

Volume 2009  
Summer Issue 21

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**A Newsletter for Underground Storage Tank Owners / Operators  
Published by Waste Management Division  
Underground Storage Tank (UST) Program**

## New UST Rules in effect August 1, 2009



The new Vermont Underground Storage Tank Rules went into effect on August 1, 2009. The rules are substantially similar to the 2007 rules, except that the new rules include requirements for operator training. Under federal law and Vermont Rules, by August, 2012, all permittees of category one tanks must have at least one Class A, B, and C operator designated for every facility.

**Class A Operators** must have a demonstrated understanding of the statutory and regulatory requirements that relate to the permitting of the facility; financial responsibility; spill prevention; overfill protection; release detection; corrosion protection; emergency response; product compatibility; notification requirements; release and suspected release reporting; temporary and permanent

closure requirements; reporting and recordkeeping requirements; and operator training requirements.

**Class B Operators** must demonstrate an understanding of a practical and regulatory aspects of the components of an underground storage tank system and its proper operation, including: spill prevention; overfill protection; release detection; corrosion protection; emergency response; product compatibility; release and suspected release reporting; reporting and recordkeeping requirements.

At first glance, the requirements for both Class A and Class B operators look very similar, so what's the difference? The key distinction is that a Class A operator must have an understanding of the **statutory and regulatory**

**requirements**, while the Class B operator must have a **practical and regulatory** understanding of the requirements. For example a Class A operator must know that all regulated tanks are required to have an effective method of overfill prevention, but he or she does not have to know the specifics of how these devices work. A Class B operator, on the other hand, must know that a float vent valve is an allowable overfill prevention device in some cases, but it will not work and therefore is not allowed if the tank in question is also fitted with a coaxial drop tube. The description of Class A and B operators may sound similar, but the level of knowledge and under-

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**New UST Rules in effect August 1, 2009 (Cont. from page 1)**

**“Under federal law and Vermont Rules, by August, 2012, all permittees of category one tanks must have at least one Class A, B, and C operator designated for every facility.”**

standing required of each is quite different.

**Class C operators** must have a demonstrated understanding of appropriate actions to respond to emergencies and alarms; an understanding of facility layout; and an understanding of how to read alarm enunciation panels.

The Vermont UST Program is developing its strategy for implementing this new requirement, so things are very much in flux. But at this time, we do not anticipate offering training classes. We received a lot of feedback from the petro-

leum industry that they did not want us to provide the training. They said that we should develop a list of criteria, and they would prefer to develop their own training programs.

Therefore, the new rules talk almost exclusively about an operator passing an approved test, not completing a training program. As industry develops training programs and tests, the UST Program will develop a list of approved tests. Tank owners and technicians who are already knowledgeable can take an approved test; if they pass

they will be a trained operator. If someone doesn't already have an extensive background in underground tank management and monitoring, it would probably be best to enroll in a training program before sitting for an approved exam.

The new rules can be found on the Vermont UST Program web site: [http://www.anr.state.vt.us/dec/wastediv/ust/ust\\_regs.htm](http://www.anr.state.vt.us/dec/wastediv/ust/ust_regs.htm)

Please contact the UST Program if you would like a paper copy of the new rules, or if you have any questions on the new rules.

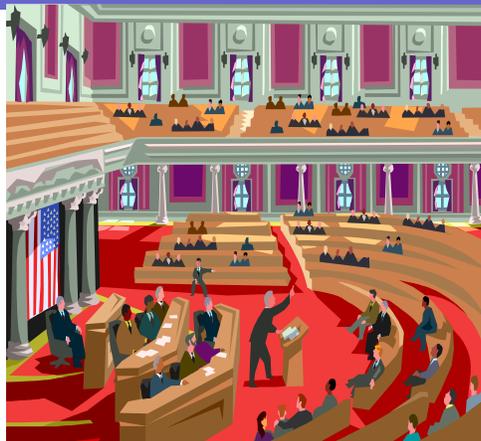
**2009 Legislative Update**

**PCF** Vermont Petroleum Cleanup Fund has been extended five years.

The collection of tank assessment fees will continue until July 1, 2014 and collection of the one cent per gallon licensing fee on motor fuel and the one-half cent per gallon licensing fee on heating fuel will continue until April 1, 2016.

The Legislature clarified that the one-half cent licensing fee is to be collected on other dyed diesel fuel.

**Grants** The financial assistance grants available to owners wanting to remove their above- or underground residential or farm heating oil tank were increased up to \$2,000.00 or the costs of closure, replacement, or upgrade, whichever is less. To be eligible to receive a grant an environmental site assessment must be conducted by a qualified consultant and any replacement



tank shall provide a level of environmental protection at least equivalent to that provided by a double wall tank and secondarily contained piping. The annual funding for these grants was increased to \$300,000.

**<1100 heating oil tanks** Under-ground storage tanks equal to, or less than 1,100 gallons, which are, or have

been used to contain fuel oil for on-premises heating purposes at a **public building** must now be registered with the Agency of Natural Resources. If you have a tank to register, or to add a tank to your existing registration of tanks, please contact the UST Program staff or go to <http://www.anr.state.vt.us/dec/wastediv/ust/permit.htm>.

A UST Form must be completed with information on the facility and the tank. The form must be signed by the tank owner and submitted to the UST Program together with a \$10 check made payable to the Clerk of the town, or city in which the facility is located.

**UST Loans** A tank owner who has received a UST Loan, may upon a showing of financial hardship extend the maturity date for an additional five years.

## Significant Changes to Vermont's Stage II Vapor Recovery Requirements

During the 2009 legislative session, the Legislature passed a new law that makes a number of significant changes to requirements (Section 5-253.7 of the Air Pollution Control Regulations) concerning Stage II vapor recovery controls at gasoline dispensing facilities (GDFs). Listed below are the most significant provisions of the new law (10 V.S.A. §583, a portion of H.83):



- 1) Effective January 1, 2013, the Stage II vapor recovery regulations for GDFs are repealed, and facilities equipped with Stage II systems can discontinue use of their systems at that time.
- 2) Prior to January 1, 2013, a GDF that meets either of the following criteria does not need to install Stage II vapor recovery controls:
  - a. A newly constructed facility that begins operation after May 1, 2009. This provision refers to a brand new installation and not a rebuild (even a complete rebuild) of an existing facility.
  - b. An existing facility that pumps 400,000 gallons or more for the first time beginning with the 2009 calendar year.
- 3) GDFs currently equipped with Stage II vapor recovery controls can discontinue use of their Stage II systems prior to January 1, 2013 if they meet either of the following criteria:
  - a. Subject to verification and approval by the Agency, an existing GDF that, after May 1, 2009, conducts excavation for the installation or repair of any below-ground component of the Stage II vapor recovery system, including gasoline storage tanks.
    - This applies in cases where the excavation is to repair a vapor leak in underground vapor recovery piping or where excavation to the top of the underground storage tank is required to install a component or repair a tank top fitting. For example, replacement of a submersible pump sump would qualify to exempt a GDF from the Stage II regulation; however, repair of a vapor leak in the vent line at a location away from the tank top would not.
    - This also applies where a facility is undergoing modification or reconstruction involving excavation such that the existing vapor recovery piping would need to be replaced.
    - If the owner of a GDF believes that planned excavation work would qualify that facility to be exempt from the Stage II regulation, the owner must document the planned work to the Agency. We have prepared a checklist that can be used to describe the proposed work. The GDF owner should obtain Agency approval before removing or disconnecting any Stage II vapor recovery equipment.
  - b. Subject to verification and approval by the Agency, an existing GDF that, after May 1, 2009, replaces all of its existing gasoline dispensers with new gasoline dispensers that support triple data encryption standard (TDES) usage or replaces one or more of its gasoline dispensers pursuant to a plan to achieve full TDES compliance. A GDF owner wishing to seek exemption from the Stage II regulation under this provision will need to provide the Agency with information about the dispensers to be installed, documenting that they support TDES and, if all dispensers are not being replaced, that those being replaced are part of a plan to achieve full TDES compliance. As above, the GDF owner should obtain Agency approval before removing or disconnecting any Stage II vapor recovery equipment.
- 4) Within two years of January 1, 2013, or of the Agency's determination that the Stage II vapor recovery regulations do not apply to a GDF, whichever is earlier, the GDF will need to decommission its Stage II vapor recovery 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 GDF owners and contractors who work on GDFs.

If you have questions about these changes to the Stage II regulation, contact Dave Shepard at 241-3857, or [dave.shepard@state.vt.us](mailto:dave.shepard@state.vt.us).



## One More Important Change to the Vermont UST Rules

On the front page of this newsletter, we highlighted the most important change to the Vermont UST Rules: operator training. Most of the other changes we made to the UST rules were routine “housekeeping” changes. But one housekeeping change will have an effect on some tank owners. Section 8-502(c) now reads:

*For each underground storage tank system, the permittee or tank owner shall maintain a written facility record which documents, **in chronological order**, the following maintenance, repair, and monitoring activities, as applicable:*

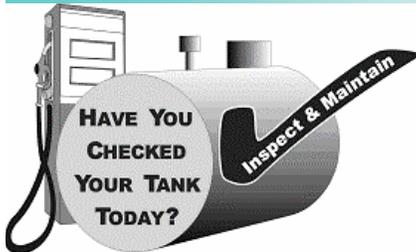


- (1) *Manual overfill prevention as required under § 8-503(e)(3);*
- (2) *Cathodic protection system testing and monitoring as required under § 8-504(c);*
- (3) *Release detection monitoring as required under § 8-505(f);*
- (4) *Inventory monitoring as required under § 8-506(b)(1)(A); and*
- (5) *Underground storage tank system repairs as required under § 8-508(f).*

Note the phrase in bold: **in chronological order**. This means that those tank owners (and you know who you are) who maintain release detection and other records by dropping slips of paper into a box, you’ll have to adopt a more organized recordkeeping system. You do not have to organize your old records chronologically (though we would love it if you do), but **beginning August 1, 2009, all records described above must be kept in chronological order.**

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