VERMONT

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UST TALK

A Newsletter for Underground Storage Tank Owners/Operators
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Underground Storage Tank (UST) Program

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What's new for 2020?

Sumps, Spill Buckets, & Overfill Devices must be tested by September 1, 2020!

As all tank owners should know by now, new federal rules require testing of containment sumps, spill buckets, and overfill prevention devices at least once every three years. In Vermont, the deadline for the first round of testing is **September 1, 2020**.

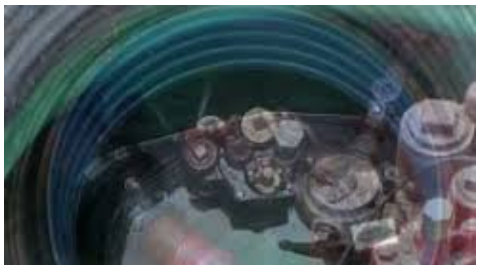
Vermont's UST Rules allow three options for testing: 1) a test method recommended by the manufacturer of the device (if the manufacturer has specified a testing method); 2) test methods specified in the Petroleum Equipment Institute's (PEI) RP-1200: Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection, and Secondary Containment Equipment at UST Facilities; or 3) another method approved by the UST Program.

If the manufacturer of the sump, spill bucket, or overfill prevention device has recommended a specific protocol for testing that component, you should follow the manufacturer's recommendations. If there is no recommended testing protocol established by the manufacturer, you can follow the procedures outlined in PEI RP 1200. We are also open to alternative proposals and will evaluate them on a case-by-case basis.

How does one test a spill bucket or a sump?
The most common test for sumps and spill buckets is the procedure spelled out in PEI RP 1200: a hydrostatic test. For this test, the sump or bucket is filled with water and allowed some time to stabilize. Once it has stabilized, the water level is very carefully measured, and after one hour, the water level is measured again. If the water level has dropped by one eighth of an inch or more, the component fails the test. Given that the pass/fail margin is only an eighth of an inch, it goes without saying that the measuring stick must be in the exact same position for both readings, and measurements must be done very carefully. If a sump is wired such that the submersible pump or dispenser will automatically shut off any time the electronic sensor goes into alarm, then we allow low-level hydrostatic testing, in which only the bottom 4 inches of the sump are tested.

We will allow tank owners to do the tests themselves but be warned: the procedures spelled out in PEI RP 1200 are involved and very specific. In the end, it may be easier and create fewer headaches to hire a qualified contractor to conduct the tests.

Inside Story:



Sumps, Spill Buckets, & Overfill Devices Cont.

Testing water can be re-used. Obviously, test water will last much longer if sumps and spill buckets are cleaned *before* they are tested. We see many sumps that have large amounts of dirt, sludge, and other crud. If those sumps are not cleaned before testing, the test water will be chocolate-milk brown very quickly, and there comes a point at which dirty test water should not be re-used. Once the water is no longer suitable for continued testing, it must be managed in accordance with the requirements of the Vermont Hazardous Waste Management Regulations.

Another allowable test method that Vermont has conditionally approved is a proprietary method called Dri-Sump®. This test method is not one that tank owners can do by themselves. A certified contractor must conduct the test. The sump or spill bucket is filled with a misty vapor (which the manufacturer says in non-hazardous), and probes are driven into the soil surrounding the sump or spill bucket. Soil gas is drawn into a special chamber, and a laser beam is used to detect the misty vapor. If the vapor is present, the sump or spill bucket fails the test; if none is detected, it passes. Obviously, in order for this test to be effective, the vapor must be able to migrate through the soil, which is why we will allow this method to be used only when the soil is not frozen, and only if the soil is not saturated.

How about overfill prevention devices?
Overfill prevention devices are usually tested by removing them from the tank system and physically examining them to ensure that they function correctly. Some fill pipe shutoff valves can be tested by lowering a special tool down the fill pipe and activating the shutoff function. Those devices do not have to be removed from the fill pipe. Ball float valves and high-level audible alarms must be removed and physically examined to ensure that the still function correctly. **Any ball float valve that is found not to be working correctly (e.g. the ball is missing from the cage or is stuck in the cage) must be removed from the tank, and another method of overfill prevention must be installed.**

Once we test our components, what then?
Test results must be reported to the UST Program within 30 days of the completion of the test. If a component fails its test, it must be repaired or replaced immediately, and the UST Program must be told of the new component. If there is reason to believe a failed component might have led to a release of petroleum product to the environment (e.g. a leaking spill bucket), a limited site assessment must be conducted by a qualified environmental consultant.

It will be a big job to implement these new testing requirements. It will be an inconvenience and an expense to conduct these tests, and September of 2020 is coming very soon. We urge everyone to test their UST components as soon as possible. It is very likely that contractors who are qualified to do these tests will be very busy, so please make arrangements early. The first round of testing will almost certainly identify many leaking components that will need to be repaired or replaced. Other states whose testing deadline has already passed have reported failure rates greater than 50%! Clear communication about testing and test results will help ensure repairs are done quickly and keep you operating your tank system in compliance with the rules.

Change of Ownership

Selling Your Facility – Permit Steps to Follow!!

Over the past few years, there have been instances where a new tank owner had to suspend sales while they waited for their operating permit! This costs time, money, and a great deal of frustration! Here are the steps to take to avoid a suspension of fuel sales/tank use when taking ownership of an existing UST facility! .

It's important to know that the existing facility permit ***does not transfer*** to the new owner! A permit is issued to an individual or corporation and the buyers(s) must have an operational permit in their name or their corporation name to operate the underground storage tank (s). Several weeks before the closing, the buyer should apply for a permit by submitting Part 1 of the UST form to the Program in anticipation of the change of ownership. Along with the application, the permit fee of $125.00/tank and $15.00 land recording fee must be submitted. The permit fee check must be made out to "Treasurer, State of Vermont" and the land recording fee check must be made out to the city/town the tanks are located in.

If no issues are found with the application, a draft permit is posted on the Agency's website to receive public comments for 14 days. On day 15, if no comments are made by the public, a permit to operate the UST (s) can be issued. When the closing of the sale is final the new owners need to contact the UST Program so that the land record change can be completed.

If no permit is issued under the new owner's name, the tank (s) are cannot to be in operation (no deliveries to the tank, no dispensing, etc.). Operating an unpermitted tank is a serious violation that can result in an enforcement action!

Getting into the petroleum business or expanding to take on more facilities is a costly and potentially stressful venture. A bit of planning can help prevent permitting issues from adding to the burden. Contact the UST staff at 802-828-1138 with any questions, we'll be happy to help guide you through the process to minimize the issues!

As this newsletter is going to press, the Department of Environmental Conservation is considering revisions to Vermont's UST Rules so that a change of ownership would not require the 14-day comment period. It is therefore possible that things might change but for now, please remember that we must put a draft permit up for public comment before we can issue the final permit to the new owner.

Vermont UST Compliance Rates / Notes from the Field

The Vermont Storage Tank Program has been tracking compliance rates for inspections during the federal fiscal year since 2008. During the federal fiscal year, *October 1, 2018 through September 30, 2019*, the UST Program conducted 347 facility UST inspections. That was 37 more inspections than the previous year. The compliance rate for the 347 facilities inspected during this period was 82%, which was 4% higher from the last year (78%) and within the range of the previous 5 years which ranged from 75% - 83% average compared to previous years overall.

Vermont had 858 facilities with underground tanks (gas stations, fleet services, chemical storage, emergency generators, manufacturing, etc.) during the last fiscal year. The number of underground storage tanks at these types of facilities has consistently declined from year to year. For example, in 2008 there were 1099 facilities.

This compliance rate of 82% is good but there is always room for improvement when it comes to the environment and groundwater quality. It was surprising to learn that some facilities were still not conducting any release detection monitoring documentation at all, were doing it very sporadically, or doing it and not writing it down. The usual scenario that led to this violation was that someone retired or left their job for some reason and their replacement was not properly trained.

Another big issue that we ran into during the field season were holes in spill buckets!! The spill containment device or "spill bucket" that surrounds your fill port is required to be liquid tight, which means that it should be able to contain fuel that is spilled during the delivery. During field inspections, inspectors found several facilities that had spill buckets with holes!! These holes are typically formed over time due to corrosion from salt and water, or from someone chipping out ice and poking through the wall or bottom of the device.

UST Rules require that spill buckets be free of clear of liquid and debris before ***and*** after a delivery. This means tank owners should be checking these devices frequently and making sure they are clean. Spill buckets must be checked during your Operator Training monthly walk-through. If your spill bucket routinely contains rainwater or fuel and suddenly is consistently dry, you may have a hole!!

A hole in a spill bucket means that the device is unable to contain a spill during delivery ***and*** that you probably have had a release to the environment that you must investigate and remediate. We all know that typically there can be some sort of spillage during deliveries that ends up in the spill bucket and over time, if there is a hole, fuel is seeping directly into the ground and will require investigation and clean up!! Studies have identified leaking spill buckets as the source of contamination at UST facilities in many instances.

Another thing a hole in the spill bucket means: "Red Tag"! If a hole in a spill bucket is found by a state inspector, a delivery prohibition "Red Tag" will be affixed to the fill port so the delivery company will know they are not allowed to fill that tank. By law, a "Red Tagged" tank cannot receive deliveries until the issue is fixed.

UST Enforcement Summary

Cases settled in 2019 = 8
Pending Cases = 4
Penalties = $900 to $22,500
Some of the violations in the settled cases include:
Failure to conduct leak detection: 4
Failure to properly close an out-of-service UST (with release of fuel to surface water and vapor impact to indoor air: 1
Installation and Operation of a UST without a permit: 1

Despite years of operator training, self-certification, newsletter articles, and press releases, we continue to find cases where UST owners/operators are NOT conducting leak detection! Some cases were due to turnover/retirement and the leak detection duties were not picked up; in other cases, there appeared to be a lack of caring or awareness. Whatever the reason, be assured the UST Program inspectors will review records and check equipment to be sure this essential part of UST operation is being carried out; and that failure to conduct leak detection will most likely result in a financial penalty!!

Wendy's Corner

PERMIT RENEWALS, INVOICES, ENVIRONMENTAL CHECKLISTS

In order to save paper, postage and time the above referenced documents will be emailed to facilities please contact Wendy Edwards – wendy.edwards@vermont.gov to ensure we have your updated email address.

Environmental Checklists will be emailed on 4/1/2020.

Thank you in advance for your help in this.