

THINK



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"The times, they are a-changin'..."

It was true when Bob Dylan sang it and it is true now of Delaware's underground storage tank program. The well publicized 1998 deadline to upgrade or close tanks that did not meet standards was highly successful (Table 1). All regulated UST systems whether new or upgraded should now have fill-line protection, overfill protection, spill protection, leak detection, and meet corrosion protection standards. We are more

than three years beyond that deadline now. And most systems are "equipped to comply" with the physical requirements of the regulations. So, we've done our job. The old tanks are closed or upgraded and we've completed our mission... right? **WRONG!**

Just because the tanks have the equipment that is needed to meet the regulations doesn't mean that equipment is being maintained, or that the tank is operated properly. Upgraded tanks can leak too, so... no, we cannot rest on our laurels. Now we must make sure that operating UST systems have the equipment they need and that they are maintained and operated in a manner that complies with the regulations.

The federal "Underground Storage Tank Compliance Act of 2001" (S. 1850) was introduced to provide new tools and resources to bring USTs into compliance. While not yet enacted, it shows the direction the federal government is headed with USTs. S. 1850 was introduced in response to the General Accounting Office (GAO) report of May 2001 which concluded that only 89% of

tanks were meeting federal equipment standards and that only 71% of tanks were being operated or maintained properly. Delaware's compliance numbers are 98% and 32% respectively. As you can see, there is much work to be done in Delaware regarding operation and maintenance of tanks.

Section 3 of S. 1850 directs states with an approved program (Delaware is in this category) to inspect regulated tanks every two years. It also provides funding for this increased level of inspection.

Since the GAO identified operation of the tanks as an issue, S. 1850 also provides for mandatory training of operators of USTs. Guidelines for training are to be published by EPA after comment from owners, operators and the public. States will then have two years to develop and implement a strategy for the training of operators that is consistent with those guidelines.

OK then, that's in the future. What is my status now, you ask? The UST Branch is committed to visiting and inspecting each facility on a regular basis. True compliance can only be assessed with repeat visits to facilities. Owners and operators are more aware of what is required of them than in the past, but as our compliance numbers indicate, there is a long way to go. Today's atmosphere is leaning more toward enforcement than in the past. Consequently, tickets or fines will be more common for owners and operators. Many tank operators are already aware of our Environmental Protection Officers (EPOs) stopping by to inspect their vapor recovery systems and issue tick-

1996	476
1997	694
1998	839

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Vapor Recovery Record Keeping

by Colin Gomes



Complying with one aspect of the Vapor Recovery Regulation requires the Owner/Operator to maintain a file of information pertaining to the operation of the system. This requirement may seem to be unduly burdensome, but understanding the reasoning behind the requirement may make the duty more palatable and compliance easier. The following are the vapor recovery records that are required to be at your facility, accessible to the Department Inspector.

- 1. Daily Log:** The vapor recovery system must be inspected daily and a record of the inspection maintained at the facility. The inspection must be conducted by trained personnel. This person shall inspect the Stage I and Stage II equipment for vapor and product leaks and monitor the wear and tear of the equipment used by the public and gasoline delivery vehicles.
- 2. Maintenance Log:** This record was designed to complement the Daily Log. During the daily inspection, any defect or damaged equipment discovered must be tagged out of service and a note made in the maintenance log. The initial note should include the date, what component, location and the response, whether the operator made the repair or called a contractor. The final note on this incident should contain the date the component was repaired and placed back in service.
- 3. Training Certificate:** As stated above, the daily inspection must be conducted by trained personnel. For a new

system, the Installation Contractor must provide training to the Owner or Operator. This training should include an overview of the Vapor Recovery Program but more importantly, equipment warranties and scheduled maintenance. Also, instructions on the use, maintenance, repair and location of replacement parts for the exclusive system installed at the facility. The installer must issue proof of training to the trainee. This trainee can now train anyone in his or her organization to conduct the daily inspection provided that, again, proof of this training is filed at the facility. For an existing system at a facility that is for sale, the Department expects the seller to train the buyer on this requirement.

- 4. Compliance Record:** Copies of all warning letters, Notices of Violation, citations, test reminders and other compliance memos issued by the Department shall be maintained at the facility. These allow the inspector to quickly review the compliance history of the site and note any previous violations that may not have been cleared up or have reoccurred at this visit.
- 5. Testing Record:** A copy of the Annual Vapor Recovery testing results must be maintained at the facility. Since all required vapor recovery tests are now on an annual schedule, the last year's test can be replaced with this year's result. In Delaware, the test results should include the (Leak) pressure decay test and either the (Operational) Healy, dynamic back pressure, or air to liquid ratio test. Since the Department recommends

that the required storage tank system test be conducted at the same time as the vapor recovery test, these results may be filed together.

- 6. Permits:** Copies of the Stage I and Stage II Operating Permits and their respective Applications must be maintained at the facility. These permits list the State's Air Pollution Control number (APC), summarize the conditions under which the vapor recovery system must be operated to remain in compliance and the type of vapor recovery system. Also, the Stage II Permit and Application notes, the CARB Executive Order, and the system test dates. The Executive Order details the operational parameters and compatible certified equipment to be used with the system.
- 7. Tank Registration Certification:** A current and valid copy of this certificate must be on display at the facility "at all times." The certificate lists the number of tanks and type of product registered with the Department for the facility. Additionally, the Stage I and Stage II APC numbers are also listed in order to cross-reference with the Vapor Recovery Permits.

I have observed that most facilities find it easy to comply with the record-keeping requirement by filing the above documents in a three-ring binder. If the binder is labeled and accessible to your staff the Vapor Recovery Compliance Inspection can be quickly completed with minimal disruption to your business day. If you have any questions, please contact me at the UST Branch.

State UST Contracts on the Way

by Jennifer Roushey

On January 21, 2002 the UST Branch with the assistance of the Division of Support Services, began public advertisement for two State contracts listed as the "Hydrogeologic Investigation Services Contract NO. 02-471-MC" and the "UST Removal, Abandonment, & Overexcavation Services Contract NO. 02-472-MC".

The UST Branch chose to establish these contracts to assist in addressing the numerous FIRST Fund eligible sites throughout the State. Sites are deemed FIRST Fund eligible if lack of tank ownership can be proven, or a tank owner can prove an inability to pay for removal, investigation or corrective action at a facility. FIRST Fund sites are State-lead sites and are, therefore, addressed through State contracts. Both of these contracts are expected to be multiple award contracts, and can therefore be awarded to more than one eligible applicant. The selection of

qualified candidate(s) for this state wide contract does not commit contractor(s) or DNREC-UST Branch to any site-specific contract. Once the multiple award contract is established, the UST Branch can request site-specific bid proposals from one, a few, or all firms on contract on a site-by-site basis.

Mandatory pre-bid meetings for contracts 02-471-MC and 02-472-MC were held at the UST Branch's Lukens Drive office on February 5th and February 6th, respectively. Representatives from 34 environmental consulting firms were present for the February 5th Hydrogeologic Investigation Services Contract pre-bid meeting. And, in an even greater turnout, 37 interested companies were present for the February 6th Removal, Abandonment, & Overexcavation Services Contract pre-bid meeting.

The deadline for proposal submission for both contracts was February 26, 2002 at 1:00 p.m. At

that time, all bids for both contracts were opened publicly and the names of the bidding firms were revealed. The State received 16 bid proposals for contract NO. 02-471-MC and 11 bid proposals for contract NO. 02-472-MC. Scoring committees for both contracts are now reviewing the proposals.

Pursuant to 29 Del. C. Chapter 69, the contract shall be awarded within 90 days of the closing date, which corresponds to Monday, May 27th for these two contracts. Successful candidates will be notified in writing of the contract award. In addition, a notice to all unsuccessful applicants will be distributed following the award of the contract, stating which firms were selected. Please contact Michael Conaway at (302) 739-3125 (Division of Support Services) for all questions pertaining to State contract procurement.



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ets if they find violations. In addition, all enforcement orders, Notice of Violations and Secretarial Orders with penalty, must be posted to the DNREC web site within 24 hours of issuing them. Interested parties may view these documents by going to <http://www.dnrec.state.de.us/dnrec2000/> and clicking on "Enforcement and Compliance Information."

Does this mean that the UST Branch will not be educating tank owners and operators before taking enforcement action in the future? Of course not! Outreach has always been a vital part of

our efforts toward compliance. And those who request help voluntarily will receive all the education they need to help bring their facilities into compliance. "Outreach will be directed more to those who ask for help and enforcement will be directed more toward those found in violation," says Kathy Stiller, UST Branch manager. This is a national trend as well.

So if you haven't seen an inspector at your facility yet, you can expect to see one in the near future. We will be happy to help, but the inspector is there to assure compliance. □

For Well Driller Info.

<http://www.wellowner.org/index.htm> connects to a Web page sponsored by the National Ground Water Association. Written for a layman, it's mostly good stuff for "the care and feeding" of your very own private water supply well. Some of the assertions about how ground water is immune to contamination are questionable.

On the plus side, there's a good contractor "lookup" capability (by state) that identifies drillers certified by NGWA. From time to time, we get calls for names of drillers in the area.

THINK TANK

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Announcements

Jill Hall – promoted to Environmental Planner III - Jill has worked in the UST Branch for 11 years. She manages the UST Branch financial programs and is now involved in creating an Above Ground Storage Tank program.

Tripp Fischer – promoted to Hydrologist III -Tripp has been a LUST project officer in the UST Branch for four years. In addition to his regular duties, Tripp currently manages our GIS mapping program.

Jennifer Roushey – promoted to Hydrologist II - Jennifer has been a LUST project officer in the UST Branch for two years. Jennifer is working closely on the State UST contracts and FIRST Fund.

Brian Churchill – promoted to Environmental Scientist II - Brian has been a compliance project officer in the UST Branch for two years. In addition, Brian has been involved with FIRST Fund and the State UST contracts.

Odds 'N Ends

PA Tank Installer sentenced – Michael P. Knott, Sr. owner of American Plumbing & Petroleum Service Company, Inc., of Manchester, MD was sentenced on March 6, 2002, in Dauphin County Court on five felony counts of tampering with public records and information, and two counts of unlawful conduct for violations of the Storage Tank and Spill Prevention Act. He was sentenced to serve 1 to 12 months incarceration in Dauphin County Prison, with 12 to 36 months probation, \$2,700.00 in fines and \$1,736.00 in court costs. PADEP revoked both Knott's individual tank installer and company certifications. Program staff were concerned with Knott's falsification of several tank-handling reports, failure to oversee uncertified employees performing tank-handling activities resulting in a release of regulated substance, and failure to adhere to accepted industry and regulatory performance standards.

UST Web site: www.dnrec.state.de.us/dnrec2000/Divisions/AWM/ust/

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