UST System Inspections During the COVID-19 Pandemic

ASTSWMO Tanks Subcommittee

October 30, 2020

Logistics

Audio

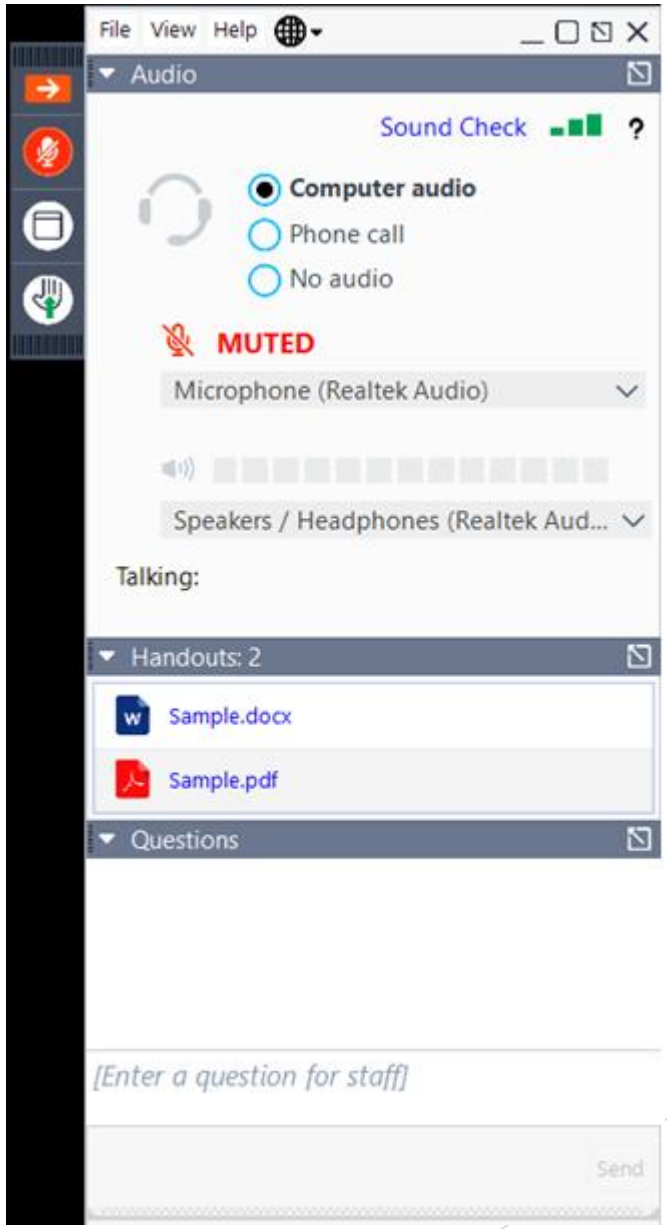
If you cannot hear us speaking right now or hear an echo, make sure your audio settings are configured correctly →

Handouts

Presentation handouts available to download here→

Questions Tool:

Submit questions at anytime using this tool →



Agenda

Welcome: Jon McRae, Nevada Department of Environmental Protection

Speakers:

- Tony Raia, U.S. EPA Office of Underground Storage Tanks
- Steven Krichbaum, Ohio Division of State Fire Marshal
- Justin Lankford, Oklahoma Corporation Commission
- Sylvester Mode, District Department of Energy & Environment
- Mike Martin, Missouri Department of Natural Resources

UST System Inspections During the COVID-19 Pandemic

BUSTR Perspective

Steven Krichbaum
October 30, 2020

Ohio | Department of Commerce
Division of State Fire Marshal

UST System Inspections – BUSTR Perspective

Question: Has your UST program issued new policies, guidance, or procedures and response to COVID-19?

- BUSTR has not issued any statements to UST owners indicating any UST operational requirements are in abeyance.
- The governor has issued orders allowing accommodation for the renewal of some types of contractor licenses.
- BUSTR UST Inspectors were issued instructions on how to conduct inspections safely.

UST System Inspections – BUSTR Perspective

From: Krichbaum, Steven
Sent: Tuesday, June 9, 2020 8:18 AM
To:
Subject: BUSTR Site Precautions During COVID-19

All,

As Ohio re-opens for business, and the Division resumes routinely scheduled field operations, BUSTR inspectors shall adhere to the following precautions while performing inspections:

- Inspectors shall contact their immediate supervisors immediately if there are concerns of unsafe conditions prior to conducting inspections.
- Virtual inspections shall be encouraged whenever possible to reduce potential exposure and increase efficiency; especially if re-inspections are required.
- Owners/operators shall be contacted ahead of time in order to arrange for announce inspections (unless circumstances warrant otherwise).
- Wear masks over nose and mouth while conducting on-site inspections or interacting in person with owners/operators or other members of the public. Reinforce social distancing practices with owners/operators.
- Acknowledge and comply with specific safety guidelines established by owners/operators or facilities management.
- Avoid physical contact with others and increase personal space to at least six feet, where possible.

Ohio | Department of Commerce
Division of State Fire Marshal

UST System Inspections – BUSTR Perspective

Question: Has your program developed or are you in the process of developing a virtual or remotes UST system inspection process?

- BUSTR has not adopted a virtual or remote inspection process.
- BUSTR is performing on-site inspections.
- Initially, BUSTR focused on isolated and/or out-of-service sites.
- Whenever possible, inspections are announced ahead of time.
- Whenever possible, records are collected and reviewed ahead of time.

Ohio | Department of Commerce

Division of State Fire Marshal

UST System Inspections – BUSTR Perspective

Question: Do you have any questions or comments for ASTSWMO or EPA OUST leadership about conducting UST system inspections during the COVID-19 pandemic?

- Will OUST be flexible with states in meeting the three year inspection requirement?

Ohio | Department of Commerce

Division of State Fire Marshal

UNDERGROUND STORAGE TANKS INSPECTIONS DURING COVID-19 IN THE DISTRICT OF COLUMBIA

SYLVESTER MODE | Environmental Protections Specialist

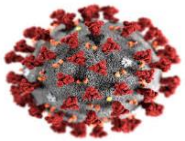
DOEE | UST Branch |Toxic Substances Division

ASTSWMO Annual Meeting | October 2020

DEPARTMENT OF ENERGY & ENVIRONMENT
GOVERNMENT OF THE DISTRICT OF COLUMBIA

WE ARE WASHINGTON DC
GOVERNMENT OF THE DISTRICT OF COLUMBIA
MURIEL BOWSER, MAYOR

DOEE COVID-19 PANDEMIC CHANGES



DC: People Tested for Covid	Total Positives	Number of Deaths
>473807	>16445	>642

- ✓ Telework Status March 16 to date
- ✓ 3 months no field work, returned to field end June
- ✓ Telework Policy - Future flexibility 4 days a week
- ✓ Virtual Inspections Policy developed
- ✓ UST COVID-19 Stakeholders Notice emailed, website
- ✓ 25% Voluntarily return to office Nov 9
- ✓ Return to work guidance
- ✓ Sanitization-PPE kits for all staff (masks, face shields, gloves, Clorox wipes, hand sanitizer)
- ✓ All required to use app on cell to self check at entrance
- ✓ No more than 4 in shared spaces, 2 in vehicles
- ✓ Ability to use personal vehicles – business insurance

BACKGROUND DC UST-LUST BRANCH

DEPARTMENT OF ENERGY & ENVIRONMENT
GOVERNMENT OF THE DISTRICT OF COLUMBIA

- **DC: Law** 8-242,1991
- **Regulations** 20 DCMR 55-70, 1993 – updated Feb 21, 2020
- No 3rd Party Inspectors
- **11 Staff** – 4 UST (3 SOC), 4 LUST Inspectors, 3 Both
- **Inspect onsite & Permit** – all UST installs, upgrades, closures, SOCs, emergencies, complaints, some repairs, testing & LUST
- Regulate HO Tanks, no ASTs
- Fed: Universe 240 active facilities, 520 tanks
- ~80 sites annual, 26 SOCs per inspector.

DOEE Virtual Inspections Guidance
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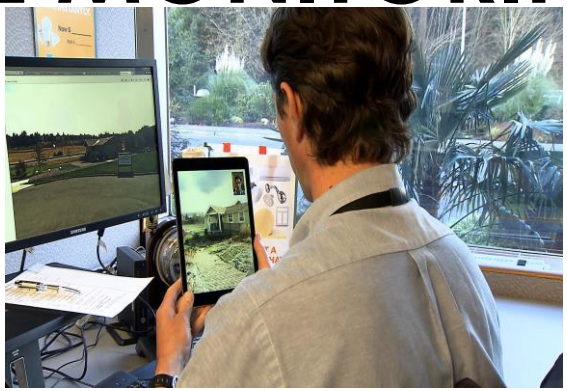
DOEE Guidance provides procedures to be followed during the public health emergency for:

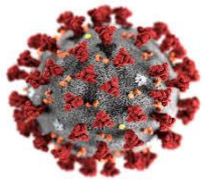
- Offsite compliance monitoring (OfCM)- EPA definition adopted
- Virtual Compliance Assessment (VCA) - Video Conference
- Self-inspection and Self-reporting (SISR)/Self-Certification
- General field safety during the public health emergency
- Onsite inspection procedures
- Tracking of enforcement metrics

VIRTUAL INSPECTIONS (VI)/ OFFSITE COMPLIANCE MONITORING



- New DOEE Order/Policy – training soon
- >17 done since March-Sept, 2020 (0 SOCs)
- Most done between March-June 2020
- All SOCs, Installation, Emergencies and Complaints done onsite
- Mainly done for some closure and LUST inspections, Re-inspections/Follow-up
- Database now can track VI inspections – location, date, time, attendees…
- Reports, Directives, Enforcement being done for these like any other inspection
- Written Records Request - Mailed Directives/Emails – photos, tests, reports
- Audio or Video Calls Made 2 or more parities – live video to observe activity, screenshot images, direct sampling, recordings…
- DOEE computers/Cells – TEAMS & WebEx (preferred), Zoom not recommended.
- Skype, Facetime, Google Meet/Duo, Go-To-Meetings, WhatsApp, FB Messenger…

VIRTUAL PROCEDURES



Virtual Inspections performed during COVID-19 are mainly Removals and Closure-in-place

REMOVAL

1. Removal Permit, first generated in UST/LUST database after fees paid
2. Process Permit approval in online- Sister Agency Software
3. Schedule date and time for removal – notification form/letter, email or call
4. Contractor or DOEE initiates video call with whatever Software/App mentioned earlier.
5. Inspector observes on camera moved around; tank parting from ground, pit condition and tank condition
6. Issues verbal directives for sample media, zone, COCs, method, # of samples & location
7. Contractor directed to take documentary pictures/video recording for evidence
8. Inspector completes paper Removal Directive, signs, scans and email to Contractor
9. Contractor/Consultant prepares Closure Report and Inspector issues Closure Letter by email and post mail signed hard copy (if soil is clean, case closed, otherwise LUST activities follow separately)

ABANDONMENT/CLOSURE-IN-PLACE

- Similar process; except Inspector reviews engineer's justification, does approval letter and observes last slurry deposit to fill tank.

COVID-19

INSPECTION/TELEWORK TOOLS & TECHNOLOGY

DOEE HQ – First & M Streets NE

FULLY EQUIPPED WITH HARD WARE

- ✓ Headsets
- ✓ Digital Camera
- ✓ Smart Phones Mobile Hotspot/MiFi Jet Packs
- ✓ Extra desktop monitor & docking station home
- ✓ Microsoft Surface Tablets – previously Panasonic Toughbook
- ✓ Mobile Printer

FULLY EQUIPPED WITH SOFTWARE

- ✓ Mobile Inspection Software – e-reports (include violations, maps/drawings, pictures), can sign, email site directives/reports
- ✓ Mobile Apps – FaceTime (iPhone), Google DUO (Android), Skype, What
- ✓ SQL Web-based UST-LUST Database – reports, charts, maps
- ✓ PDF Signatures
- ✓ VPN
- ✓ Online Permitting
- ✓ Online Fee Payment
- ✓ Online FOIA processing
- ✓ Enforcement QuickBase
- ✓ Scanning from Smartphones
- ✓ Scanning all UST-LUST records to network & (web soon)-in office
- ✓ Live data on DC GIS for maps – using EPA's UST Finder database (new)

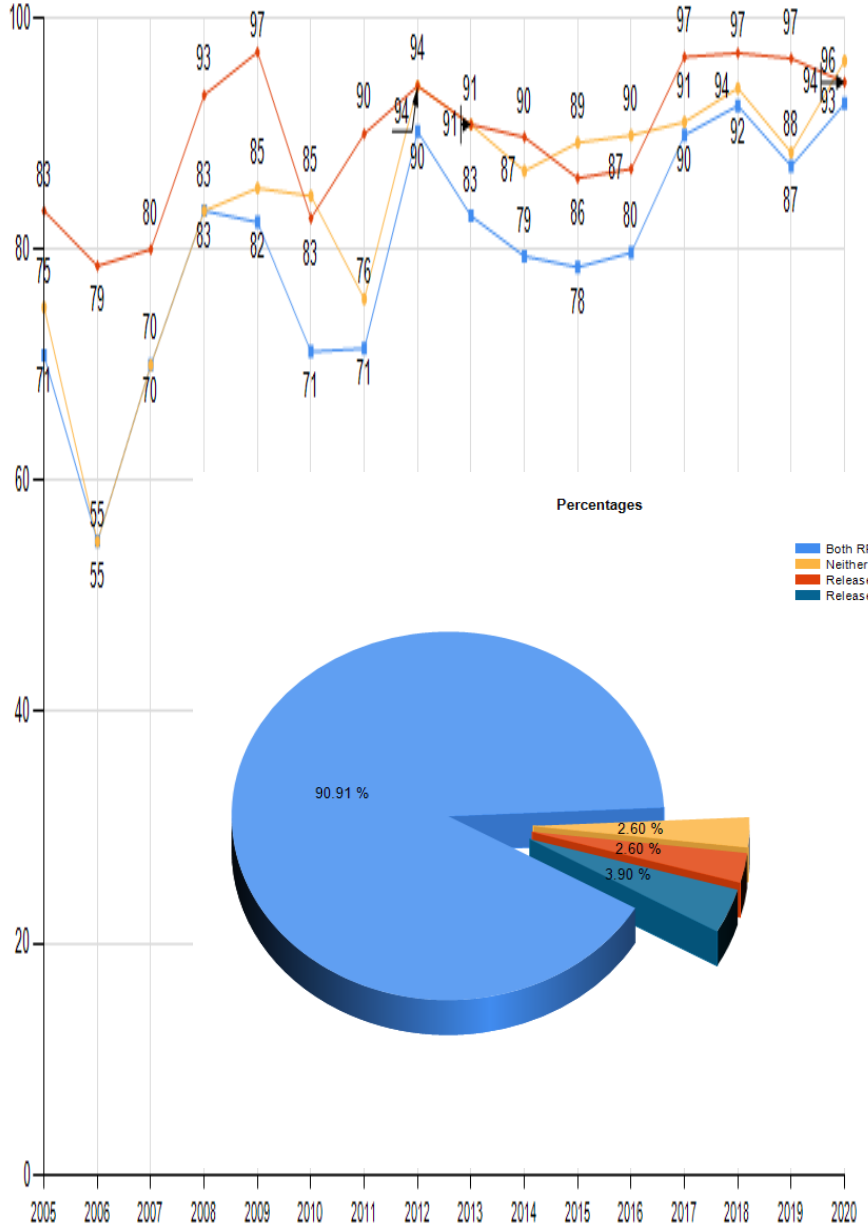
FY20 DC INSPECTION #- with Heating Oil

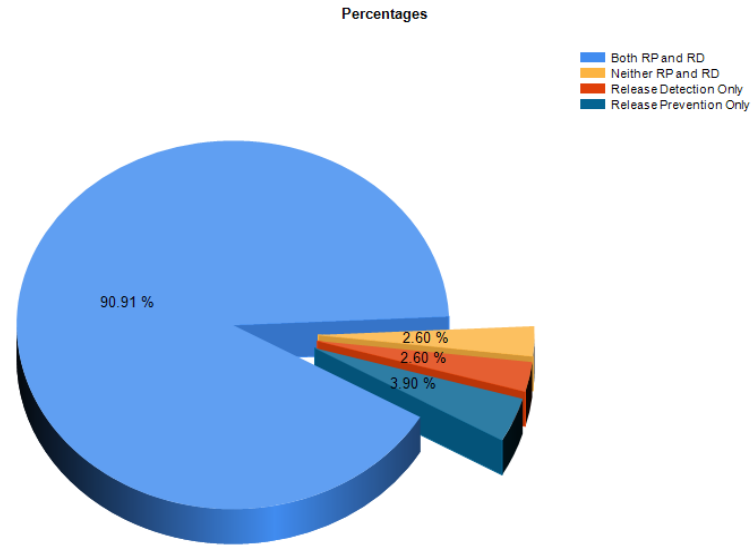
INSPECTION TYPE	ONSITE	ONSITE	VIRTUAL	TOTAL
	Oct – March 2020	March-Sept 2020	March-Sept 2020	
SOC	42	36	0	78
REMOVAL	17	9	10	37
CLOSURE-IN-PLACE	2	2	2	8
INSTALLATION/ UPGRADES/REPAIRS	1	1	1	3
EMERGENCIES/COMP LAINTS	3	2	1	5
LUST	8	4	3	15
TOTAL	72	54	17	146

No Major COVID-19 impacts, grants commitment met. 146 total inspections, 17 virtual, 129 onsite.

Saw improvements in cleanups, 20% less confirmed releases, increase in combined SOC rate.

Uptake in installs, 3 sites, 6 tanks proposed for install by Dec 2020.





- ❑ 30 COVID-19 Information Request Directives sent out 1-2 weeks before visit.
- ❑ Wore PPE, 6ft distance observations, avoided contact, no sharing/exchange of business card, papers, equipment, Reduced onsite present, interviews, avoided indoors ATG, IC meters
- ❑ DOEE Completed 78 inspections- couldn't get access to 1 Embassy
- ❑ 42 inspections pre-COVID, 36 during
- ❑ 91% combined RD and RP rate
- ❑ 5 Facilities Fined – all now complied, paid
- ❑ Common Violations – Record Keeping- 12 months RD, RP & CP tests/logs
- ❑ EPA R3 – required to do 10 this yr. Completed 5 onsite, 4 offsite & 1 incomplete. Soon do quick onsite of 5

DC SOC INSPECTIONS FY20 - SUCCESS

@DOEE_DC

DC COVID-19

LOGISTICS, TECHNICAL & MENTAL/PHYSICAL FATIGUE

Transportation

1. Driving to office to pick up government vehicle for inspection: problem finding parking (sometimes one drives around for an hour to find parking spot). No free parking for personal vehicles only government.

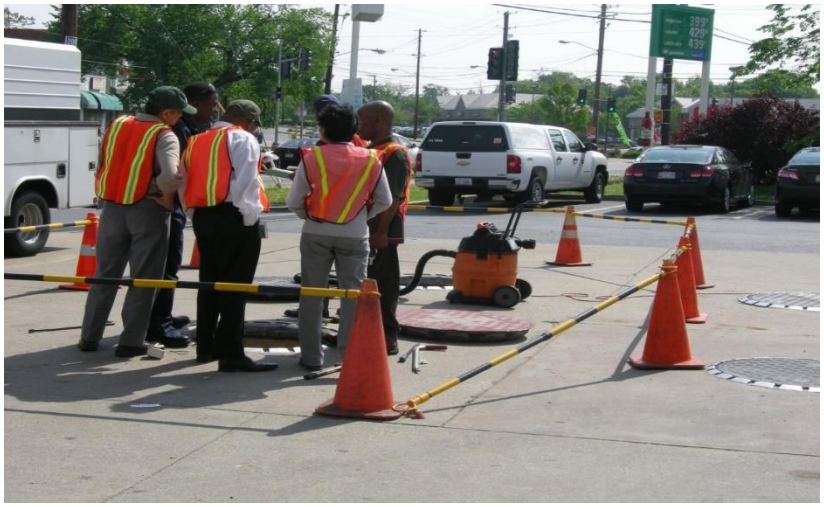
Technical

1. IT issues – put in a ticket and drive to the office to resolve issues if not fixed remotely
2. Accessing database – erratic navigating crucial drives, need to be on VPN/internet
3. Difficulties navigating different databases to multitask, or show Video-Share Screens
4. Surface laptop unstable – document disappearing act, fragile in the field but has protection.
5. No all stakeholders are equipped or IT savvy to do everything virtually

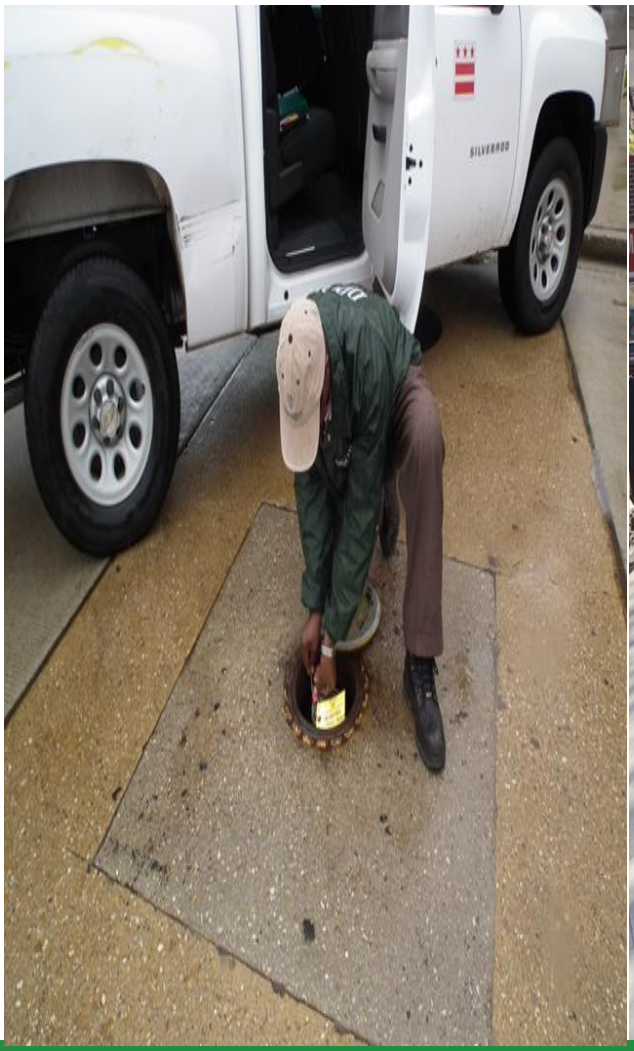
Mental/Physical Fatigue

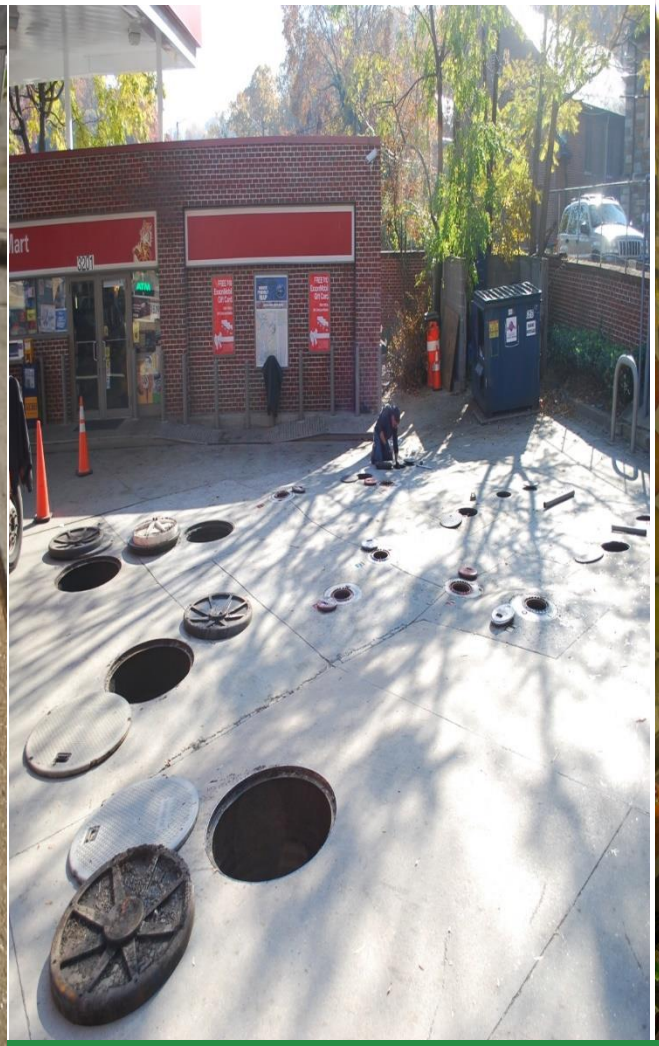
1. Working from home is sedentary – prolonged sitting with no freedom of movements
2. Fixation on small laptop screens causing ocular stress
3. Unavailability of supplies and tools – Working printers, scanners (making do with snapping documents with smart phones, until new orders arrive, backlog with IT companies)
4. Constant interruption from family members – kids/spouse @ home also.
5. Feel distant from regulated community, office closed to visitors, few meetings/inspections.

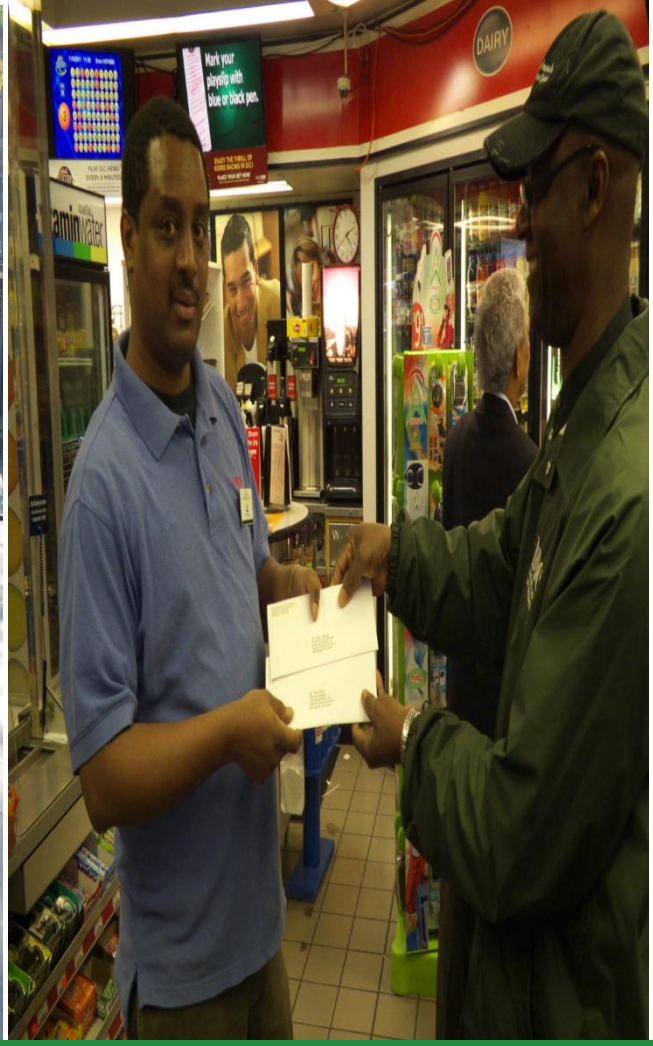
Pictures of UST Inspection Tools



Mobile Wrights Solutions- UST Inspection System







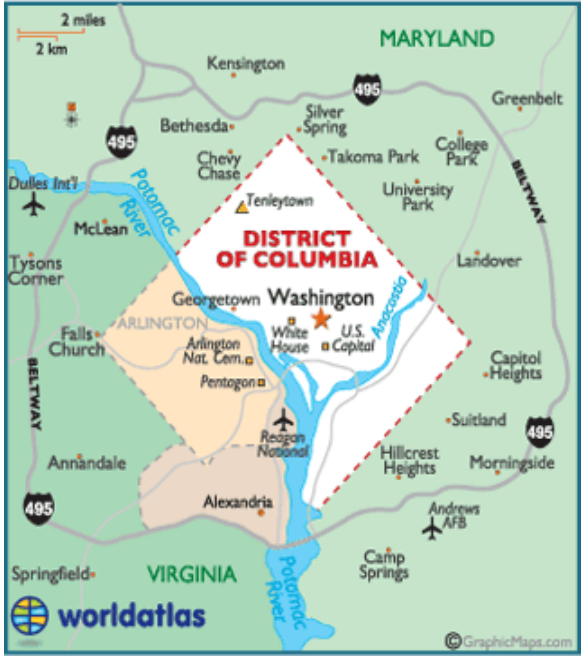
DOEE Inspector performing operational compliance inspection and enforcement

Metrics

○ Current Fiscal Year ◉ Last Fiscal Year ○ Year to Date ○ Last Calendar Year

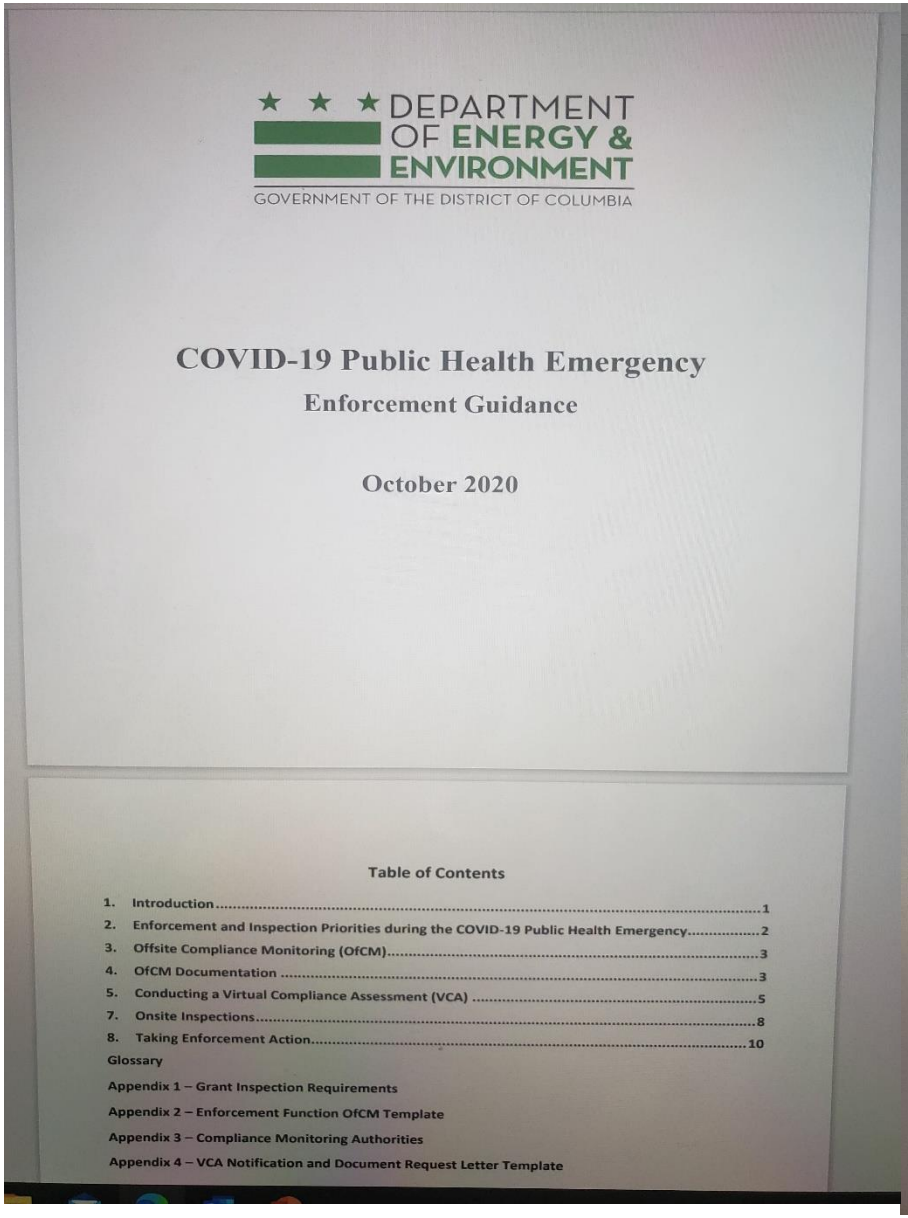
10/1/2019 - 10/1/2020

Metric	Description	Federal	District	Total
	Total Number of Active UST Facilities	233	193	426
	Temporarily Closed UST Facilities	15	48	63
	Permanently Closed UST Facilities	1060	1395	2455
	Active UST tanks	520	228	748
	Temporarily Closed UST tanks	52	53	105
	Permanently Closed Tanks	3652	2239	5891
	Active and Inactive Leaking UST (LUST) Cases	1013	862	1875
	Active LUST Cases	113	25	138
	All Closed LUST Cases (including Admin Closed)	900	837	1737
	Admin Closed LUST Cases	29	22	51
UST-1	Number of USTs (active and closed) (excluding Haz.)	4113	2520	6633
UST-2	Number of permanently closed USTs (excluding Haz.)	3541	2239	5780
UST-3	Number of hazardous substance USTs	113		113
UST-4	Facilities in SOC with UST Release Prevention (RP)	74		
	Percentage in SOC with UST Release Prevention (RP)	95		
UST-5	Facilities in SOC with UST Release Detection (RD)	73		
	Percent in SOC with UST Release Detection (RD)	94		
UST-6	Facilities in SOC with both UST RP and RD	71		
	Percent in SOC with both UST RP and RD	91		
UST-7	Number of complete on-site SOC inspections Conducted	78		
LUST-1	Number of confirmed releases	8	5	13
LUST-2	Number of cleanups initiated	2	0	2
LUST-3	Number of cleanups completed	14	7	21
LUST-4	Number Of Emergency Responses	1	2	3



DOEE VIRTUAL INSPECTIONS GUIDANCE

DOEE VI REQUEST LETTER



DEPARTMENT OF ENERGY & ENVIRONMENT
GOVERNMENT OF THE DISTRICT OF COLUMBIA

COVID-19 Public Health Emergency

Enforcement Guidance

October 2020

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Appendix 2 – Enforcement Function OfCM Template

Appendix 3 – Compliance Monitoring Authorities

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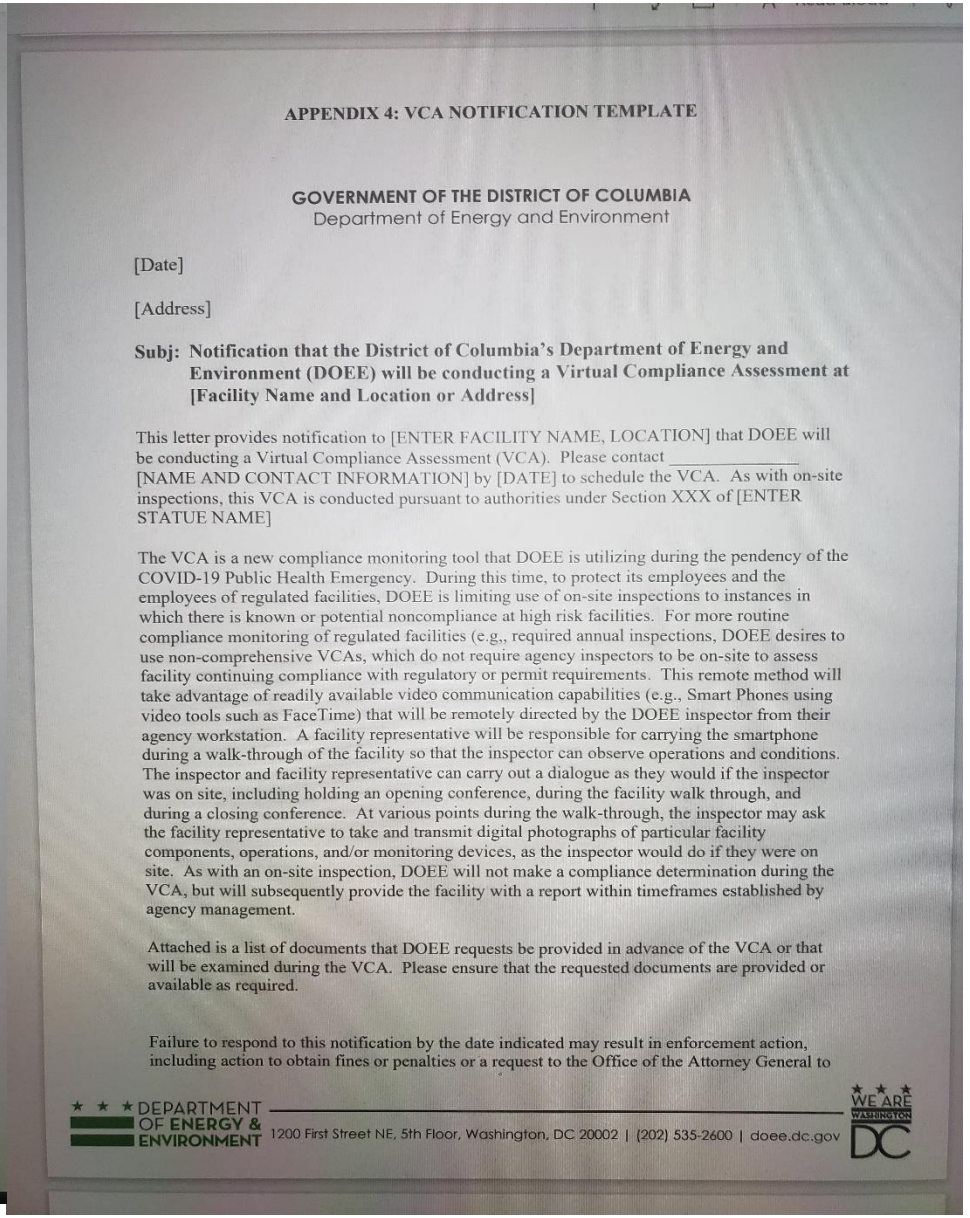


APPENDIX 4: VCA NOTIFICATION TEMPLATE

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment

[Date]

[Address]

Subj: Notification that the District of Columbia's Department of Energy and Environment (DOEE) will be conducting a Virtual Compliance Assessment at [Facility Name and Location or Address]

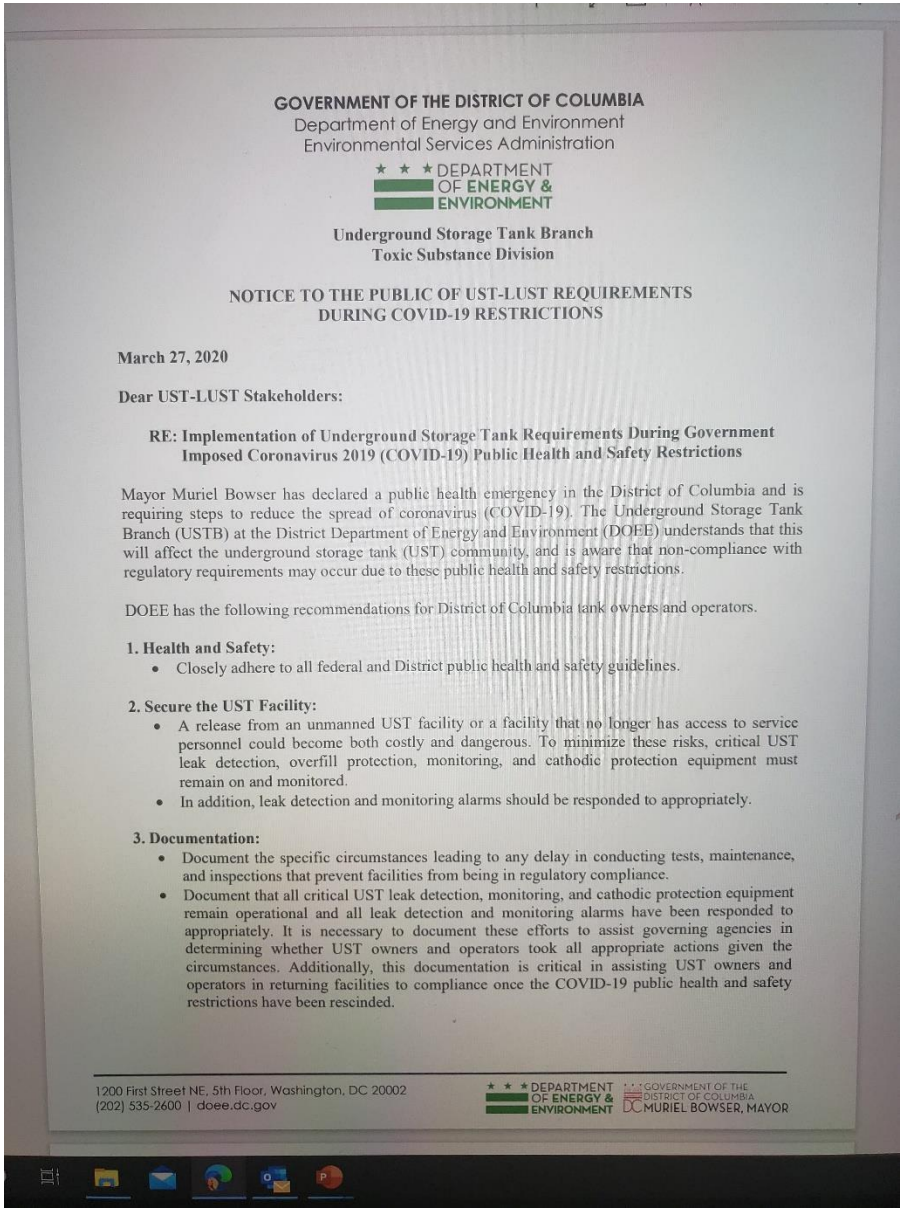
This letter provides notification to [ENTER FACILITY NAME, LOCATION] that DOEE will be conducting a Virtual Compliance Assessment (VCA). Please contact _____ [NAME AND CONTACT INFORMATION] by [DATE] to schedule the VCA. As with on-site inspections, this VCA is conducted pursuant to authorities under Section XXX of [ENTER STATUE NAME]

The VCA is a new compliance monitoring tool that DOEE is utilizing during the pendency of the COVID-19 Public Health Emergency. During this time, to protect its employees and the employees of regulated facilities, DOEE is limiting use of on-site inspections to instances in which there is known or potential noncompliance at high risk facilities. For more routine compliance monitoring of regulated facilities (e.g,, required annual inspections, DOEE desires to use non-comprehensive VCAs, which do not require agency inspectors to be on-site to assess facility continuing compliance with regulatory or permit requirements. This remote method will take advantage of readily available video communication capabilities (e.g., Smart Phones using video tools such as FaceTime) that will be remotely directed by the DOEE inspector from their agency workstation. A facility representative will be responsible for carrying the smartphone during a walk-through of the facility so that the inspector can observe operations and conditions. The inspector and facility representative can carry out a dialogue as they would if the inspector was on site, including holding an opening conference, during the facility walk through, and during a closing conference. At various points during the walk-through, the inspector may ask the facility representative to take and transmit digital photographs of particular facility components, operations, and/or monitoring devices, as the inspector would do if they were on site. As with an on-site inspection, DOEE will not make a compliance determination during the VCA, but will subsequently provide the facility with a report within timeframes established by agency management.

Attached is a list of documents that DOEE requests be provided in advance of the VCA or that will be examined during the VCA. Please ensure that the requested documents are provided or available as required.

Failure to respond to this notification by the date indicated may result in enforcement action, including action to obtain fines or penalties or a request to the Office of the Attorney General to

COVID UST STAKEHOLDERS NOTICE OF CHANGES



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment
Environmental Services Administration

DEPARTMENT OF ENERGY & ENVIRONMENT

Underground Storage Tank Branch
Toxic Substance Division

NOTICE TO THE PUBLIC OF UST-LUST REQUIREMENTS DURING COVID-19 RESTRICTIONS

March 27, 2020

Dear UST-LUST Stakeholders:

RE: Implementation of Underground Storage Tank Requirements During Government Imposed Coronavirus 2019 (COVID-19) Public Health and Safety Restrictions

Mayor Muriel Bowser has declared a public health emergency in the District of Columbia and is requiring steps to reduce the spread of coronavirus (COVID-19). The Underground Storage Tank Branch (USTB) at the District Department of Energy and Environment (DOEE) understands that this will affect the underground storage tank (UST) community, and is aware that non-compliance with regulatory requirements may occur due to these public health and safety restrictions.

DOEE has the following recommendations for District of Columbia tank owners and operators.

1. Health and Safety:
- Closely adhere to all federal and District public health and safety guidelines.

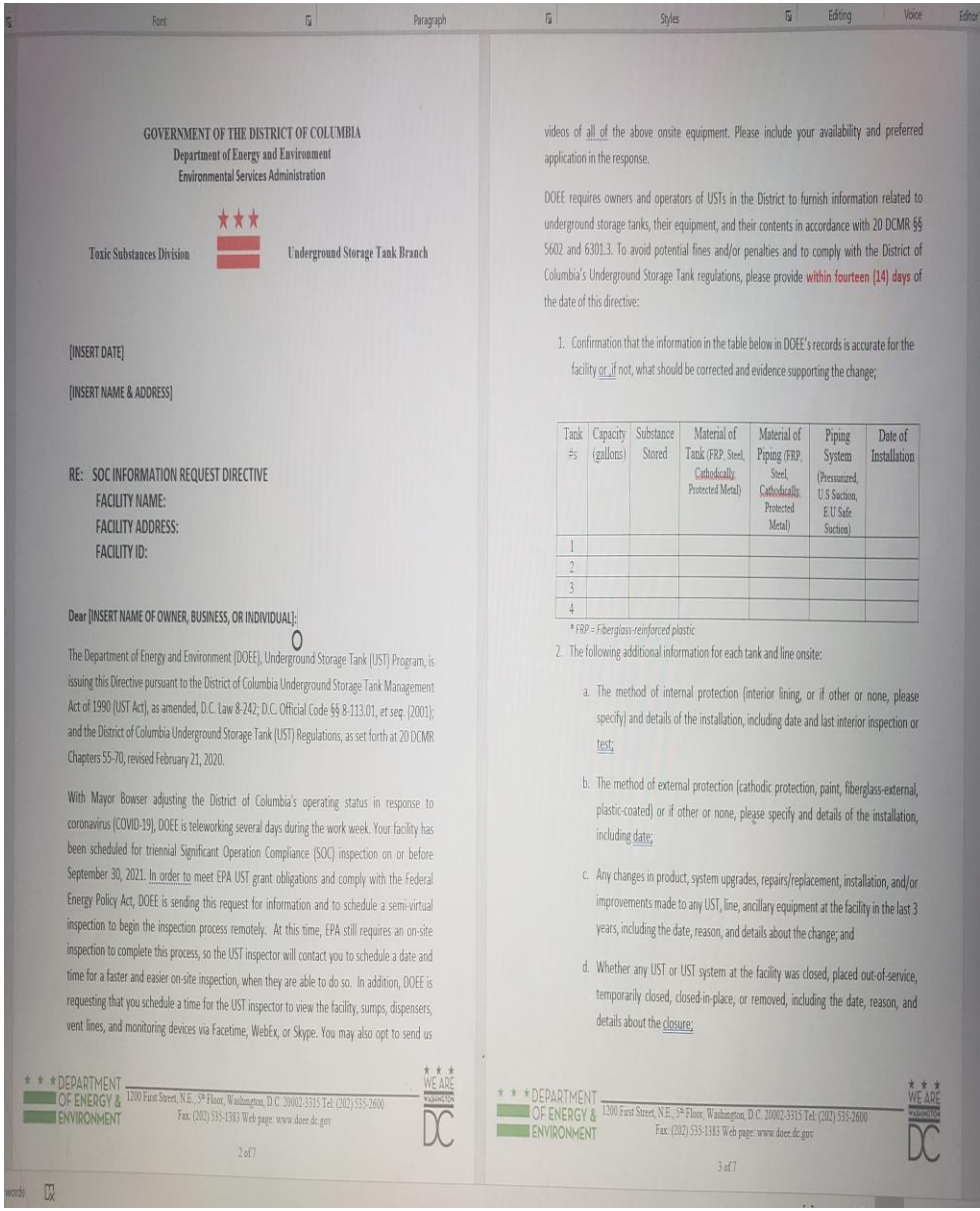
2. Secure the UST Facility:
- A release from an unmanned UST facility or a facility that no longer has access to service personnel could become both costly and dangerous. To minimize these risks, critical UST leak detection, overfill protection, monitoring, and cathodic protection equipment must remain on and monitored.
- In addition, leak detection and monitoring alarms should be responded to appropriately.

3. Documentation:
- Document the specific circumstances leading to any delay in conducting tests, maintenance, and inspections that prevent facilities from being in regulatory compliance.
- Document that all critical UST leak detection, monitoring, and cathodic protection equipment remain operational and all leak detection and monitoring alarms have been responded to appropriately. It is necessary to document these efforts to assist governing agencies in determining whether UST owners and operators took all appropriate actions given the circumstances. Additionally, this documentation is critical in assisting UST owners and operators in returning facilities to compliance once the COVID-19 public health and safety restrictions have been rescinded.

1200 First Street NE, 5th Floor, Washington, DC 20002
(202) 535-2600 | doee.dc.gov

DEPARTMENT OF ENERGY & ENVIRONMENT · GOVERNMENT OF THE DISTRICT OF COLUMBIA · MURIEL BOWSER, MAYOR

COVID SOC INFO REQUEST DIRECTIVE TEMPLATE



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment
Environmental Services Administration

Toxic Substances Division — Underground Storage Tank Branch

[INSERT DATE]

[INSERT NAME & ADDRESS]

RE: SOC INFORMATION REQUEST DIRECTIVE
FACILITY NAME:
FACILITY ADDRESS:
FACILITY ID:

Dear [INSERT NAME OF OWNER, BUSINESS, OR INDIVIDUAL]:

The Department of Energy and Environment (DOEE), Underground Storage Tank (UST) Program, is issuing this Directive pursuant to the District of Columbia Underground Storage Tank Management Act of 1990 (UST Act), as amended, D.C. Law 8-242; D.C. Official Code §§ 8-113.01, *et seq.* (2001); and the District of Columbia Underground Storage Tank (UST) Regulations, as set forth at 20 DCMR Chapters 55-70, revised February 21, 2020.

With Mayor Bowser adjusting the District of Columbia's operating status in response to coronavirus (COVID-19), DOEE is teleworking several days during the work week. Your facility has been scheduled for triennial Significant Operation Compliance (SOC) inspection on or before September 30, 2021. In order to meet EPA UST grant obligations and comply with the Federal Energy Policy Act, DOEE is sending this request for information and to schedule a semi-virtual inspection to begin the inspection process remotely. At this time, EPA still requires an on-site inspection to complete this process, so the UST inspector will contact you to schedule a date and time for a faster and easier on-site inspection, when they are able to do so. In addition, DOEE is requesting that you schedule a time for the UST inspector to view the facility, sumps, dispensers, vent lines, and monitoring devices via Facetime, WebEx, or Skype. You may also opt to send us videos of all of the above onsite equipment. Please include your availability and preferred application in the response.

DOEE requires owners and operators of USTs in the District to furnish information related to underground storage tanks, their equipment, and their contents in accordance with 20 DCMR §§ 5602 and 6301.3. To avoid potential fines and/or penalties and to comply with the District of Columbia's Underground Storage Tank regulations, please provide within fourteen (14) days of the date of this directive:

1. Confirmation that the information in the table below in DOEE's records is accurate for the facility or, if not, what should be corrected and evidence supporting the change;

Tank #s	Capacity (gallons)	Substance Stored	Material of Tank (FRP, Steel, Cathodically Protected Metal)	Material of Piping (FRP, Steel, Cathodically Protected Metal)	Piping System (Pressurized, U.S Suction, E.U Safe Suction)	Date of Installation
1						
2						
3						
4						

* FRP = Fiberglass-reinforced plastic

2. The following additional information for each tank and line onsite:

   a. The method of internal protection (interior lining, or if other or none, please specify) and details of the installation, including date and last interior inspection or test;

   b. The method of external protection (cathodic protection, paint, fiberglass-external, plastic-coated) or if other or none, please specify and details of the installation, including date;

   c. Any changes in product, system upgrades, repairs/replacement, installation, and/or improvements made to any UST, line, ancillary equipment at the facility in the last 3 years, including the date, reason, and details about the change; and

   d. Whether any UST or UST system at the facility was closed, placed out-of-service, temporarily closed, closed-in-place, or removed, including the date, reason, and details about the closure;

DEPARTMENT OF ENERGY & ENVIRONMENT 1200 First Street, N.E., 5th Floor, Washington, D.C. 20002-3335 Tel: (202) 535-2600 Fax: (202) 535-1383 Web page: www.doee.dc.gov — WE ARE DC

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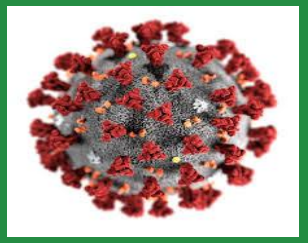
https://doee.dc.gov/service/underground-storage-tank-program

THANK YOU! BE SAFE

Questions?

Email: Sylvester.Mode@dc.gov



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Thank you

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