# ASTSWMO Mid-Year Meeting
# Tanks Webinar

April 27, 2021

# Logistics

**Audio**

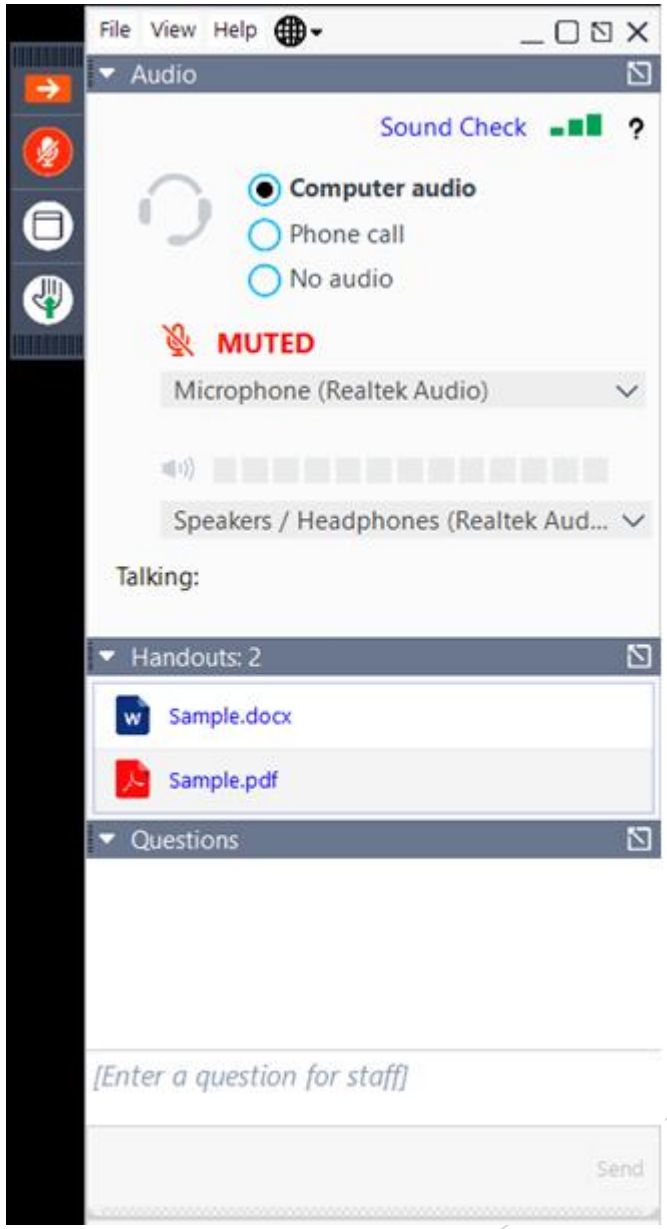
If you cannot hear us speaking right now or hear an echo, make sure your audio settings are configured correctly →

**Handouts**

Presentations and references available to download here→

**Questions Tool**:

Submit questions at anytime using this tool →



# Agenda

**Welcome**:

- Matt Jones, New Hampshire DES

**Session Speakers**:

- Russ Brauksieck, U.S. EPA OUST
- Michael Hollis, New Jersey DEP
- Joe Godwin, New Mexico ED
- Suzanne Halter, Delaware DNREC

# Containment Sump Repair

**Russ Brauksieck**
**EPA Office of Underground Storage Tanks**

# Containment Sump Testing

This webinar is building on two NEIWPCC webinars

- April 30, 2020 webinar ***Spill Bucket/Containment Sump Testing and Repair***
- *December 14, 2020 webinar* ***NLPA/KWA Standard 823 – Preventative Maintenance, Repair and In-situ Construction of Petroleum Sumps***

Handout attached provides the slides from those webinars.

Webinars are available at*:*
https://neiwpcc.org/our-programs/underground-storage-tanks/ust-training-resources-inspection-leak-prevention/webinar-archive-inspector-training/

# Containment Sump Testing and Repair

The main goals of those webinars was to provide information on:

- The requirements for containment sumps
- When and how they had to be tested
- UL testing for compatibility
- An overview of the standard on the repair of containment sumps

# What are the requirements for having containment sumps according to Part 280?

Owners and operators are required to have containment sumps when:

- new dispensers are installed (under dispenser containment required)
- interstitial monitoring of piping is being used for release detection

# What are the requirements for containment sumps according to Part 280?

Owners and operators with containment sumps are required to have **sumps tested for liquid tightness** when used for interstitial monitoring of piping (see previous webinars for more information)

- Testing must be completed using liquid, pressure or vacuum.
- Common is hydrostatic testing (using PEI RP 1200 or EPA/state low liquid level testing procedure)
- EPA has determined that certain alternative test procedures are acceptable.

# Disposal of water used for sump testing

- See technical compendium at https://www.epa.gov/ust/underground-storage-tank-ust-technical-compendium-about-2015-ust-regulation#spillbuckets beginning with question: **UST Sump Test Water Characterization and Disposal**

# Disposal of water used for sump testing

Is sump test water a hazardous waste (HW)?

- Likely. When being disposed, possible to fail HW characteristics (It takes 0.007 ounces of benzene in 100 gallons of water to exceed toxicity characteristic limit)

If water is re-used, when does HW determination get made?

- Before disposal

How to determine if HW?

- By testing or by generator knowledge

Is the sump test water exempt if sent for reclamation?

- No

# Disposal of water used for sump testing

How is sump test water disposed?

- Check with state, tribal and local authorities for disposal rules and other restrictions.

- Possibly in sanitary sewer **IF not** ignitable and with prior approval.

- Drum and haul off by HW hauler

- Filter through oil-water separator and dispose of water and oil appropriately

Who is generator of HW?

Depends. Possibly owner/operator and contractor conducting testing. If contractor takes it away to reuse, then contractor is the generator.

# Repair of Containment Sumps

Containment sumps must be repaired when the sump fails a test or an inspection indicates a problem.

40 CFR 280.33 requires that repairs to UST systems must:

- prevent releases due to structural failure or corrosion
- be properly conducted in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory
- be compatible with substance stored (records required if storing more than E10 or B20).

# Repair of Containment Sumps

40 CFR 280.33(d) requires that repairs to containment sumps used for interstitial monitoring of piping must have the secondary containment (sump) **tested for tightness within 30 days following the date of completion of the repair** according to:

- the manufacturer's instructions,
- a code of practice developed by a nationally recognized association or independent testing laboratory, or
- according to requirements established by the implementing agency

# Technical Compendium

Currently one standard for sump repair:

National Leak Prevention Association/Ken Wilcox Associates, Inc. (NLPA/KWA) Standard 823 *Standard for Preventative Maintenance, Repair and In-situ Construction of Petroleum Sumps*

Information on EPA recognition of this standard is available under *Repairs to UST Systems* in the Technical Compendium at:

https://www.epa.gov/ust/underground-storage-tank-ust-technical-compendium-about-2015-ust-regulation#repairs

# SUMP TESTING AND REPAIRS IN NJ

CONTRACTORS AND EQUIPMENT

MICHAEL HOLLIS, NJDEP

# CONTRACTOR LICENSE CATEGORIES

- ❑ Installation – Entire
  - RDM
- ❑ Closure
- ❑ Tank Testing
- ❑ Cathodic Protection – Testing
  - Specialist

# WHAT CONTRACTORS CAN DO THIS WORK?

- ❑ Installation – Entire (testing and repairs)
- ❑ Tank Testing (testing only)

- ❖ Currently developing new category to increase number of eligible contractors to perform testing and repairs

# ISSUES

- ❑ Most waited until the last minute
- ❑ Shortage of eligible licensed contractors to do both testing and repairs
- ❑ Improper testing
- ❑ Improper repairs
- ❑ Sump test water
- ❑ NJ rule requires more (older) sites to perform interstitial monitoring than most jurisdictions

# TESTING ISSUES

TEST/ENTRY BOOT ISSUES

CONFUSION

WATER

# REPAIR ISSUES

- ❑ Time
- ❑ Licensing
- ❑ Expense
- ❑ Sump lining?
- ❑ Compatibility
  - -Ex. Bostik 1100FS & Marine 920

# ENFORCEMENT

- ❑ Facilities not testing
- ❑ Contractor licensing
- ❑ Improper work
- ❑ Resultant Monitoring issues
- ❑ Many ACOs!

# LESSONS

- ❑ Stagger testing deadline (if possible)
- ❑ Training, Outreach, Seminars
- ❑ Beware of Compatibility!!!
- ❑ Be skeptical of EVERYTHING

# New Mexico Environment Department

## Petroleum Storage Tank Bureau's Certified Installer Program

Joe Godwin, Program Manager

April 27, 2021

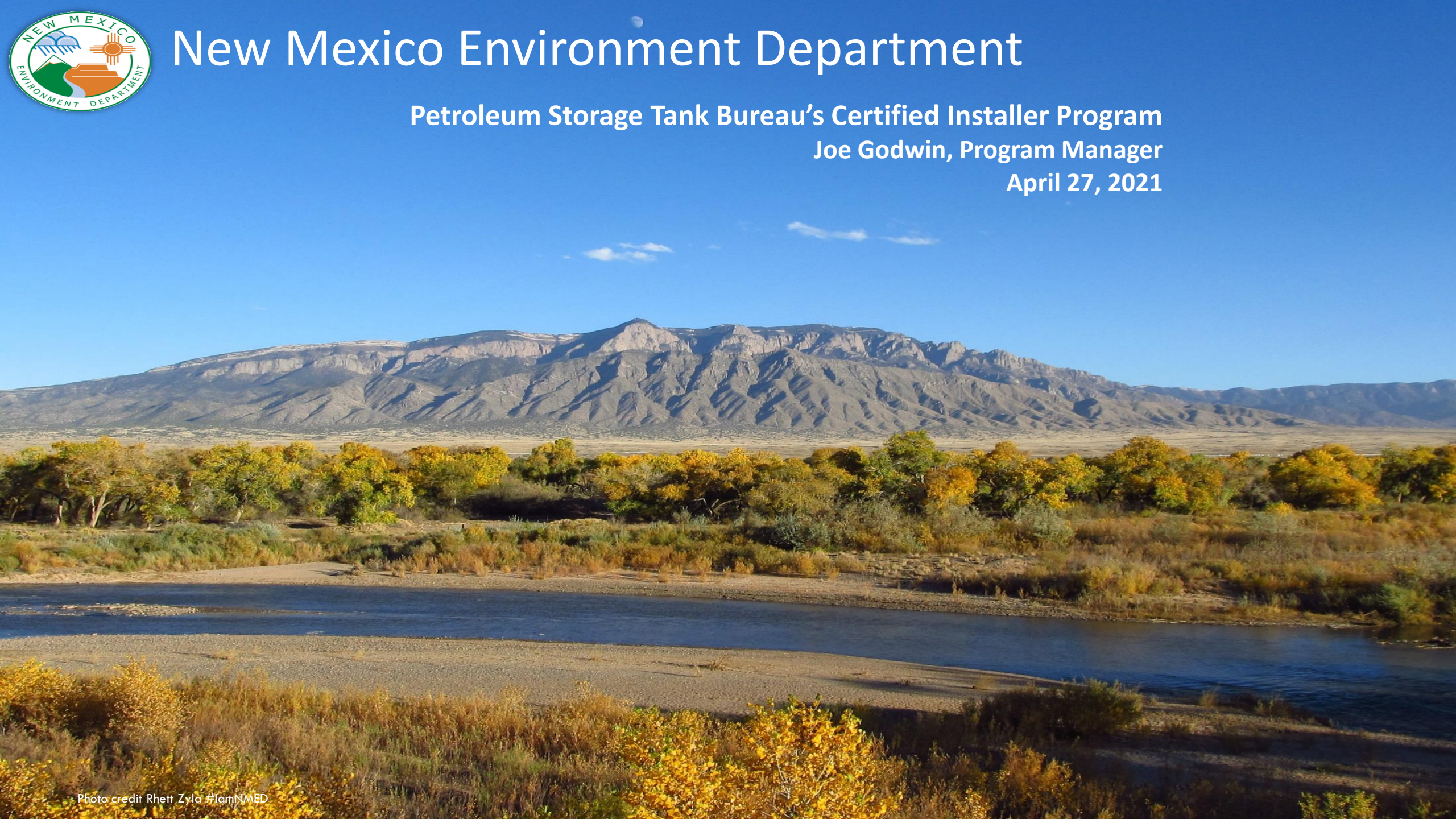


Photo credit Rhett Zyla #IamNMED

# Certified Installer Program

- Part 105 of Title 20 Chapter 5 of the New Mexico Administrative Code, *New Mexico Petroleum Storage Tank Regulations*, requires contractors who install, modify, or repair storage tank systems regulated under 20.5 NMAC to gain certification from the Petroleum Storage Tank Bureau ("PSTB").
- Also, contractors who test UST systems must demonstrate they are qualified to perform these tests.

# Certified Installer Program

- Certified Installers are automatically qualified with their certification to test at installation, however, being a certified installer does not qualify a person for testing beyond installation.
- The requirements for contractors who perform periodic testing on UST systems are listed later in this presentation.

# Certified Installer Program

- **Installers must be certified by the NMED PSTB Bureau, there is no reciprocity for installers certified in other states.**
- **Types of certified installers:**
  - **UST Certified Installer**
    - perform and/or supervise the installation, modification, and repair of UST systems.
  - **UST Junior Installer**
    - conduct repairs or replace spill and overfill prevention equipment.

# How to get certified?

An individual must apply to PSTB by submitting an application and meeting the requirements of the Installer Program, which include:

1) Fee submittal to include:
    1) $50.00 Application Fee
    2) $45.00 NM Rules and Laws Exam Fee
    3) $300.00 On-Site Exam Fee
2) An active NM CID License held either by the applicant and/or the applicants employer
3) Compliance with the NM Parental Responsibility Act
4) Passing grade on the International Code Council UST Installation and Retrofitting exam.
5) Passing grade of 70% or better on the NM Laws and Rules exam administered by the Bureau.
6) Two years experience within the last three years in installing , modifying, and repair of UST systems and documentation to include inspection reports and/or verification of applicant working on UST installations within the last two years.
7) Pass an approved on-site installation exam

# How to get certified?

Upon application approval, candidate must submit for review and approval of an on-site exam. The on-site exam must be a full installation of a UST system.

# How to get certified?

The on-site exam is proctored by a PSTB inspector who evaluates the following:

- Accurate documentation of what is to be installed has been provided.
- Certifications as required by equipment manufacturers have been provided.

# How to get certified?

- Critical junctures during the installation have been completed timely and accurately pursuant to the regulations.
- The candidate must demonstrate during the on-site exam that they have the practical knowledge and training to install all of the equipment for UST systems.

# Requirements, Once Certified.

Upon completion of all requirements the Installer is issued a unique certified installer number, wallet card and registration certificate.

- Installer's must report any change in status to the Bureau to include contact information changes, new employer information, etc.
- Four-year renewal period.

# How to get certified, UST Junior Installer?

Contractors need to apply to PSTB and demonstrate that meet they following:

1) They have one year of experience in the last three years installing, repairing, or replacing spill and overfill prevention equipment.

2) They have been trained and certified, as applicable, by the manufacturer of the spill and overfill prevention equipment.

3) They have taken and passed the International Code Council's UST Installers Exam.

# Renewal of Certification

Certified UST Installers and Certified UST Junior Installers must recertify with PSTB every four years.

- In order to recertify they must take and pass the New Mexico Laws and Rules Test.
- The UST installer needs to provide documentation that they have completed two installations, modifications, or repairs at UST facilities within the last four years.

# Renewal of Certification

- UST Junior Installers must provide documentation that they have completed two installations or repairs of spill or overfill prevention equipment in the last four years.

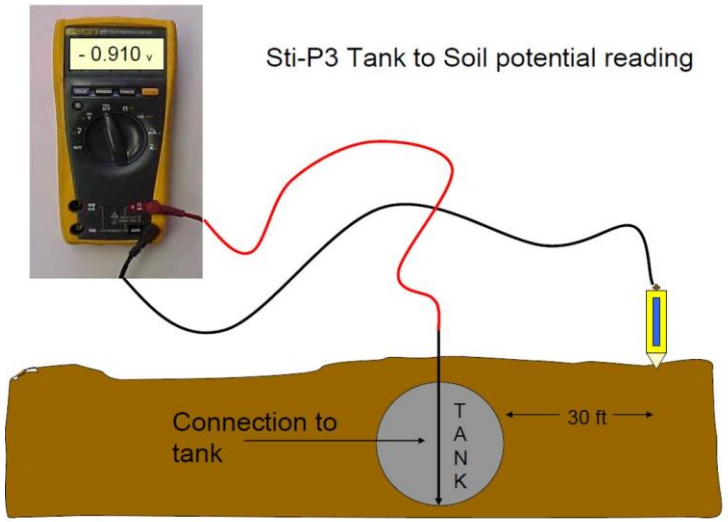
# Tester Qualifications

Contractors must demonstrate they are qualified to perform the following:

- Precision Line Tightness Testing.
- Precision Tank Tightness Testing.
- Line Leak Detector Functionality Testing.
- Testing of Automatic Tank Gauge Systems.
- Spill and Overfill Prevention Equipment and Secondary Containment Sump Testing.
- Interstitial Sensor Testing.
- Cathodic Protection Systems Testing.

# Tester Qualifications

Contractors have the options of either providing the documentation to PSTB to be listed on our web site or they can attach their qualifications to each test report.



# Tester Qualifications

- Testers must acquire and maintain certification with the manufacturer of the equipment they are testing, if required, by the manufacturer. Most ATG manufacturers require testers to certify and be recertified periodically.

- Testers who use a testing apparatus or equipment, such a vacuum testing system for spill prevention equipment must maintain their certification with the testing system manufacturer.

# New Mexico Certified Installer Program

Regulations can be found in 20.5.105 NMAC

Please contact Antonette Cordova, Manager, Tank Operations and Support Program, at (505) 476-4392 or Antonette.cordova@state.nm.us., if you have any questions.

Joe Godwin's Contact Information:
(505) 699-4006 or joe.godwin@state.nm.us

# State of Delaware
# UST Contractor Certification Program

# Delaware
# UST Contractor Certification

- Necessary due to issues with contractors not completing UST work correctly with little accountability
- Effective March 12, 1995
- Implemented by the Waste & Hazardous Substances Tanks Compliance Branch

# Delaware
# UST Contractor Certification

Two levels of certification

- Business
- Supervisor (individual)

Four UST System activities:

- Installation
- Retrofit
- Removal or Closure in Place
- Lining systems- Compatibility

# Certification Specifics

- Certification- letter to business-card to supervisors, lists approved UST System activities
- Card must be available onsite during UST
- If card not available UST activities are stopped
- Valid for two (2) years

# Requirements for Business

- Application with fee
- General liability insurance ($1,000,000) and Contractor's Pollution Liability Insurance ($250,000)
- Current Delaware Business License.

# Requirements for Individual

- Application with fee
- Training/experience for the type of activity
- Score of eighty percent (80%) or higher on the exam  for each activity

# Denial of Certification

- Fraud trying to obtain certification
- Non-compliance with Regulations
- Fail to meet qualifications or denial or revocation in any other state
- Unsafe or repeated deficiencies in UST system work

# Suspension or Revocation

- Certification card is surrendered.
- Unable to serve in another certified business during the period of suspension or revocation.
- Cannot reapply for certification for two (2) years from the date of revocation.

# Suspension or Revocation of Certification

Causes for suspension or revocation:

- Providing false information
- Impairment due to use of alcohol or drugs
- Fail to comply with Regs or enforcement action
- Direct violation of OSHA or EPA regulations.

# DNREC UST ENFORCEMENT

Any Person who violates these Regulations shall be subject to all appropriate legal sanctions including the provisions set forth in 7 Del.C. Chapter 74, §7411 or 7 Del.C. Chapter 60.

# Appeals to Enforcement Actions

- Contractor whose certification has been suspended or revoked may appeal to the Department in writing within ten days.
- Appeal to the Environmental Appeals Board (EAB) (7 Del.C. Chapter 60, Environmental Control, §6008.)
- Appeal to the Superior Court (7 Del.C. Chapter 60, Environmental Control, §6009.)

# Warning letters

**1996**

- UST removal without DNREC Personnel onsite
- UST removal with no Certified Supervisor onsite
- Failure to notify DNREC and incomplete closure packages for 2 sites- resulted in in person meeting
- Failure to follow *API RP 2015 Safe Entry and Cleaning of Petroleum Storage Tanks*

**1997**

- Piping installed with DNREC inspection
- Failure to notify DNREC of UST removal
- Removal of UST without DNREC Personnel onsite

**1998**

- Improper soil sampling during UST removal- Post over excavation samples taken

# Warning letters con't

**1999**

- Tank set without DNREC Personnel present

**2003**

- Incomplete Closure packages- resulted  with an in-person meeting with DNREC Personnel

**2004**

- UST work without Certified Supervisor on site
- Improper backfill used during installation (contained foreign objects)- resulted in partial backfill removal

**2019**

- Removal of UST without DNREC personnel present and failure to submit documentation following UST retrofit work

# Renewal Denial

- 2000
  - Failure to notify change of address as per Regulations
  - Incomplete applications
  - Removal of UST with Certification
- 2018
  - Completing Vapor Recovery work without the required permit

# Suspensions

2003

- UST removal without Certified Supervisor on site

- Improper UST removal- gas had been pumped out, but not checked  with a combustible gas meter for vapors as per *API RP 1604 Removal and Disposal of Used Underground Petroleum Tanks Second Edition, December 1987.*

# FURTHER INFORMATION & QUESTIONS

UST Certified Contractors Information:

Underground Storage Tank Contractors - DNREC Alpha (delaware.gov)

Delaware UST Regulations:

1351 Underground Storage Tank Systems (delaware.gov)

Contact Information:

Suzanne.Halter@Delaware.gov

# Thank you

Recordings from the ASTSWMO Mid-Year will be available at: http://astswmo.org/category/webinar/

For contacts and information about the ASTSWMO Tanks Subcommittee visit: http://astswmo.org/tanks/

Please complete the evaluation after exiting the webinar.