

ENVIRONMENTAL CONSULTING GROUP

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Regs, RAGs and Trucks – Changes in Environmental Rules

Patrick Coughlin
MEMA 2010 Convention

EXPERIENCE YOU CAN RELY ON WHEN IT COUNTS


100% PCW 

Overview

- New SPCC Rules for Parked Trucks
- Status of New Cleanup Guidelines
- Groundwater Fund Status
- UST Training Regulations
- Review of AST/UST Siting Rules

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*Laws, like
sausages, cease to
inspire respect in
proportion as we
know how they are
made.*

- John Godfrey Saxe

As quoted in The Daily Cleveland Herald, Mar. 29, 1869

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Spill Prevention, Control and Countermeasure Plans

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SPCC Plans

- The basics
 - Exceed 1,320 gallon *capacity* threshold
 - Requires written SPCC Plan
 - Sized secondary containment, from dikes to spill pallets

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The NEW Basics

- Parked Trucks
 - Cargo tank vehicle containing product
 - In parking area (e.g. by office) not associated with a bulk plant
 - Reasonable expectation of a discharge into or upon navigable waters of the United States or adjoining shorelines (this includes most locations in Maine)

SPCC Plan now required

Secondary Containment

- Parked Trucks
 - Dependent on “most likely” release
 - Drip pans and sorbents generally okay
 - 01/14/2010 Sized containment is no longer required
 - EPA Guidance coming soon
- Other Containers
 - ASTs (diesel, heating oil) at office
 - 55 gal drums
 - Also in SPCC Plan

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Self-Certified SPCC Plans

- Tier II Facility: AST capacity $\leq 10,000$ gal
- Tier I Facility
 - AST Capacity $\leq 10,000$ gallons
 - No single container $> 5,000$ gallons AND
 - No spill to nav. waters $> 1,000$ gal
 - No 2 spills > 42 gal within 12 mo, 3 yrs prior
- Tier I SPCC Template on EPA website
- Left Brain Exercise
- Not sure? Hire a PE

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Status of New Clean-up Guidelines

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New Maine Remedial Guidelines

- Petroleum RGs: December 1, 2009
- Haz RAGs: January 13, 2010
- Related, based on same science
- No more Decision Tree (at least going forward)
- Guidelines, not rules

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Basics



- **New guidelines cover risk posed by direct exposure to contaminated soil**
- Does not cover:
 - Indoor air contamination from soil vapors (DEP has separate vapor intrusion guidelines)
 - Ground water (drinking water standards (MCLs) and guidelines (MEGs) already exist)
- Address only human health risks, not ecological impacts

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New Exposure Scenarios

- Clean up based on current and probable future use
 - Residential
 - Outdoor Commercial Worker
 - Construction/Excavation Worker
 - Recreational/Park User
- Groundwater Leaching (if on or near aquifer or supply well)

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Petroleum Clean-up Guidelines

- Must still remove Free Product
- Soil exposure guidelines based on test methods newly adopted by DEP
 - Volatile Petroleum Hydrocarbons (VPH)
 - Extractable Petroleum Hydrocarbons (EPH)
 - Much better than DRO and GRO
 - Used in MA and NH

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Sample ID:	TP-1	TP-2	Resident	Park User	Outdoor Commercial Worker	Construction Excavation Worker
Depth:	6-8'	4-6'				
Date:	3/15/10	3/15/10				
PID Reading	1,217	3,111				
Detected EPH (mg/kg)						
Naphthalene	---	3.21	200	330	200	32
2-Methylnaphthalene	---	1.58	94	160	480	35
C9-C18 Aliphatic Hydrocarbons	---	74.8	2,600	4,400	10,000	7,300
C19-C36 Aliphatic Hydrocarbons	---	---	10,000	10,000	10,000	10,000
C11-C22 Aromatic Hydrocarbons	---	---	730	1,200	4,500	4,700
Detected VPH (mg/kg)						
Benzene	---	---	17	28	86	30
Ethylbenzene	0.372	45.3	130	210	420	2,700
MTBE	---	---	780	1,300	2,600	10,000
Naphthalene	---	18.5	200	330	200	32
Toluene	---	---	2,700	4,500	10,000	100,000
m- & p- Xylenes	0.551	181	6,600	10,000	10,000	7,000
o-Xylenes	---	61	6,600	10,000	10,000	7,000
C5-C8 Aliphatic Hydrocarbons	12	810	1,400	2,300	10,000	10,000
C9-C12 Aliphatic Hydrocarbons	6.49	564	2,600	4,400	10,000	9,800
C9-C10 Aromatic Hydrocarbons	5.49	858	740	1,200	5,100	5,500

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First 6 Months

- Varying levels of familiarity with new rules within DEP
 - Response Services vs Augusta
- Less decisions for Response Services?
- Less to clean up on older sites?
- Planning for UST assessments

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UST Assessments

- No more PID delineation in field, cannot “chase” contamination
- Best to separate assessment from site work
- Recommend pre-assessment

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Pre-Assessment

- Geoprobe (or test pits), soil samples to lab
- If impacts, allows delineation and remediation planning before tank installer mobilizes
- Proactive
- Allows more predictable planning

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No Pre-Assessment

- Proceed as before with tank/line removal or replacement
- Inspect for evidence of release. If none, you're done.
- If impacts, either leave the excavation open (24 hr lab TAT possible), or
- Backfill and come back
- Gamble, less predictable

D-Tree vs. PRGs in Falmouth

- 2005 – Phase II ESA shows Baseline-2 soil exceedances
 - Predicted soil removal = 1,300 tons
- 2010 Site Closure/VRAP – test pits, EPH/VPH result in no PRG exceedances
 - Actual soil removed = 4.6 tons
- Do the math \$\$



Status of DEP Ground Water Oil Clean-up Fund

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The Fund

- DEP tighter controls
 - DEP cleanup guidelines revised, improve cleanup cost effectiveness
 - closer technical oversight of cleanup work, and
 - a revised budgeting system based on priorities
- Pre-approved work scope
- Current balance: **\$7.4 M**
- Reimbursements: No current delays for pre-approved, eligible costs

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George Seel, UST Program

- Site Assessment Field Method? Still working on it – Cherryfield project
- Ch. 691 – Likely “tweak” next winter to adapt to new PRGs, possibly adapt site assessments
- WWPLD

EXPERIENCE YOU CAN RELY ON WHEN IT COUNTS

Chapter 693

UST Operator Training Regulations

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UST Operator Training

- Federal Energy Policy Act of 2005 requires training
- Operator Classes – A, B and C
 - A/B Training module and test – online or written
 - C Training checklist
- Training by January 1, 2011
- Certificate – good for 1 year

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Chapter 693

- In hands of BEP
 - Public Hearing (October)
 - Written Comments (due 10 days after hearing)

Yellow Pipe

- Streamlined assessment period ends July 1st
- DEP to Installers: Fail yellow pipe with EtOH blends after JULY 1st
- Will force replacements
- At least 2 failures

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Review of UST/AST Siting Rules

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AST/UST Siting Review

- UST: Chapter 691, Section 3
- UST/AST: Title 38, Chap 13-D

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Chapter 691

- No new USTs over Significant Sand & Gravel Aquifer
- UST Siting Exemptions:
 - New heating oil for onsite consumption
 - Replacement or expansion of existing
 - Conversion of a permitted AST to UST
 - Underground piping with an AST
 - Lose exemption if OOS_≥12 mo

Title 38

- Wellhead Protection Zone:
 - 300' Private well
 - 1,000' Public well, or the
 - Source water protection area (whichever is greater)

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Prohibited as of 09/30/08

- AST Oil Storage Facility
- Auto graveyard/recycling
- Auto body shop, maintenance or repair
- Dry cleaner using PCE
- Metal plating/finishing
- Commercial haz waste facility

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Exceptions

- Existing facilities
- Replacement or expansion of existing UST (as of 09/30/01) on same property
- Conversion of AST to UST & vice versa
- Oil storage for onsite consumption
- On same property as well serving only users of that property

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Variations, Other

- Some wells: Demonstrate no hydrogeologic connection to well
- Limited wells: Engineering/monitoring measures
- Double-wall/secondary containment for AST heating oil tanks in Wellhead PZ
- No Fund eligibility if in violation

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What's Coming?

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Crystal Ball

- New Legislators
 - Perhaps Mike Estes!
- New Governor
- Same old Augusta
- New Legislation?
 - Get your ideas to Jamie & Ben

Questions?

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