THINK TANK

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Pollution Liability Insurance & E10

by Jill Williams Hall

Will the new blend of 90% gasoline and 10% ethanol (E10) affect your insurance policy? Because each insurance policy is written specifically for each site, there is not a simple answer to this question. Some insurance companies may consider the change in the product stored to be a material change in the composition and therefore it must be reported to the insurance company. Some insurance companies do not consider the change to be one that requires notification. The safest route for a tank owner is to notify the insurance company in writing that E10 is now stored in any underground storage tanks covered by insurance.

Also, be sure to read all the terms and conditions of the policy to ensure you understand what you are purchasing and that you understand your responsibilities. Many insurance policies require that you maintain the UST in compliance with all government requirements. Failure to perform leak detection or maintain cathodic protection can not only subject you to fines from the government, but may also invalidate your insurance. You don't want to pay premiums only to discover that when you most need insurance coverage you have invalidated your policy through your own negligence.

Energy Policy Act of 2005 Brings Changes to Delaware's UST Program

by Alex Rittberg

On August 8, 2005, President Bush signed the Energy Policy Act of 2005 (the Energy Act). Several components of the Energy Act will impact underground storage tank (UST) owners, operators and consumers. This new law required oil companies to double their use of ethanol when making gasoline by 2012. This is one of the reasons why gasoline that contains 10% ethanol is now being sold in Delaware. (See our special ethanol edition of Think Tank for more information.)

The Energy Act also requires that states make major changes to their UST Programs, including increasing the frequency of state inspections, requiring secondary containment of tanks and piping at new installations and major retrofits, developing a training program for UST owners and operators, and instituting a "red-tag" program to prohibit the delivery of gasoline to stations not in compliance with UST regulations.

The United States Environmental Protection Agency (EPA) is tasked with insuring that all states are meeting a minimum standard when implementing the Energy Act provisions. It will do so by developing a separate guidance document for

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each Energy Policy Act requirement and is interested in receiving public comment during a 30-day comment period for each document. If you would like to review or comment on EPA's grant guidance to states regarding the Energy Act's requirements, please go to: http://www.epa.gov/OUST/. You may send your comments via letter, fax, or email.

The upcoming changes to UST compliance programs are meant to prevent releases from underground storage tank systems. In Delaware, we are well on our way to making the necessary program changes. The Tank Management Branch (TMB) has already started drafting changes to Delaware's *Regulations Governing Underground Storage Tank Systems* that reflect the requirements of the Energy Act. The TMB will conduct workshops regarding our proposed changes to the UST Regulations in mid September. The dates and locations for these workshops will be advertised in Delaware newspapers and on the DNREC website, in addition to the article on page four of this issue.

Guidance Available for Flooded UST Facilities

Delaware has recently experienced heavy rains and flash flooding. If your facility has been flooded, it is possible that damage has been done to the UST system. The Tank Management Branch has issued guidance to help owners, operators, and contractors ensure that these facilities are safe before the USTs are placed back into service. This guidance is available on our website at: *http://www.dnrec.state.de.us/dnrec2000/Divisions/AWM/ust/Download/pdf/Flooded%20USTs.pdf* or request a faxed copy by calling us. If you have specific questions about your flooded facility, please call Peter Rollo.

TMB involved in C-5 Crash Clean-up

by Patrick Boettcher

On April 3, 2006, a Dover Air Force Base C-5 heading overseas encountered engine problems and crash-landed on the south side of Route 9, just short of the runway. Thankfully, every one of the 17 passengers onboard survived, some with only minor injuries.However, the environment also sustained injury when approximately 10,000 gallons of jet fuel was spilled in the location of the plane's final resting place.

The TMB has been in contact with Dover Air Force Base representatives to go over eventual site investigation and clean-up activities. The TMB often oversees the cleanup of miscellaneous petroleum releases that are not associated with an underground or aboveground storage tank because of our staff's knowledge and experience. Environmental investigation and cleanup activities are expected to begin shortly, once the plane is fully dismantled and removed. Contaminated soils and/or groundwater will be delineated and contaminated soils will be removed.

The TMB has taken the initiative of sampling the private wells closest to the crash site. TMB staff have been in contact with the residents and have collected samples from the drinking wells of the properties closest to the site. These sampling events are a necessary precautionary measure to ensure the heath and safety of the residents.

Monthly Release Detection

by Brian Churchill

Release detection requirements for petroleum USTs in Delaware's *Regulations Governing Underground Storage Tank Systems* (the Regulations) have not changed in over 10 years; however, may owners and operators seem unaware of Delaware's monthly release detection requirements.

According to the Regulations, all owners and operators of federally regulated **petroleum** USTs are required to conduct two methods of release detection (this excludes emergency generators and heating fuel USTs). The first method of release detection is inventory control reconciliation. The second method is a bit more complicated.

- Owners and operators of UST systems that are over 10 years of age must conduct at least one monthly method of release detection.

- Owners and operators of UST systems that are less than 10 years of age or UST systems that were upgraded to 1998 standards no more than 10 years ago may choose annual tank tightness testing (a 0.1 gallon per hour test conducted by a tank testing contractor) and/or one of the monthly methods listed in Part B, Section 1.08 of the Regulations.

Monthly methods of release detection listed in Part B, Section 1.08 of the Regulations include:

Interstitial Monitoring: This method of monthly release detection may only be used if you have double walled USTs. This method involves either manually or electronically checking for a release between the inner and outer wall (the "interstitial space") of an UST *and keeping a permanent record of the results.*

Automatic Tank Gauging: This method of monthly release detection uses a product level monitor to detect a release of 0.2 gallons per hour or less. Please note that this method only tests the "wetted" portion of the UST and cannot detect a release above the product level making this method most effective when the tank is near capacity.

Observation Tubes, Monitoring Wells, Vadose Zone Vapor Detection Tubes, and U-Tubes: These methods of monthly release detection may only be used at facilities that meet detailed design and construction requirements listed in the Regulations. These methods are not recommended for tank leak detection and require prior approval by the Department. When using this method, releases are detected by monitoring the wells or tubes for evidence of product. Contact us for more information on these methods of release detection and to determine if your facility may use them.

Alternative Methods: Monthly release detection methods that are not specifically referenced in the Regulations fall into this category. The Tank Management Branch must receive a written request and approve it before "alternative methods" of release detection are used. If conducted carelessly or improperly, the release detection method may be permanently revoked at which point another release detection method must be chosen and implemented. The most common "alternative method" of release detection for USTs is statistical inventory reconciliation (SIR).

Manual Tank Gauging: This monthly method of release detection may only be used for used oil USTs of 1,000 gallons or less in conjunction with inventory control or for USTs 2,000 gallons or smaller when combined with another method of release detection (one of the options above).

According to the Regulations, all owners and operators of federally regulated **hazardous substance** USTs are required to conduct two methods of release detection. Owners and operators must conduct inventory control reconciliation and interstitial monitoring. No other release detection methods are acceptable.

Release detection records must be maintained throughout the lifetime of the facility. If an owner or operator cannot produce a passing release detection result, even for one month, the owner and operator are not conducting release detection and are in violation of the Regulations. Failure to maintain complete release detection records for the lifetime of the UST facility may result in enforcement action. Owners and operators conducting monthly release detection must keep one passing result for each tank each month in a permanent record. More frequent monitoring is recommended. Any release detection failures must be reported as specified in the Regulations.

For information on other common compliance deficiencies, please refer to Think Tank Summer-Fall 2003 or visit: http://www.dnrec.state.de.us/dnrec2000/Divisions/AWM/ust/thinktank/PDF/tt40.pdf

Owners and operators should remember that conducting release detection is not just a hassle or something that should be taken lightly. Release detection is essential to protecting your business, human heath and the environment.

THINK TANK

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Announcements and Upcoming Events

Chris Brown, Hydrologist II, recently received his Delaware Professional Geologist (PG) license. Congratulations, Chris!

Jennifer Roushey has returned to the TMB to become the Program Manager I for the cleanup group. In 2004, Jenn left the Hydrologist position she held for five years in the TMB and accepted a position in the environmental consulting field. Welcome back.

Public Workshops Scheduled for Updated UST Regulations

The Tank Management Branch has been working to revise and update Delaware's *Regulations Governing Underground Storage Tank Systems*. These revisions are necessary to ensure that our regulations remain current with technological advances and new federal requirements. Workshops will be held on the following dates to allow the public an opportunity to ask questions or comment prior to the public hearings.

Date	Time	Location
September 14	*10 am – 12 pm*	*391 Lukens Drive, New Castle*
September 19	*4 – 8 pm*	*R & R Building Auditorium, 89 Kings Highway, Dover*
September 21	*10 am –12 pm*	*Del Tech and Community College, Route 18, Georgetown*

Please mark your calendar and call us at 302-395-2500 if you have any questions.

http://www.dnrec.state.de.us/dnrec2000/Divisions/AWM/ust/

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