

MARCH 2010

UST Talk

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Special points of interest:

- Vermont is required to perform compliance inspections for each Category I UST facility once every 3 years.
- Vermont also conducts 100 random inspections to track and compare facility compliance with the self certification filed.

UST TALK

A Newsletter for Underground Storage Tank Owners / Operators

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 Underground Storage Tank (UST) Program



Is Your Facility Ready for Inspection?

Here's to a trouble free
 inspection season!

Due to a provision in the Energy Policy Act of 2005, Vermont, as with all states, is required to perform compliance inspections for each Category I UST facility once every 3 years. Vermont currently has 1049 Category One UST Facilities and must complete roughly 350 UST facility inspections annually.

What does this mean to you? If your facility was last inspected in 2007, then most likely you are due for another inspection.

In addition to these federally mandated UST facility inspections, Vermont also conducts 100 random inspections to track and compare facility compliance with the self certification filed. So even if you just had an inspection last year, it is possible that your facility may still be inspected.

How do you determine whether or not your facility will be inspected this year? You can go to the State of Vermont UST Program website at <http://www.anr.state.vt.us/dec/wastediv/ust/home.htm>

Look in "What's New?" box in the top right hand corner of the page. You will be able to view the list of facilities to be inspected in 2010 by **Facility ID, Facility Name, County, or Town.**

How do I prepare my facility for an inspection? Make sure you are doing the right things way before you are due for a facility inspection. Here are the most frequent violations encountered:

-Incompatible overfill devices – A lot of tank owners have overfill devices that are ineffective with their type of tank system, the method of delivery, or their type of Stage I vapor recovery. **(See overfill equipment compatibility chart below.)** Contact the UST Program or your qualified UST contractor to determine if your device is compatible and get it replaced!

The Petroleum Cleanup Fund's Rocky Ride

In 2010, the Petroleum Cleanup Fund (PCF) began its 23rd year of providing UST owners with financial responsibility as required by federal and state law. Revenue is generated to support this program by an annual tank assessment fee of \$100 per tank paid for by Vermont category one UST owners, and by a cent per gallon on motor fuel and a ½ cent per gallon on heating fuel. The funds collected over the years have allowed for the remediation of petroleum releases from motor fuel USTs and also for commercial and residential UST and AST heating fuel releases. After many years of financial success and stability, the PCF began 2010 in trouble.

We started fiscal year '09 in fine shape; the PCF had a balance of \$7.4 million. But how quickly things changed. First, in September 2009, a transfer of \$2.8 million from the PCF to the General Fund was completed as authorized by Act 192 of the 2009 Vermont legislature. At the same time the number and magnitude of releases from heating oil sources were on a rise and older UST motor fuel sites were being aggressively remediated to meet EPA initiatives to cleanup back logged sites. All this was happening as our economy was declining along with PCF receipts. By January 1, 2010, the PCF fund balance was down to \$1.7 million. With anticipated claims exceeding projected revenues, the PCF looked to be in jeopardy of falling below the EPA mandated \$1 M reserve.

A number of steps were taken in January to curtail the downward spiral of the fund. The residential grant program which helps fund the removal of residential underground and aboveground heating oil tanks was suspended. Payments for heating fuel cleanups were put on hold. The cleanup of backlogged motor fuel UST sites was prioritized with only the highest priority sites authorized for cleanup. Along with these steps, the Petroleum Cleanup Fund Advisory Committee was working with the Legislature to find both short and long term solutions.

The FY10 Budget Adjustment Act passed by both the House and Senate included a transfer of \$750,000 back into the PCF. This has helped to shore up the fund and has allowed for the continuation of heating oil cleanups and reimbursements. The Department of Children and Families, through the Weatherization Program, has provided the PCF with \$50,000 to use for the residential grant program for qualifying applicants. The 2010 legislature is also evaluating ways to provide more long term financial stability to the PCF. This includes looking at an annual appropriation or an increase in the fee on heating fuels. Hopefully the PCF will be on more solid ground in 2011.

Is Your Facility Ready for Inspection

(continued from page 1)

-Not conducting leak detection- This is one of the most serious violations.

-No documentation of leak detection- You are required to maintain at least three years worth of weekly leak detection documentation for your tanks and secondarily contained piping. Whether you manually check it, have an in-tank monitor, or liquid sensors you are required to document! **Inventory is not leak detection documentation!**

-Leaking spill buckets- If your spill bucket doesn't hold liquid then you must replace it. If your spill bucket is susceptible to [failure](#) it is a good idea to replace them before a release occurs!

This could save you money and the headache of a potential environmental assessment down the road. Spill bucket replacements are required to be at least 15 gallons in capacity.

-Leaking dispensers that don't have containment sumps- Dispenser weeps and drips are more common than you think. Failed seals and gaskets and loose fitting are usually the culprits. If your dispenser is discovered to be leaking during an inspection you most likely will be required to investigate the extent of soil contamination via a costly environmental assessment. To avoid this, it is recommended that the inside of your dispenser be checked frequently for weeps and drips. Please also remember any dispenser installed after August 1, 2007 is required to 1) have a dispenser sump and 2) be monitored for leaks and documented.

Compatible Uses for Overfill Prevention Devices											
Overfill Device	Delivery Method		Fill Connection		Fill Pipe		Pump Type			Vapor Recovery	
	Peddle Truck (Pressurized)	Tanker (Gravity Drop)	Air Tight (Gravity Drop)	Loose (Stinger)	Straight	Remote (Not Recommended)	Pressurized	Suction	Supply and Return	Two Point	Coaxial
Electronic Alarm	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Vent Whistle	✓	✓	✓	X*	✓	✓	✓	✓	✓	✓	✓
Auto Shut off Drop Tube	X	✓	✓	X	✓	X	✓	✓	✓	✓	✓
Ball Float	X	✓	✓	X	✓	X	✓	X	X	✓	X

* A vent whistle will work with a stinger if the stinger is equipped to create a snug fit inside the fill pipe

Stage II Vapor Recovery Being Phased-Out

Over the next three years Vermont will be phasing out Stage II vapor recovery controls at gasoline facilities. This is because the vast majority of gasoline powered motor vehicles since the 2006 model year or earlier have on-board vapor recovery (ORVR). Since most of the vehicles on the road are equipped with ORVR, Stage II vapor recovery can be discontinued without a significant impact on emissions.

In 2009, the Legislature passed a new law mandating the phase-out of Stage II. In addition to establishing a general phase-out date for Stage II vapor recovery, the law also defines the circumstances under which a facility may qualify to cease using Stage II controls prior to the general phase-out date.

The most significant provisions of the law (10 V.S.A. §583) are:

1. Comprehensive Phase-Out Date - As of January 1, 2013, the Stage II vapor recovery regulations are repealed, and any facility equipped with a Stage II system can discontinue its use.
2. Early Phase-Out - Facilities that meet the following two criteria can be exempt from the Stage II regulation prior to January 1, 2013:
 - a. Facilities that undergo significant excavation involving a portion of the Stage II system or where underground components of the Stage II system would have to be replaced may be exempt from the Stage II regulation. If you believe this exemption might apply to your facility, you will need to fill out a *Gasoline Dispensing Facility Excavation Checklist*, available from the Air Pollution Control Division (APCD) and on the web at <http://www.anr.state.vt.us/air/Compliance/htm/Gasoline.htm>.

- b. Facilities that replace existing gasoline dispensers with gasoline dispensers that support triple data encryption standard (TDES) usage to comply with Payment Card Industry standards are exempt from the Stage II regulation. If this situation applies to your facility you will need to provide the APCD with documentation that the dispensers are equipped for TDES.

In both of the above situations, you need to get the approval of the APCD before discontinuing the use of your Stage II vapor recovery system.

The law also defines several situations where Stage II controls don't need to be newly installed:

1. A newly constructed facility that begins operation after May 1, 2009 is not required to install Stage II regardless of how much gasoline it pumps.
2. An existing facility that experiences an increase in the volume of gasoline pumped such that it pumps 400,000 gallons or more for the first time beginning with the 2009 calendar year does not need to install Stage II.

The law also requires that once use of Stage II controls has been discontinued the owner must "decommission" the system, including below-ground components, according to methods approved by the Agency.

The Agency is currently developing the methods to properly decommission a Stage II system and when completed will make this information available to facility owners and contractors.

For a more detailed explanation of the phase-out of Stage II vapor recovery, refer to the APCD website at <http://www.anr.state.vt.us/air/Compliance/htm/Gasoline.htm> or contact Dave Shepard at 241-3857 or dave.shepard@state.vt.us.

2009 Self-certifications

UST staffer, June Reilly, takes a month vacation to visit friends and family in Australia and look what happened - the self-certification application causes computer problems all over the Agency of Natural Resources. The solution was to close the application down. **It will be back for 2010, but not in the same format.**

For those of you who had done your self certification or had partially done it, hooray, it was accepted as done. Those who had not started the self-cert were told to file a paper copy by February 2, 2010. We extended the due date to February 10. If you have not completed and mailed it in upon receipt of this newsletter then you are done for 2009 but not forgotten. At the next facility inspection if any violation is found, the failure to self-certify will be added as a violation and may add to penalties assessed. The UST Program has prided itself over the years on treating tank owners equally and permittees are required to do an annual self-certification. The early bird in this case really did catch the worm!

Staff (mostly June because she missed all the phone calls) has been reviewing the paper certifications and the sad news is that more owners than we like to admit to still don't seem to know what they have buried in the ground or know what equipment they have. But they do seem to be doing their leak detection monitoring and have the documentation. What is the solution? It is already in the works -- UST Operator Training.



As for Australia, June loved it. She had one experience of a kangaroo running in front of the propane propelled car. Her comment to her companions was "it makes a change to a deer." Propane cost around \$2.20 a gallon and gasoline was \$4.80. About 50% of the cars were dual propane and gasoline for drivers to switch over to gasoline if propane was not available.

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