

USTAC Advisory Committee

Meeting Minutes
January 24, 2017

Opening

The USTAC Advisory Committee was called to order at 10am on January 24, 2017 in New Castle, DE by Alex Rittberg.

Present

Ted Beck, Frank Brightback, Chris Brown, Kenneth Brown, Sandy Carl, Todd Coomes, Marj Crofts, Tim Desceppe, Mark Devey, Nina Dietrich, Ross Elliott, Barbara Fawcett, David Gilden, Shelley Grabel, Tony Gubitosi, Michael Hayes, Cheryl Hess, Rubin Hughes, William Kachel, Ed Kubinsky, R.T. Leicht, David Lerner, William Logue, Tony Lopez, Jim Maddox, Karen Marshall, Antar Nagi, Richard Negrete, Charles Rhodes, Alex Rittberg, Mulchtiar Singh, Randy Smith, Kathy Stiller, Steve Stookey, Doyle Tiller, Jennifer Vavala, Mark Whitfield, Melissa Wilmot-Bruno, Josh Worth, Joseph Zay

Minutes

1. Presentations were presented by Alex Rittberg and can be found at
<http://www.dnrec.delaware.gov/tanks/Pages/default.aspx>
2. Opening remarks:
 - Motion to approve minutes from previous meeting: Sandy Carl, Ed Kubinsky
 - Discussed Promulgation Schedule
 - Marj Crofts discussed how HSCA funding as well as General Fund revenue is down, and also explained that the President canceled all EPA grants and contracts, which is a major source of funding for TMS. Marj Crofts also explained that the Department has several information technology initiatives such as revamping the website and increasing the amount of data managed electronically, but these initiatives may be slow down if funding is suspended.
3. Discussion of the “List of Responses by the Participants at the State of Delaware’s Underground Storage Tank Advisory Committee Meeting on October 26, 2016 to the Question: What would you like the USTAC to work on?”
 - Reviewed talking points listed on handout for Common Themes, Program Administration, Website/Data Management, Training/Education, and Process Improvements (Installation)
 - Additional comments made during discussion of handout:
 - Develop ad-hoc committee that meets periodically like MD:

Alex: Rittberg will be talking with MD to find out how their committee runs

- Cleanups – Increase funding

Alex: Rittberg explained that Delaware's HSCA Funding is based on a gross receipts tax on the sale of gasoline so the revenues goes down when gas prices are lowered and the volume of gas sold stays the same. This means when gas is cheaper there is less money for environmental cleanups. Mr. Rittberg stated that quite a few petroleum release sites get addressed through the Brownsfield Program so you have to account for that spending when calculating how much HSCA funds are dedicated to cleaning up petroleum release sites.

- Can reporting by owner be done online and stored in database? To allow for statistical analyses of monitoring, detection hydro water level, water quality in wells.

Alex Rittberg stated that owners cannot report online at the present time. and that we are moving in that direction with several information technology initiatives relating to electronic content management and use of an Environmental Quality Information System or EQIS that manages soil and groundwater data from a lab electronically that is GIS based. Forms are currently printable fillable PDFs. The Departments Compliance Team is currently using tablets to store facility specific owner, equipment and compliance data when performing inspections.

- Date all regs – updates on website to ensure we are using current regs.

Alex Rittberg stated that regulations links on the web direct you to the authenticated version of the regulations supported by the Registrar of Regulations. Sometimes previous versions are referenced when you need to check which regulations were in effect when a UST system was built to determine compliance requirements.

- Website search field – able to search for specific questions (i.e., when is training required? what are reporting requirements?). Allows you to click on that section of the regulations.

Alex: Rittberg stated that the Department is in the process of redeveloping the webpage so that it can be user friendly. Alex then showed the USTAC where guidance documents and forms are located

on the current Tank Management Section website. Alex then explained that the Compliance Assistance Manual is written in plain English with pictures that describe what owners and operators need to do to stay in compliance.

Barbara Fawcett added that Department previously tried to add hyperlinks to the regulations, however this format is not supported by the Registrar's Office.

- Operator training and training materials.

Alex: Rittberg stated that the Department is currently partnering with Deltech to develop an online training course for operator training, along with a heating fuel course. Alex then confirmed with David Gilden that the first Heating Fuel course will be held at 391 Lukens Drive, New Castle on March 15th. The training has now been rescheduled to March 29th.

- Should DNREC develop a “tester” certification or registration?

Alex: Rittberg stated that we currently have a contractor certification for UST installation, retrofit, and removals. We certify companies and individuals. We also maintain a list of vapor recovery testing companies. We can look at updating our contractor certification to include knowledge of testing procedures.

Participants discussed how each state is different and referred to how some states require manufacturer training, DC just requires registration and submitting documentation (no exams), and other states require exams. It was suggested to have a registration form with a fee or add an additional certification under the contractor certification program. Marj Crofts informed the USTAC that the General Assembly needs to approve increases in fees.

- Outreach for tank owners and realtors.

Alex Rittberg stated that we have information on the web to assist realtors, and within the last two years have had Department staff speak about the change in UST Cleanup Liability to commercial and residential realty groups, home inspectors, and others interested in the topic. In addition the Tank Management Section has staff dedicated

each day to take phone calls from people interested in buying or selling property that currently has or once had a UST.

Shelly Grabel from Deltech, stated that could facilitate training programs for realtors that would help them fulfill their need for continuing education credits.

- UST Installation/Retrofit Process Improvements:
 1. Alex Rittberg then described that the Department had a meeting with Mid Atlantic Petroleum Distributors Association, Baker Petroleum, WaWa, Royal Farms, Sunoco, SMO on December 16, 2016 to discuss how to shorten the approval process for UST Installation plans and how to eliminate the need for multiple rounds of comments and re-submittal of documents.
 - Alex Rittberg summarized the meeting by stating that DEPARTMENT agreed to copy owners on deficiency letters sent to contractors or consultants that prepare the installation plans, and to share information concerning how other states conduct UST installation reviews. There will now be a mandatory meeting with the owner and their consultant/contractor when a review of a project takes more than three rounds of comments and submittals.
 - Participants asked if DEPARTMENT would meet prior to the 3rd round in the approval process. Alex said the Department would welcome requests to meet anytime in the process.
 - Shelley Graebel (Deltech) asked if a workshop/training course to go over the process would be beneficial.
 - Participants stated training should not be needed. Engineers follow the regulations and are paid to develop the installation plan.
 - Owners suggested that the Department keep a library of cut sheets describing specific equipment included in the UST installation plans, and for the Department to allow some retrofits (i.e. spill bucket replacement) to occur with only

notifying the Department versus obtaining written approval prior to work proceeding.

2. Alex Rittberg stated that the Department hired a second engineer for plan reviews (currently no backlog), and an installation plan checklist is posted on the website. Alex further explained that the Department now has a goal of reducing the average time from submittal to initial review to 60 days.
 - Participants were thankful that the Department will work towards this goal.
4. Discussion of Draft Changes to the UST Regulations (Presentation can be found on the website)
 - o Removing Deferrals for Field-Constructed USTs and Airport Hydrant Fuel Distribution Systems
 - Changed definitions of Airport Hydrant Fuel System and Field-Constructed Tank to be consistent with new federal definitions
 - Draft regulations are more stringent in that vapor or groundwater monitoring is not allowed for piping release detection.
 - Alex Rittberg asked participants if they had any feedback on whether vapor monitoring or groundwater monitoring should be allowed. Owners stated that the people attending the USTAC probably weren't the right people to answer this question and suggested to reach out to airbase to see if they have this system in place and any suggestions.
 - o Removing Deferral for Emergency Generator USTs
 - Participants asked which tanks this applied to? Alex Rittberg responded that the changes in the regulations would apply to any tank containing a regulated substance that was greater than 110 gallons.
 - o Operator Training Requirements
 - Making changes to definitions to be consistent with federal definitions.
 - It was asked whether combining training for A & B is still relevant.
 - Participants felt that it's a good idea for B operators to know terminology
 - Alex Rittberg explained that UST Operator Training now mandate that the training programs have a test – Deltech is already testing training participants that take the course currently offered.
 - o 30 Day Walk Around Inspections
 - Alex Rittberg stated that 28-31 days will change to every 30 days

- DNREC is currently more stringent in inspecting containment sums as part of 30 day walk around inspection
 - The Department did receive feedback at the last meeting, that being more stringent in requiring tank top containment sums to be inspected as part of the 30 day walk around inspection is causing safety concerns. Participants felt that visual tank top sump checks should not be monthly if sensors are being used to monitor the sump and want DNREC to be equivalent to the federal program which requires the tank top containment sum to be inspected annually instead of monthly.
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 - The Department responded inspectors in the field see a lot of non-compliance with water in the sums, issues with record keeping, placement of the sensors. Trying to monitor 400 sites.
 - Participants stated if the Department is going to be more stringent, be that in a way that tank owners can understand, not based off of an individual product.

- Part B 1.22 Overfill Protection

- Participant questioned if DNREC would allow owners to keep their ball floats if they used them as a secondary means of providing overfill protection.
 - Alex Rittberg stated that the Department will have an internal discussion on this matter
- Participant mentioned discrepancy in slides regarding inspection being done annually versus every 3 years.
 - Alex Rittberg stated that the Department would have to discuss this issue internally and re-evaluate. At the last USTAC meeting, the Departments intent was every 3 years.

5. Additional remarks:

- Longer and more frequent meetings were suggested so that more items could be discussed at a time.
 - Todd Coomes described the process during the SIRS rewrite. A similar group would meet and go through section by section. DNREC would look at the section first to see how they want to handle it, and then would distribute it to industry participants to review. A meeting would then occur to review, discuss, and close.
 - Cheryl Hess stated that if meetings were more frequent, the group could go into more detail and make it a worthwhile process. She also

participated in the AST reg- rewrite and said great ideas were presented and this helped with the modification of the regulations.

- Monthly meetings from 9am-3pm with a lunch break were suggested by participants.
 - Alex Rittberg stated that he would review the Promulgation schedule, build in more meetings and present/notify the group. New schedule will include topics to be discussed during each meeting as well. The July 1st EPA Review deadline does need to be maintained.
- Q: Should written comments be held off on and wait until the topic is discussed with the group?
Alex responded: no, still submit comments via e-mail to
DNREC_USTRegulations@state.de.us

Adjournment

The Meeting was adjourned at 11:55am by Alex Rittberg. The next general meeting will be determined and USTAC committee members will be notified.

Minutes submitted by: Jennifer Vavala

Approved by: Alex Rittberg