
THINK



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Economic Stimulus Money Earmarked for Delaware's LUST Program

Jennifer Roushey

In the American Recovery and Reinvestment Act of 2009, Congress appropriated close to \$200 million from the Leaking Underground Storage Tank (LUST) Trust Fund to the Environmental Protection Agency (ERA) to address leaks at underground storage tank sites.

On April 8, 2009, the ERA announced the distribution allotments for this LUST stimulus money for all states. Delaware can expect to receive up to \$1.232 million upon LUST Recovery Act Grant award. The Tank Management Branch (TMB) is currently awaiting final LUST Recovery Act Grant guidance from ERA Headquarters before submitting an application to ERA Region 3 and establishing a cooperative agreement for award.

LUST stimulus money is authorized for use at "shovel ready" leaking underground storage tank sites in Delaware that meet all qualification requirements associated with the use of LUST Trust Fund dollars. Allowable uses include the assessment and cleanup of leaks from federally regulated tanks where the tank owner is unknown, unwilling to perform the work, financially unable to perform the work, or the cleanup is an emergency response.

Many of the sites in the State's FIRST Fund Program will qualify for the use of this money. This is good news since these tough economic times have significantly reduced the Hazardous Substance Cleanup Act funding available to continue the FIRST Fund Program. TMB has identified ap-

proximately 23 sites where LUST stimulus money will be utilized for assessment and/or remedial action. TMB will utilize existing state contracts for these services.

The terms and conditions associated with using LUST stimulus money require that 35% of LUST stimulus funds are obligated and 15% spent within nine months of grant award. This is in line with the objectives of the American Recovery and Reinvestment Act, which include getting money into the hands of businesses as quickly as possible and generating or maintaining jobs. As a result, TMB anticipates issuing requests for proposal to its current list of contractors this summer for sites where work is not currently underway.

Hydrogeologic Investigation Guide

Elizabeth Wolff

In 2007, DNREC's Tank Management Branch (TMB) staff and representatives from environmental consulting firms worked to improve the efficiency of the TMB's Corrective Action program using a process called Value Stream Mapping. Value Stream Mapping (VSM) is a tool for evaluating the steps in a process in order to reveal waste and problems with process flow. This evaluation provides a blueprint for improvement. The TMB embarked on this effort to shorten the amount of time it takes to close a typical leaking underground storage tank (LUST) project.

As part of VSM, the TMB's Corrective Action Group has been working to create a guidance document to provide the regulated community with a better understanding of what a complete hydrogeologic investigation report should include. If the guidance document is followed, the TMB expects that there will no longer be a need for consultants to submit a hydrogeologic investigation work plan for the first stage of investigation work at a facility where a release has occurred. In lieu of a work plan, teleconferences or meetings to discuss work scope will be encouraged. Eliminating this work plan submission step in the corrective action process will save everyone time and money.

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The objective of the hydrogeologic investigation guidance document is to eliminate confusion, to provide more thorough hydrogeologic investigation reports, and to progress LUST cleanup projects toward closure more efficiently.

The TMB anticipates soliciting comments on the draft hydrogeologic investigation guidance from stakeholders in August 2009 and finalizing the document in September 2009. It will be posted on our website when finalized and published for use.

Please call us if you have questions or would like to have input as a stakeholder.

21st Annual National Tanks Conference

Aaron Siegel

In March 2009, Tank Management Branch staff were able to participate in this year's National Tanks Conference, which is sponsored by the New England Interstate Water Pollution Control Commission (NEIWPC), in conjunction with the U.S. Environmental Protection Agency's Office of Underground Storage Tanks (EPA-OUST), and the Association of State and Territorial Solid Waste Management Officials (ASTSWMO). The purpose of the conference is to provide learning and networking opportunities for federal, state, and tribal colleagues in the underground storage community. The focus is on progress, priorities, and plans for the pursuit of a common goal — to find new and better ways to work together to protect human health and the environment from tank releases.

This year's National Tanks Conference was held on March 29 through April 1, 2009 in Sacramento, CA. The conference featured presentations spanning four subject tracks: cleanup, prevention, cleanup policy and management, and funding and accountability. There was a lot of great information presented on vapor intrusion, green remediation, risk assessment, innovative technologies, operator training, and federal stimulus funding dedicated towards LUST site cleanups. The PowerPoint presentations for all sessions are available through NEIWPC: <http://www.neiwpc.org/tanks09/agenda.asp>

Magnetostrictive Probe Testing

Peter Rollo

The TMB has received some questions about how to test magnetostrictive (mag) probes for automatic tank gauge (ATG) systems when there are no manufacturer's instructions available.

For consistency, all mag probes are tested by removing them from the tank, laying them down and moving the floats. Move the water float a foot and see if the ATG console registers that movement. Raise the product probe all the way up to see if the overfill alarm at the console goes off. At this time, the condition of the riser cap, floats and wiring can also be assessed and repairs made as necessary. Before reinstalling the mag probe, stick the tank and note water and product levels. Once everything is reassembled and installed, be sure the probe is in working order by checking that it is registering the water and product levels found from sticking. This process meets the requirements of the UST Regulations and effectively tests the probes.

As always, any probe or sensor testing must be done by a manufacturer-certified technician, and the testing results recorded.

UST Regulations Public Hearing Held On April 21, 2009

Jill Williams Hall

The Tank Management Branch held a public hearing regarding the Proposed Regulations Governing Underground Storage Tank Systems (the UST Regulations) as published on April 1, 2009. The hearing was attended by nine members of the public. The TMB answered questions from the attendees regarding the proposed Operator training requirements and the public notice requirements for tank sites with confirmed releases. The TMB is currently developing a course in conjunction with Delaware Technical and Community College (DTCC) to certify Class A and B Operators of underground storage tank systems in Delaware. At the current time the only accepted Delaware certification course will be the one offered by DTCC. Operators certified in another state will have the option of taking the DTCC course or taking a reciprocity test. Those successfully completing the course or reciprocity test will be designated as certified Class A and Class B operators in Delaware. The cost will be the same to take the course or take the reciprocity test.

An attendee at the hearing questioned whether

the responsible party is notified before the TMB posts information regarding a leaking underground storage tank (LUST) site on the internet. The TMB responded that the responsible parties are not consulted. The information posted on the internet is public information and includes site name, address and status of the project. The TMB is required by federal and state law to make such information available to the public. All information on file in the TMB office is subject to Freedom of Information Act laws and regulations and is therefore available for review by the public.

The TMB has received written comments since the conclusion of the public hearing. The comment period officially closed on April 30, 2009. The TMB will review all comments received to determine if changes to the Proposed UST Regulations are warranted. If substantive changes are necessary a second public hearing would have to be scheduled. If no substantive changes are required the TMB anticipates that the Proposed UST Regulations will be promulgated by August 2009.

Delaware's First Delivery Prohibition

The TMB has utilized Delivery Prohibition for the first time at a non-compliant underground storage tank facility. The red delivery prohibition tags were applied to four (4) USTs at the Christy Tire facility in Georgetown on Monday, June 1, 2009.

The facility was inspected on September 6, 2007. Ten violations were documented during the inspection. No response was ever received to the Department's Request for Information letter, resulting in a Notice of Violation, and the application of Delivery Prohibition.

The owner and operator were notified in writing on April 21, 2009 that the TMB intended to "red-tag" the non-compliant tanks. An Expedited Evidentiary Hearing was held on May 27, 2009, and the tanks were classified as ineligible to receive product deliveries due to non-compliance. A written ruling was hand-delivered to the owner on May 29, 2009, explaining that the tanks would be tagged no later than Friday, June 5, 2009.

At this point, the tags will remain on the tanks until all of the violations are cor-

rected. During this time, any product in the tank at the time the tag was applied may be pumped, but no deliveries may be accepted.

Please contact the TMB if you have further questions.



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Announcements

Patrick Boettcher had a new addition to his family this spring. *Chloe Boettcher* was born on March 18th, weighing 7lbs., 9oz. Mother and baby are doing great and big brother *Trent* is proving to be a terrific helper.

Gary Charles — Environmental Scientist III, has retired after more than 22 years with the State of Delaware, over 18 of which were with the Tank Management Branch. He plans to spend his time traveling, catching up on house projects, and spending more time with friends and family. Thank you, Gary, for all of your hard work, guidance, and camaraderie over the years. We wish you the best!

The ITRC LNAPL Team, Co-Lead by the TMB's Environmental Engineer *Tripp Fischer* and Pennsylvania DEP Professional Geologist *Pam Trowbridge*, recently released a Technology Overview Document on Evaluating Natural Source Zone Depletion at Sites with LNAPL. The document describes evaluating, measuring and predicting future LNAPL depletion rates through dissolution and volatilization. The document may be downloaded, free of charge, from the ITRC website (www.itrcweb.org). The team is currently completing a Technical/Regulatory Guidance document on Evaluating LNAPL Remedial Technologies for Achieving Project Objectives which will be published by the end of 2009.