

UST Newsletter

Hazardous Materials Program
Waste Management and Prevention Division
Department of Environmental Conservation

MAR. 2023



announce recent changes to program structure and staffing as it relates to underground storage tanks (USTs) in the state.



UPDATE ON PROGRAM STRUCTURE

In early 2023, the Division re-established the Hazardous Materials Program (Program) to consist of three sections focused on regulating USTs, above ground storage tanks (ASTs), and hazardous waste. This arrangement is somewhat of a return to form as the Program was previously constructed this way under the leadership of Marc Roy, who retired in 2021. Anna Bourakovksy now leads the Program, and following the retirement of Ted Unkles in 2022, Michael Nahmias supervises the Storage Tanks Section. The current group of personnel are introduced later in this article.

Looking ahead, the realigned Program looks forward to taking advantage of opportunities for collaboration between its sections regarding inspections, compliance assistance, administration, and outreach. On the outreach front, one notable change is this revival of this newsletter. It will be similar to our “UST Talk Newsletter” distributed in years past, with a look that is consistent with the rest of the Program’s outreach materials. We will use the newsletter to communicate requirements and any developments related to the [UST Rules](#), along with other information we think useful for the UST community. Pertinent information will remain accessible from the [UST Webpage](#), including the most recent issue of the newsletter. We expect to distribute the newsletter twice per year to our list of UST owners/operators and stakeholders in Vermont, and we encourage recipients to share it widely with anyone who may be interested. People are encouraged to contact the Program (information on last page) to be added to the distribution list.



MEET OUR PERSONNEL

We would like to take this opportunity to introduce you – or, for some of our long-standing staff, perhaps re-introduce you – to the personnel that work in the Storage Tanks Section of the Program. Please do not hesitate to reach out to the people listed below, especially if you have questions about the deadlines and deliverables outlined later in this issue of the newsletter.

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(Re) Introducing Vermont’s UST Team

The Waste Management and Prevention Division (Division), part of the Vermont Department of Environmental Conservation (DEC) within the Agency of Natural Resources (ANR), is pleased to

Michael Nahmias - Storage Tanks Section Supervisor

802-522-4595 - michael.nahmias@vermont.gov

Michael (Mike) begins his role leading the Storage Tanks Section after serving for over six years in the Contaminated Sites Management Section (SMS). In his former position, Mike oversaw cleanup and monitoring activities at roughly 100 hazardous waste sites and served as the technical project manager for contracts and grants for the SMS. Mike is also a member of the Hazardous Materials Spill Program.

Jaymi Cleland - Storage Tanks Section

802-917-1386 - jaymi.cleland@vermont.gov

Jaymi is the lead inspector for UST compliance, closure, and installation. He serves as the technical lead for the section and also works to ensure AST compliance. Jaymi is a member of the Hazardous Materials Spill Program.

Sue Thayer - Storage Tanks Section

802-522-0487 - susan.thayer@vermont.gov

Sue conducts UST compliance inspections at permitted facilities. She also reviews UST removal reports, prepares and issues UST installation permits, and processes change of ownership permits. Sue is responsible for residential UST home heating oil financial assistance.

William Sisson - Hazardous Materials Program

802-461-6603 - william.sisson@vermont.gov

William will begin conducting UST compliance inspections for the Storage Tanks Section starting in 2023. He currently works in the Hazardous Waste Section, where he conducts compliance inspections, handles facility and emergency permitting, and assists with regulatory interpretation. William is a member of the Hazardous Materials Spill Program.

Wendy Edwards - Hazardous Materials Program

802-522-0261 - wendy.edwards@vermont.gov

Wendy handles operating permit renewals, annual permit fees, compliance test reports, A/B operator certifications, self-certification, and financial responsibility. She also manages the AST red tag list. For

the Hazardous Waste Section, Wendy coordinates manifests, Site IDs, generator fees, hazardous waste taxes, and Toxic Use and Hazardous Waste Reduction (TUHWR) fees.

Drew Youngs - Hazardous Materials Program

802-461-5929 - andrew.youngs@vermont.gov

Drew is the Program’s regulatory compliance assistance specialist. He leads our public outreach and communications work, and he also coordinates TUHWR planning and reporting. Over the next year, Drew will be developing new guidance materials for the Storage Tanks Section in addition to his ongoing work in the Hazardous Waste Section.

Anna Bourakovsky - Hazardous Materials Program Manager

802-477-2981 - anna.bourakovsky@vermont.gov

Anna is the Hazardous Materials Program Manager, a position previously held by Marc Roy. She manages both the Storage Tanks (UST and AST) and Hazardous Waste Sections. Anna is the lead staff on rulemaking for the Program.

UST Deadlines - Who, What, and When?

Like other DEC programs, we require regulated facilities to communicate specific activity—in our case, their UST-related activities. In addition to highlighting the roles and responsibilities of our staff, we thought it would be helpful to cover the basics of when deliverables are to be submitted, along with the point of contact that handles them within the Program. Please refer to individual contact information found in the previous article, and note that additional information on the items below can be found on the [UST Webpage](#). Also be aware that the Program distributes an “environmental checklist” to UST stake-

-holders in the spring, usually around the month of April, which covers many of these requirements.

All of the items that follow are not only required by the UST Rules, but they necessitate some sort of action on the part of UST owners/operators. For instance, permits are not automatically renewed. While we do make an effort to notify the public when routine deadlines are approaching, the ultimate responsibility of submitting the required information when it is due lies with UST owners/operators. Be aware that failure to meet these regulatory requirements may lead to enforcement measures by the Program. This information is simply an overview; as always, please refer to the [UST Rules](#) for specific regulatory requirements.



PERMITS

Sue Thayer is the point of contact for all of the following:

- **First Time Operating** | Contact the Program prior to operating a UST.
- **New Installation** | Notify the Program at least 60 days prior to a new installation. The Program then coordinates an inspection following the installation.
- **Substantial Alteration** | Contact the Program prior to alteration. If you are unsure whether an alteration is substantial or not, contact the Program.
- **Change of Ownership** | Notify the Program if this is done during a permit cycle and must obtain a new permit.

Wendy Edwards is the point of contact for:

- **UST Operating Permit Renewals** | Submit a signed application form. Renewals are not issued without an associated signed form. These are typically issued for a period of five years.



CERTIFICATIONS

Wendy Edwards is the point of contact for all of the following certifications:

- **Operator Training** | All permitted facilities must have their A/B/C operator certifications renewed every two years. They are also required to submit a form with the names of all A/B operators and their certification date(s). Please note that the deadline for submitting this information is unique to each facility.
- **Cathodic Protection (CP) Testing** | For tanks that are subject to this requirement, testing is required as follows: factory installed CP must be tested every three years; field-installed CP must be tested annually. Pass results must be shared with the Program within 30 days of the test, whereas a failed test must be shared immediately.
- **Spill/Overfill Prevention** | If a UST system lacks secondary containment, it must be tested at least once every three years for spill/overfill prevention. Just like the above, pass results must be shared with the Program within 30 days of the test, whereas a failed test must be shared immediately.



PETROLEUM CLEANUP FUND (PCF)

INSURANCE PAYMENTS

Wendy Edwards is the point of contact for these payments. In order to demonstrate financial responsibility (FR), most facilities in Vermont pay into the PCF. The amount is based on the facility, and all fees are due annually on October 1st. In order to meet the regulatory requirements, facilities are allowed to use private insurance instead of paying into the PCF. Note that it is the prerogative of the Program to ask for proof of coverage at facilities with private insurance.



REMOVING OR TAKING TANKS OUT OF SERVICE

Sue Thayer is the point of contact for removing or taking tanks out of service. Contact her if you are planning to remove or take a UST out of service for more than 90 days.

Can I Get a Variance With That?

Throughout the year the Program is contacted by members of the public requesting a variance from different requirements of the UST Rules. With this in mind, we want to cover what exactly constitutes a variance, areas within the UST Rules where variances are applicable and where they are not, and the process for requesting and being granted a variance.



WHAT IS A VARIANCE?

A variance is a temporary exemption from a regulation that is granted on a case-by-case basis by the Agency. Variance requests must be individually submitted to the Agency, and they must be accompanied by written materials which demonstrate that the requested deviation from the established rules will protect human health and the environment in a manner that is at least equivalent to the regulatory provisions for which the variance is sought.

“A variance is a temporary exemption from a regulation that is granted on a case-by-case basis by the Agency.”

An example of a variance would be the use of an alternative or new technology not specified in the regulations to satisfy a particular regulatory requirement. Variances are covered in Section 8-108 of the [UST Rules](#).



WHEN IS A VARIANCE

APPROPRIATE?

A variance is appropriate when a regulated entity is proposing to deviate from the established requirements set by the UST Rules and can demonstrate that the proposed alternative standards, practices, or methods are as protective to public health and the environment as the ones established by the rules. An example of a variance approved by the Agency is an alternative capacity for a spill containment device.

In many requests for variances that the Program receives, the regulated entity is seeking a time extension for complying with a specific requirement. Please note that if the UST regulations already establish a procedure for the Agency to grant such extensions, then a variance is not required. For example, per Section 8-602(e) of the UST Rules, the Agency may allow a regulated tank to remain out-of-service for more than one year, rather than requiring the tank to be removed or closed in place. Since the regulations already allow for this scenario, a variance is not required to keep a UST out-of-service beyond one year.

We realize that each facility is unique. If you are not sure whether a variance is appropriate for your situation, please reach out to the Program to discuss.



HOW DO I REQUEST A VARIANCE?

All variance requests must be made in writing to the Agency. Each request must identify the manner in which the proposed alternative varies from the requirements of the UST rules, it and must be accompanied by supporting information that demonstrates how the proposed alternative will

protect public health and the environment. The Agency will review each request and either approve or deny it. Please be aware that the Agency reserves the right to request additional information and impose specific conditions prior to granting an approval.



WHAT ABOUT A TIME EXTENSION?

If you are looking for additional time to comply with a particular regulation, please contact the Program to discuss whether the rules allow for an extension. If the rules do allow for additional time, you will be required to make the request for such an extension in writing.

Paying UST Fees

Over the past couple of years, you may have received announcements regarding changes to the way the Program accepts required payments. We want to take time to reiterate those changes here.

Beginning in May of 2021, the Agency transitioned to an electronic process for the collection of UST fees. It is expected that electronic fee submissions will save the state time and resources, increase data accuracy, and improve compliance. Electronic payment is required for fees related to the UST Petroleum Cleanup Fund (PCF), UST Annual Permits, and UST Monthly Loans. UST facilities that are subject to these fees are now required to pay them electronically via the “ANR Online” website. Checks will no longer be accepted, will not be processed by the Agency, and will be returned to the facility. One notable exception to the online payment requirement is that updates to land records—as part of a change of ownership, for instance—continue to be handled by municipalities and are not payable via ANR Online.

Those that cannot comply with the requirement to pay fees through ANR Online are required to obtain a waiver from the UST Program. Waivers will only be

issued to individuals that cannot comply with this requirement for any one of the following criteria:

Eligibility Criteria to Apply for a Waiver

- **Lack of equipment or software for submitting online payments;**
- **insufficient internet, electrical, or other service required for electronic submittal;**
- **limited digital or technological proficiency; or**
- **lack of credit card or bank account.**

If you need assistance with setting up an ANR Online account, meet any of the above criteria and need to apply for a waiver, or have any questions related to paying UST fees, please contact Wendy Edwards (information on page 2).

End of Year Summary Now Available

On an annual basis, the Program compiles figures corresponding to specific UST-related activities in the state. The counts of existing tanks and facilities, stated inspections and compliance rates, and releases to the environment are all recorded over the course of the federal fiscal year (FFY), which runs from October 1 through September 30. The summary is usually completed early in the calendar year and is referred to as the “UST End of Year Summary.” As is federally required, we make this information available to the public each year. If you are interested further, you may access the [UST End of Year Summary](#) on our website.

We are pleased to be able to share a snapshot of regulated USTs in Vermont below.

Snapshot of USTs in Vermont for FFY 2022

- 833 Facilities
- 1,626 Tanks
- 300 Facilities Inspected
- 1 Confirmed Release

Keep an Eye Out

The Program will use this recurring section of the newsletter to announce any upcoming changes that may be relevant to our distribution list. If you did not receive this issue of the newsletter directly from us, and you would like to be added to the distribution list, please refer to the contact information at the bottom of this message.

WEBSITE CHANGES

In addition to having new personnel and a restructured Program in place, we are also part of a current DEC-wide effort to update our website. You may have noticed some minor changes to the look and layout of the UST-related webpages, and we expect that they will

continue to undergo updates over the course of the next year. Our goals include ensuring that our online information is accessible and that our webpages offer an intuitive interface. That said, if you have questions about the UST webpages, and in particular, if you cannot find what you need online, please contact us. We will work to communicate any major changes as they come about.

AST RULE REVISION

We realize that there is some crossover when thinking broadly about the storage tanks community, and that many readers deal with both USTs and ASTs. With this in mind, and for those that are not already aware, we want you to know that the Agency is in the process of revising Vermont's AST Rules. The existing [AST Rules](#) have been in effect since 2017, and we expect that revisions will come into effect by the end of 2023. While the rulemaking process starts internally, and can take a significant amount of time, please know that there will be an opportunity for the public to provide input on the rules before they are final. Stay tuned, and we will broadly communicate any opportunities like this as they are made available.

ENVIRONMENTAL CHECKLIST

As noted in an earlier article, please be on the lookout for the "environmental checklist" aimed at UST owners/operators and other stakeholders. The checklist will cover many of the requirements discussed in this issue, and we expect to widely communicate it in the spring.

FOR MORE INFORMATION PLEASE CONTACT:

Storage Tanks Section

Hazardous Materials Program

Waste Management and Prevention Division

Vermont Department of Environmental Conservation

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