

# Summary of proposed changes to the Vermont UST Rules

May 23, 2018

## **Subchapter 1 (General Provisions):**

Includes proposed revisions to existing provisions related to emergency and other responses to releases of hazardous materials to more closely parallel and reference to the reporting, investigation, and remediation requirements contained in the ANR Investigation and Remediation of Contaminated Properties Rule (effective July 27, 2017).

Includes revisions to simplify and clarify requirements for signatories of permits and reports.

## **Subchapter 2 (Definitions):**

Added definitions:

- Airport Hydrant System
- Ball Float Valve
- Compartment
- Emergency Response
- Field-constructed Tank
- Manifolded vent piping
- Minor Alteration
- Ullage
- Unstaffed facility
- Vent Restriction Device

Amended the definition of “New underground storage tank system”: in the previous set of UST Rules, a “new system” was any system installed after July 1, 2011. In the 2018 rules, a new system will be any UST system installed after September 1, 2018.

Proposed revisions to a few existing definitions for clarity.

## **Subchapter 3 (Registration/Notification, Permits, and Operator Training):**

- Includes proposed revisions to existing permitting provisions to reflect the requirements of Act 150 of 2016 (An act relating to standardized procedures for permits and approvals issued by the Department of Environmental Conservation).
- Amends the process available to interested persons upon a revocation of a permit for consistency with Vermont law and related regulatory programs.

- Adds language which makes it clear that although ANR may issue permits that are valid for up to 5 years, permit fees must be paid every year. This is not a new requirement, but wording in the current version of the rules is not entirely clear.
- Adds a provision identifying failure to pay the permit fee or to pay the Petroleum Cleanup Fund (PCF) assessment fee is cause to revoke a permit.
- Adds two additional financial mechanisms that may be used to secure financial responsibility for category one and category two tank systems.
- Clarifies the basis for which ANR may require additional operator training or testing.
- Proposed restructuring, formatting, and clarification changes to existing provisions.

#### **Subchapter 4 (Design, Manufacturing, and Installation Standards for Underground Storage Tank Systems):**

- Add § 8-402(e) and (f), which prohibits use of ball float valves in new construction of tank systems and in substantially modified systems.
- Add § 8-403(a)(1), which requires permittees to inform the UST Program if they plan to store a fuel containing more than 10% ethanol, or more than 20% biodiesel, and requiring the permittee to demonstrate compatibility of all components in the tank system (tank, piping, gaskets, seals, pipe dope, dispensers, etc.) with the new fuel formulation. This is another required change in order for Vermont's rules to be no less stringent than the new federal standards.
- Add § 8-403(c), which requires that all components of tank systems be installed in accordance with manufacturers' instructions.
- Modify 8-406(a) to require spill buckets on waste oil tanks.
- Modify § 8-406(b) such that ball float valves in existing tank systems may remain in use as long as they continue to function properly, but they may not be installed in any new tank system, and they must be removed and replaced with a different overfill prevention device in a substantially modified system.
- Add a new section § 8-410 requiring that any field-constructed tanks or airport hydrant systems must be constructed in conformance with federal standards. There are no field constructed tanks nor are there any airport hydrant systems in Vermont, but this language is required for federal program approval.
- Proposed restructuring, formatting, and clarification changes to existing provisions.

#### **Subchapter 5 (Operating Standards for Underground Storage Tanks):**

- Add § 8-502(c)(3) to require that records of spill bucket and sump test results be maintained.
- Eliminate line testing and manual tank gauging as allowable methods of release detection. (These were methods that were used only on single-wall pressurized piping (line testing), and on small waste oil tanks (manual gauging); there are no more such tank systems in Vermont. Line testing can still be used to investigate a suspected release, but not as a primary method of release detection.) Add § 8-503(c)(4) which requires testing of single-wall spill buckets.
- Modify § 8-503(d) to require that defective ball float valves be removed and replaced with a different method of overfill prevention, and that all overfill prevention devices be tested at least once every 3 years.

- Create new section § 8-503(f) to require that tanks be gauged prior to delivery to ensure that they have capacity available to ensure they can take the delivery.
- Delete § 8-506(c)(5), which allowed manual tank gauging on waste oil tanks. (There were only 2 tanks in VT that used MTG; both have been pulled.)
- Add § 8-507(b) which requires monitoring of double-wall spill buckets and sumps.
- Modify §8-507(b)(3)(D)(i) to allow repairs or defective crash valves and line leak detectors. (The existing rules require replacement.)
- Modify § 8-509 so that monthly walk-through inspections and annual self-certifications mirror the new federal requirements. Require weekly walk through inspections for unstaffed facilities, except for the internal inspection of dispensers.
- Add a new section § 8-510 outlining requirements for unstaffed facilities.
- Add a new section § 8-511 requiring testing of sumps, spill buckets, and overfill prevention devices. This new section is mandated by new federal requirements.
- Add a new section § 8-512 requiring that any field constructed tanks or airport hydrant systems must be operated and maintained in conformance with federal standards. There are no field constructed tanks nor are there any airport hydrant systems in Vermont, but this language is required for federal program approval.
- Proposed restructuring, formatting, and clarification changes to existing provisions.

#### **Subchapter 6 (Out-of-Service, Continued Use, and Closure Standards for UST Systems):**

- Add a new section § 8-602(f) which states clearly that a tank may not be brought back into service until a permit has been issued and clarifying that we can require testing and maintenance before issuing that permit.
- Modify § 8-604(b) to clarify that tank cleaning must meet minimum standards.
- Modify § 8-604(c) to allow tanks with heavy oils to be cleaned after they have been pulled.
- Modify § 8-605(b)(1) to require that the hydrogeologist conducting a site assessment be an independent party, i.e. not an employee of the tank owner.
- Modify § 8-605(d) to allow 30 days for the submission of a site assessment report after closure. (Current requirement is 10 days, and the regulated community has a difficult time meeting that standard.)