occurring on

December 31, 2008. Again newer technologies could detect the release sooner.

- 2.9.4.3

- Alex Rittberg stated that new language was being added, "The interstitial monitoring equipment shall be capable of producing a record of Release Detection monitoring results. Original test records or equivalent third party test reports shall be made available upon request." This change makes the requirement for interstitial monitoring equipment to produce a record consistent with 1.9.4.3 including adding the option that third party maintained records or the original test reports must be made available upon request. Alex Rittberg stated that comments from the previous meeting included concerns over keeping records for the life of the system, ATG print outs not being made to last, inspect tank tops sumps annually rather than monthly if they have sensors.
- Alex Rittberg then explained that EPA- needs a means to audit 3rd party records and that owners would need to make sure ATG slips match 3rd party data. Alex Rittberg stated that DNREC would need to work with the owners to develop an auditing procedure based on how their systems work.
 - Tom Ruszin explained that their system can keep 12 months of data. Maybe reword to say 12 month
 - Barbara Fawcett added the DNREC conducts inspections once every three years, cannot change to 12 month, and suggested the records be archived so they can be produced for an audit.

- 2.9.5.2

- Alex Rittberg stated that the record keeping requirement discusses that records be kept for the life of the system.
- Barbara Fawcett stated the DNREC was still developing verbiage based off of concerns raised at previous meeting.
- Alex Rittberg asked the USTAC what they thought was reasonable.
- Mark Baker suggested adding language that records be kept for the time of ownership. He added that a 3 year retention time should be considered.
- Tom McKenna said that records should be maintained as long as possible and at the time of sale, they should be able to produce them.
- David Peterson asked if there was any benefit to looking at records 10 years old?
- Peter Rollo stated yes, we can do research if there is a leak to see when the leak has occurred
- Lori Spagnolo asked if DNREC had ever done that in the past?

- Alex Rittberg answered yes, DNREC has looked back through release detection records to try and determine when a leak has occurred.
- Mr. Deschepper asked if DNREC could put specific language in the regulations that describes how an owner should maintain their records?
- Alex Rittberg answered that it's better for owners to have the flexibility and for DNREC not to prescribe how the records are maintained.
- Doyle Tiller suggested that DNREC provide a checklist listing which records need to be maintained and for how long.
- Barbara Fawcett and David Gilden stated that a checklist is provided in the Department's Compliance Assistance Manual and is available on the Department's website.
- Doyle Tiller asked if we needed to specify manufacturer certified?
- Barbara Fawcett stated that DNREC would consider adding that language.
- 2.9.8.1
 - Barb Fawcett stated that it's important to keep the sunset date.
- 2.9.11.2
 - Alex Rittberg stated that this section brings language from the federal rule changes pertaining to Statistical Inventory Reconciliation into Delaware's regulations. SIR has been and will continue to be considered an alternative method of release detection. It's primarily used when we have single walled tanks that may not have an ATG. The new language mirrors the federal requirement that SIR be a quantitative method.
- 2.9.11.2.4
 - Alex Rittberg stated that it's a new federal requirement that the SIR reports must be submitted within the 30 day reporting period.
 - Mark Baker expressed concerns that this doesn't make sense.
 - Alex Rittberg agreed and said that DNREC would ask EPA for clarification on the issue.
 - Barbara Fawcett added that DNREC will look at other States to see what they have done
 - Doyle Tiller stated that it should be clear that the owner needs to submit the report to DNREC.
- 2.14.2
 - Alex Rittberg stated that language was added that described when rigid piping is used, flexible connector(s) shall be installed at the tank end of each regulated substance piping, vent pipe and vapor recovery pipe as well as at the base of each dispenser and vent riser on all new installations. Double elbow swing joints are prohibited. Alex Rittberg described that this is similar to 2.13 but adds more specific language that double elbow swing

joints can't be used with rigid piping. Vent and vapor recovery piping have always been included. The concern is that the threads may come loose.

- Tom Ruszin described that requiring flex connectors at vent stacks could lead to problems because the weight of the stack can crush the connector and an owner would have to replace/repair repeatedly. (Mark Devey agreed)
- Dave Gilden asked if they could offer any solutions?
- Thomas Ruszin suggested allowing a steel elbow joint.
- Peter Rollo stated that if the vent pipes had the proper structural support then there wouldn't be a problem.

▪ 2.20.2

- Alex Rittberg described that the section is being renamed to "Piping Interstitial Monitoring Requirements" and that two paragraphs that discuss testing pressurized piping are being moved to the previous section describing pressurized piping without changing the language.
- Mark Baker stated the same concerns discussed at the last meeting about testing the interstitial space of double wall piping on older systems should not be required.
- Alex Rittberg stated that DNREC is working on new language for that Section. Barbara Fawcett stated that the current language has been in the regulations since 2008, and it's not been a concern?
- Ms. Foster asked if DNREC would allow companies to change registrations from double wall to single wall?
- Mark Baker asked DNREC to look at the new EPA requirements and that it seems DNREC is penalizing older systems.
- Alex Rittberg stated that DNREC understands that older systems may not be capable of passing testing, and DNREC would consider changing the language.
- Mr. Deschepper asked if there be a clause requiring owners to bring older systems up to the new standards.
- Barbara Fawcett added that it would be more feasible for an owner to install and use sensors.
- Steve Stookey pointed out that some systems have double walled piping but no sumps.
- Mark Baker stated that a lot of systems are approaching 30 years and would likely be replaced.

▪ 2.21.3

- Alex Rittberg stated that the word "continuous" were being added for consistency and reminded everyone that continuous interstitial monitoring can meet the line tightness test requirements.
- Tom McKenna asked what is meant by continuous?
- Peter Rollo answered that the system monitors continuously but only records if there is an alarm.

- Peter Rollo explained that this wording is based off of manufacturer's guidelines.
- Doyle Tiller - thought at some point they wanted the sensors slightly off of the bottom.
- Peter Rollo answered that he contacted manufacturer's to verify and they want them as close to the bottom as possible.
- 2.29.1.2
 - Alex Rittberg stated that this section requires that all Repairs and Replacements to existing UST Systems not meeting the requirements of 2.29.1 and 2.29.1.1 of this Part, shall meet the applicable design, installation, maintenance and operational standards in Part B, §1 of these Regulations. We are trying to say that all retrofit and upgrades and repairs that post construction testing and some form of soil sampling need to be approved by the Department prior to construction.
 - Tom McKenna asked if "repair" should stay there.
 - Peter Rollo answered yes, repair that requires digging is considered a Retrofit.
- Part E
 - 1.1.1
 - Lori Spagnolo discussed that if there was a release identified that it must be reported immediately rather than within 24 hours.
 - 1.1.1.2
 - A participant asked if DNREC could change the requirement that if contaminated soil was discovered as part of a Phase 2 investigation, a consultant should be required to inform the Tank Management Section and not have to call the spill release hotline.
 - Alex Rittberg said that DNREC would discuss this matter internally.
- Alex Rittberg then stated that Written Comments on the Draft Regulations can be sent to: DNREC_USTRegulations@state.de.us and that the next meeting will be held on Wednesday, June 28th, 10am-3pm and that two weeks prior to meeting DNREC will send out revised regulations with updates for review.
- The meeting was concluded at 1:33pm