



UST TALK

A Newsletter for Underground Storage Tank Owners / Operators

Published by Waste Management & Prevention Division

Underground Storage Tank (UST) Program

<http://dec.vermont.gov/waste-management/storage-tanks>

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New Vermont Permitting Process

Act 150 is the law that:

- **Revitalizes** the Environmental Notice Bulletin
- **Consolidates** almost all DEC permits into one of five "Types" of permits
- **Standardizes & Automates** public notice & comment process- one stop shopping!

New under Act 150:

- Requires public participation in the comment process in order to appeal
- Requires an administrative record for each permit
- The majority of the provisions took effect Jan. 1, 2018

Underground Storage Tank permits are subject to this law and are defined as Type 4 permits. After each permit is processed by staff a draft of the permit is posted to the Environmental Notice Board for the public to view and comment. **The public notice and comment process will add 14 days minimum** to the issuance of the following tank permits: (continued on page 2).

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The demise of the single walled permitted tank

As of 1/1/2018, a subset of USTs were removed from service. Their removal will significantly lower the risk of petroleum contamination in the state of Vermont. A leak from a single wall tank immediately and directly impacts the surrounding environment. In contrast, releases from double wall tanks are likely contained by the second wall and detected during interstitial monitoring. Because of the greater risk posed by single wall tanks, in 2013 the Vermont legislature passed Act 55 (H.226) that ended the life of existing single wall tanks.

The stats: On 7/1/2013, Vermont had 187 single wall tanks to be dealt with over the next 3.5 years. As of 1/1/2018, 139 tanks had been removed. An additional 48 were placed permanently out of service and will be removed starting this construction season. Some tank owners, as they did with the 1998 deadline of corrosion protection and overfill and spill prevention requirements, have chosen not to replace tanks. An end of an era for some!

If a single wall tank had been interior lined its life was extended for ten years from the date of lining. Vermont has 36 tanks fitting that criteria and the first four have to have their lining inspected December 2018. If they pass the internal inspection with no repairs needed the tank owner can petition the Agency for another five years of tank life.

Act 55 does **not** apply to single wall tanks that are in-service for on-premises heating. Those tanks can remain in service until the owner removes them **but remember no tank lasts forever.** They are not diamonds! It is better to remove a tank on your schedule and not after the tank has had a release.



New Vermont Permitting Process (continued from page 1)

New facility Construction. Applicants should submit the permit application at least two months before the planned start date. The new tracking system will automatically submit the application to the local authority. To determine if a new facility requires other DEC permits (stormwater, drinking water, etc.) it is very important for the owner of a proposed new facility to contact the permit specialist located in one of the five regional offices:

Essex	Jeff McMahan	802-477-2241
Montpelier	Peter Kopsco	802-505-5367
Rutland	Rick Oberkirch	802-282-6488
Springfield	John Fay	802-279-4747
St. Johnsbury	Peter Kopsco	802-505-5367

Renewal permit application should be received by the Tank Program on or before the actual date of renewal. If not, then the permittee is operating a tank without a valid operating permit and that is a violation of the rules and may result in a referral to enforcement. The rules do provide for the continued operation of the tank while the renewal application is being processed so long as the application is received before the expiration date of the existing permit.

When you receive the renewal application, please act on it. We do send them out at least a month before the expiration date.

Construction permit for tank or piping replacement should be submitted at least a month before the planned start of construction date.

Substantially altered construction permit submit as soon as you know you need to do some repair work on your system, at a minimum three weeks is needed to process. This permit is needed whenever you are breaking ground and exposing any part of the tank top and/or any piping.

Change of Tank Owner. When tanks are being sold to a new owner before the new owner can operate the tanks the new owner must have received from the DEC their own Operating Permit. This means the new owner needs to submit a completed Underground Storage Tank Form Part 1 with a check for the annual permit fee for each tank and a check to cover the town clerk's recording fee before the closing of the transaction. The operating permit is processed and issued to the new owner. Following the closing the new owner is required to call the Tank Program and confirm the closing has happened, then the tank database is updated with the new owner information and the UST Form Part 1 is forwarded to the Town Clerk for recording in the land records. This requirement is not new but because of the 14-day public notice period on all permit applications we can no longer accommodate new owners by them applying and issuing an operating permit the day before closing.



Leak detection has been an essen-

tial piece of UST operations since the development of UST regulations in the 1980s. A quick check – either by pushing buttons on an electronic monitoring system console, or by manually checking the interstitial space with a graduated stick – lets tank owners know the very expensive investment that was made is working as designed! Or, it tells owners there is a problem that needs to be addressed before it becomes a very serious problem!

The State UST inspectors check leak detection records very carefully as part of their inspection. Having a record of weekly leak detection tests – either print-outs from the electronic monitor, computerized records, or a hand-written record of manual monitoring – lets us know the system is being checked and assures us any problems will be found early.

Failure to conduct leak detection could lead to big problems! A very small leak, left undetected, could result in a very large impact to the site or neighboring properties. Not to mention financial costs – replacement of equipment, investigation, and remediation. The vast majority of the owners/operators out there understand this – over 90% of the inspections we conduct show compliance with this requirement!

Because leak detection plays such a critical role, the UST Program considers failure to conduct leak detection a very serious violation. Over the past few years, every case where inspectors found this violation has been referred to the Office of General Counsel for prosecution. All of these cases have ended up with significant penalties assessed against the owner of the tank. Since 2015, penalties for these types of violations have varied between \$4,000 - \$7,000, depending on the specific circumstances of each case.

Despite the requirement for leak detection being over 25 years old, inspectors keep finding cases! One reason we noted in a few cases was poor retirement planning. The person in charge of leak detection retired and the people left behind either didn't know the retiree was doing the leak detection or they failed to make leak detection someone else's job.

More disturbing than that has been cases where the owner has simply not felt leak detection was important enough to make the time for. Unfortunately for those owners, we had to make the failure to conduct leak detection too expensive for them to continue to ignore!

The goal of the UST Program is compliance, to ensure the protection of human health and the environment. We pursue legal enforcement when that is warranted, but we would much rather achieve compliance through the active and willing participation of tank owners and operators.

From Single Walled Tanks to Double Walled Tanks

What Type of Leak Detection Should I Be Doing?

January 1, 2018 has come and gone and most of the unlined single walled tanks have been permanently closed (removed) and replaced with double walled systems. There may be former single walled tank owners unaware what method of tank leak detection the brand new DOUBLE walled tank requires.

This article may not apply to most of our readers since the majority have had double walled tanks for years, but if you owned a single walled tank before the 1/1/18 deadline your form of leak detection was **in-tank monitoring** (ITM) also known as **in-tank leak testing**. This is when your automatic tank gauge (ATG) or “probe” takes product level and temperature readings of the fuel in your single walled tank over a set period of quiet time when your tank is not dispensing or receiving deliveries. The results of this testing (pass/fail) are automatically printed out and used to determine if a changing product level may be due to a leak. Another form of single walled tank monitoring or leak testing is continuous statistical leak detection (CSLD) which monitors tank levels and also uses an ATG or “probe” which gives you similar data (pass/fail) i.e. whether your tank is leaking or not.



Now that you have double walled tanks, **the ITM or CSLD testing results that automatically spit out on a daily are not adequate forms of leak detection documentation for your new double walled tank. These slips are no longer required to be retained or presented during compliance inspections.**

Double-walled tanks are essentially a tank within a tank. They are designed to prevent releases into the environment by containing fuel in the “interstitial space” between the two walls if a leak occurs from the inner tank. When the interstitial space is monitored continuously and alarms are investigated as soon as they occur, fuel can be prevented from reaching the environment. Unless you are manually monitoring the interstitial space with a gauge stick, your interstitial space contains some form of a liquid

sensor in the bottom and between the walls. This sensor continuously monitors for leaks and is connected to the electronic monitoring system (EMS). A popular example of an EMS is a Veeder Root. The EMS serves as an alarm console for the sensors. Sensors will trigger a visual and audible alarm at the EMS whenever the sensor detects liquid. Often sensors cannot tell the difference between fuel and water and only alert the operator that a liquid is present.

Alarms must be investigated to determine the cause.



Double wall tank owners are required to maintain weekly documentation of the condition or status of the interstitial space. This documentation may be performed in various ways such as keeping a weekly handwritten log of your sensor alarms or manually monitoring your tank, or by maintaining actual print outs from the EMS of the status or the liquid sensor(s). ■

SITES MANAGEMENT

SECTION (SMS) CORNER!!

Petroleum Cleanup Fund (PCF) Update: Currently, the PCF is due to sunset in 2019. The Vermont Petroleum Advisory Committee has proposed to the Legislature to extend the PCF sunset date to 2029, which (if passed) will provide ten more years of financial responsibility (FR) for tank owners!!

SMS Fun Fact: Are you interested in other states' petroleum cleanup funds and how tank owners throughout the United States satisfy their federal FR requirement? Since the early 1990s, the SMS has been conducting an annual survey of all State Financial Assurance Fund programs. The survey includes information on each Fund's design characteristics, funding, and fund activity. The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) posts all of the past survey tables (back to 1992!!) on their website for interested parties to take a look at. The 2017 survey is being worked on now – check out past surveys with this link: <http://astswmo.org/annual-state-fund-survey-results/>

Vermont's UST Rules To Be Updated

The process of revising Vermont's UST Rules has taken longer than we anticipated. The primary reason for this revision is the new federal UST regulations. Vermont's UST Rules have been ahead of the federal requirements for many years, but the federal regulations have a few mandatory items that are not in Vermont's UST Rules. In order to continue as a federally approved program, we have to update our state rules to be "no less stringent" than the federal requirements.

The most significant changes will be mandatory testing of spill buckets, sumps, and overflow prevention devices at least once every three years. We expect the deadline for this required testing to be September 1, 2020. By that date (or whatever date ultimately ends up in our final rules) all single-wall spill buckets and sumps will have to be tested either hydrostatically (by filling them with water and monitoring to see if the level drops), or by vacuum testing (by sealing the sump or spill bucket very carefully then applying a slight vacuum and monitoring with a vacuum gauge). Double-wall sumps and spill buckets do not have to be tested as long as the interstitial space is monitored regularly. Overflow prevention devices will also have to be checked and tested at least once every three years. We expect that a fairly large percentage of sumps and spill buckets will be found to be leaking -- which, of course, is the reason for the new requirement in the first place. We also anticipate that once the faulty components are repaired or replaced, the rate of failure will drop considerably.

We are working closely with many concerned parties to develop new regulations that meet the federal requirements but that also will be achievable and not prohibitively expensive. Once the proposed rules are finalized, we will provide notice to all UST permittees announcing the public comment period, and providing instructions on how to get a copy of the proposed new rules.



Environmental Research Tool

<https://anrweb.vt.gov/DEC/ERT/GlobalSearch.aspx>

Have you visited the above website? It is a handy tool to look up Vermont facilities that are listed as:

- ◆ Hazardous sites
- ◆ Brownfield facilities
- ◆ Spills (reported over 2 gallons)
- ◆ Underground storage tanks
- ◆ Hazardous Waste Generator
- ◆ Solid Waste facilities
- ◆ Salvage Yards
- ◆ Aboveground storage tank facilities
- ◆ Dry Cleaners

Also included is the Department's Watershed Division for Stormwater and Wetlands

Want to check to make sure we have the correct number of tanks at your facility? Go to the website and in the legend on the left-hand side click on "UST". If something is amiss, we want to know. Now would be a good time to verify your hazardous waste generator filing. Most facilities are "small quantity generator" or "exempt generator". If your facility is not listed under "Hazardous Waste Generators," call Wendy Edwards at 802-522-0261 to verify whether or not you need to be.

Well done!

Self Certifications 2017
90% were completed by January 2, 2018.
Well done tank owners!

Well done!