

Proposed UST Regulation Seminar

Yeager Engineered Systems

December 4, 2014



Regulatory Update

EPA Proposed Changes to UST Regs on 10/25/11

They appeared in the Federal Register on 11/18/11

The comment period was originally 2/16/12, but it was extended to 4/16/12

There were 193 comments received (including mine)

EPA will need 12 – 18 months to review comments

On September 25, 2014 EPA sent the proposed rules to OMB, who have 90 days to review the rule.

Guess what we're getting for Christmas ???

Secondary Containment

EPA is proposing that all new systems are secondarily contained, and they are imposing new testing requirements for secondarily contained systems, but there are **NO RETROFIT REQUIREMENTS** for existing Single Wall systems...

EPA states “we are sensitive to future costs for UST owners and operators and, as a result, minimized required retrofits”.

My take is that all new systems be secondarily contained, and may require testing, but there will not be testing for new systems without an Upgrade Requirement...

Hess UST Population

State	Active UST's	Double Wall	Single Wall
NY	1019	885	134
FL	937	937	0
PA	404	229	175
MA	403	308	95
NJ	332	223	109
SC	132	109	23
RI	81	57	24
CT	74	48	26
MD	59	33	26
VA	55	36	19
NH	44	44	0
DE	18	6	12
DC	9	0	9
TOTAL	3567	2915	652

Operator Training Requirements

Codifies Grant Guidelines from the Energy Policy Act of 2005. This proposed change will ensure that all operators across the county, including those in Indian country and in states without operator training requirements, are trained to prevent releases.

- **Class A Operator is the person responsible for overall operation and maintenance of the UST System. In general, this person focuses on the regulatory requirements and standards necessary to operate and maintain the UST System.**
- **Class B Operator is the person responsible for the daily on-site operation and maintenance of the UST System. In general, this person operates the UST on a day to day basis complying with regulatory requirements.**
- **Class C Operator is the on-site person who addresses emergencies at the facility and responds to alarms or other indications of emergencies caused by spills and releases from UST Systems.**

States were supposed to have their rules in place by 8/8/09, and Operators were supposed to be fully implemented by 8/8/12, but here we are on 12/4/2014 and it's Hurry Up and Wait...

Walkthrough Inspections

Requires Monthly Walkthrough Inspections for:

- Spill Prevention equipment
- Sumps and dispenser cabinets
- Monitoring/observation wells
- Cathodic Protection
- Release detection

Walkthrough inspections are designed to verify proper function or operating condition of easily accessible UST systems components and ensure required records are current.

I think that sumps and dispensers cabinets that are electronically monitored WILL NOT need require monthly monitoring

Additional Testing Requirements

- Spill Buckets – at installation and annually, unless interstitial space is continuously monitored.
- Overfill Prevention – at installation and every three years.
- Secondary Containment – every three years
- Release Detection Equipment - annually

Testing Spill Buckets, Overfill Prevention, and Release Detection Equipment is Best Management Practice – testing Secondary Containment will be expensive and will not offer better protection to the environment. It gives a competitive advantage to Single Wall systems

Alternative Fuels and Compatibility

Owner and operators storing any regulated substance blended with greater than 10% ethanol or greater than 20% biodiesel, or any other regulated substance identified by the implementing agency, must use one of the following methods to demonstrate UST compatibility with these regulated substances:

- Certification or listing of UST system components by a nationally recognized, independent testing laboratory for use with the fuel stored.
- Equipment or component manufacturer approval.
- Another method determined by the implementing agency to be no less protective of human health and the environment than previously listed methods

Other Changes

Eliminate flow restrictors (ball floats) for overfill prevention on new or replacements

Eliminate repairs on internal linings that fail

Notification Requirements

Phase out Vapor Monitoring and Groundwater Monitoring as Release Detection Methods

Make Interstitial Monitoring Results subject to reporting requirements

My Take on the Proposed Revisions

Secondary Containment Testing – New Systems

Operator Training – Already In Place

Walkthrough Inspections – Traffic concerns

Additional Testing – Move to electronic

Alternative Fuels / Compatibility - Unsure

Other Changes – no issues with proposals

NY DEC Regulatory Update

NY DEC issued Draft Rules in 2013 and they received over 200 comments, all of which they responded to

The proposed Phase I Updates to the Regulations were published on August 6, 2014

- The DEC had a Webinar on the proposed changes
- They held several Public Meeting in September
- Followed by Formal Public Hearings in October
- The comment period ended on 11/4/2012

They have one year to complete the process or start over

NY DEC Regulatory Update

Overview of the Proposed Phase I Rulemaking

- Reflect changes made to State and Federal Laws
- Consolidate most existing federal requirements into State regulations
- Increase consistency by adopting federal UST definitions and structure of the UST regulations
- Provide clarifications to certain requirements

NY DEC Regulatory Update

Overview of the Proposed Phase II Rulemaking

- Adopt any additional initiatives that EPA may adopt in the revised 40 CFR Part 280
- Any additional NYS initiatives that should be considered to prevent leaks and spills
- Changes to Part 610 (MOSF)
- Changes to Part 611 (Spill Response and Corrective Actions)

In Other News

On October 1, 2014 Speedway LLC purchased the Retail Assets of Hess Corporation

Effective November 10, 2014 I was named as “Manager, Construction – East”. In my new role I will lead the team that transitions the sites from Hess to Speedway. I will continue to handle UST Upgrades but I will no longer lead the day-to-day efforts on UST Compliance...

Thank You !!!

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