

UTAH TANK NEWS

Winter 2024

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ENVIRONMENTAL RESPONSE
& REMEDIATION

Aboveground Petroleum Storage Tank DELIVERY PROHIBITION DEADLINE

By Morgan Atkinson

On May 5, 2021, the Division of Environmental Response and Remediation (DERR) began regulating specific types of Aboveground Petroleum Storage Tanks (APSTs). By statute (19-6-407(2)), owners of regulated APSTs must notify the Director of their facility details and pay a notification processing fee. **By June 30, 2023, APST owners must demonstrate financial responsibility and obtain a Certificate of Compliance (CoC).** Regulated APSTs that do not register and obtain a CoC by June 30, 2023, will be subject to enforcement actions, penalties and delivery prohibition. We are now 6-months past this date.

The DERR has received *Notification Forms* for 222 regulated APST Facilities and only 120 APST Facilities have received a CoC. If you are one of the 46% of the facilities that have not received a CoC and do not have a "Compliance Schedule" to officially extend your deadline to complete the requirements, you are potentially subject to deliverer prohibition and will receive a 7-Day Red Tag Letter. This letter will give you 7-days to complete your application for a CoC and pay all applicable fees. Delivery prohibition tags will be placed after the 7-days if you do not contact the DERR and try to get your facility in compliance.

If your CoC application is not complete or additional work is needed, you may be given the option to enter into a compliance schedule that will outline the outstanding requirements and waive defined penalties, if you obtain a CoC by an agreed upon date.

HOW TO OBTAIN A CERTIFICATE OF COMPLIANCE FOR ABOVEGROUND PETROLEUM STORAGE TANKS

- **Complete the APST Notification Form:**

<https://documents.deq.utah.gov/environmental-response-and-remediation/ust-lust/branch/DERR-2021-020824.pdf>

- **Complete an Application for Certificate of Compliance:**

<https://documents.deq.utah.gov/environmental-response-and-remediation/ust-lust/underground-storage-tanks/ust-forms/DERR-2022-040046.pdf>

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- Must include passing **Line Tightness Tests**
- Must include passing **Tank Tightness Tests** – If the tank is fully inspectable and is off the ground in a saddle or on feet (not in contact with the ground), an approved Visual Inspection Checklist will be accepted for the initial Tank Tightness Tests.
 - <https://documents.deq.utah.gov/environmental-response-and-remediation/ust-lust/ust-forms/DERR-2023-009988.pdf>
- **Financial Responsibility Declaration** – Elect to participate in the Environmental Assurance Program *or* provide documentation of an alternate mechanism that provides \$1 million “per occurrence” coverage for release investigation and cleanup, \$500,000 for non-marketers with less than 10,000 gallons monthly throughput.
- **Previous Pollution Incident Form**
 - <https://documents.deq.utah.gov/environmental-response-and-remediation/ust-lust/underground-storage-tanks/ust-forms/DERR-2022-040087.pdf>
- **As-Built Drawing or site plat** – Provide a scaled facility map that documents the location of petroleum storage tanks, product lines, dispensers, buildings, property boundaries, streets and orientation, utilities, surrounding structures, and other relevant features.
- **Payment of Fees** – Once the CoC application is received an invoice will be generated. Please do not pay fees prior to receiving an invoice.
 - Notification Processing Fee
 - Annual Registration Fees
 - Environmental Assurance Program Participation Fees, or Alternate Financial Assurance Mechanism Review Fee

When the application is complete and fees are paid, a CoC will be issued for fiscal year 2024. Fees will be invoiced yearly and a CoC will be issued once fees are paid in ongoing years.

If owners do not notify and do not apply for a CoC by June 30, 2023, delivery prohibition and penalties will be enforced.

Please contact your assigned area scientist with questions or visit www.ASTNotice.Utah.gov for more information.

**Note – Overfill, cathodic protection, and line leak detector tests will be required by owners participating in the Environmental Assurance Program starting 7/1/2026.*



What To Expect After Your Aboveground Petroleum Storage Tank Is Issued A Certificate of Compliance

By Sean Warner

Once your Aboveground Petroleum Storage Tank (APST) has qualified for a Certificate of Compliance (CoC), your facility will be inspected by Division of Environmental Response and Remediation (DERR) personnel within the next two years. This will involve inspecting your tanks, sumps, spill buckets, and reviewing paperwork. This will be a good chance to talk to your DERR inspector about the additional requirements for 2026 that include overfill protection, line leak detectors and cathodic protection.

New CoCs were issued for the calendar year 2024 around December 15th, 2023. The next important date for those participating in the Environmental Assurance Program (EAP) will be around March 15th, 2024. This is the date that throughput forms are sent out. The 2024 annual EAP, or fund participation, fees are based on your throughput for the calendar year 2023. If the yearly throughput is less than 70,000 gallons, or a throughput form is not received, you will get charged the higher rate of \$450.00 per tank. If the yearly throughput is over 70,000 gallons then you will get charged the lower rate of \$150.00 per tank. EAP participants are also charged annual tank registration fees of \$110 per tank for EAP participants or \$220 per tank for facilities not on the fund. The billing will then be sent out around the 15th of May and is due by June 30th. Please review the Tank Fees Summary page for additional information regarding amounts charged: <https://deq.utah.gov/environmental-response-and-remediation/tank-fees-summary>

Ongoing requirements for APSTs also include annual line tightness tests or monthly monitoring as well as tank tightness tests every 5-years. These tests are due on the anniversary of your prior test dates.

For additional information on APST requirements please visit the DERR website at:

<https://deq.utah.gov/environmental-response-and-remediation/aboveground-petroleum-storage-tanks-apst>

Important Dates to Remember

- December 15th CoCs are mailed out
- March 15th Throughput forms are mailed out
- April 30th Throughput forms are due
- May 15th Petroleum Storage Tank (PST) billing is sent out (**ANNUAL** Tank Registration and EAP Fund Fees will be invoiced)
- June 30th Due date for PST billing
- July 15th penalty billing is sent out
- September 1st is the drop-dead date for paying fees, if not paid by this date your CoC will be revoked for non-payment

Information Needed to Close a Site

By Nicole Chavez and Mark Crim

After a release from a petroleum storage tank (PST) site has been fully assessed and remediated, it may seem like site closure, or no further action (NFA), would quickly follow. But key information is necessary in order to begin the process of NFA. So, how can site owners promote a speedy site closure? By providing all the necessary information showing that a release has been properly evaluated, cleaned up and or contained. The following information should be provided under signature of a Certified PST Consultant in reporting to the Division of Environmental Response and Remediation (DERR).

Facility Information: Baseline information needed includes the DERR Facility ID number and Release ID, facility name and street address, and the name and contact information of the facility owner. It is also helpful to include historic information about the site, such as how long the site has been active as a petroleum dispensing facility, any previous releases and remedial actions, or other information that may help the DERR review the site.

Source of Contamination, Remedial Actions and Land Use: When describing the source of contamination, it is important to include what type of product was released, gasoline, diesel, etc., and in what quantity, if known. Additionally, note what caused the release, was it an equipment failure, i.e., a tank or line leak, a dispenser malfunction or a surface spill, and whether or not the source of the contamination was removed or fixed. Include a write up that describes work done to abate the spill, and removal or treatment of impacted soil and or groundwater. Describe current land use at the site and the surrounding properties: are they commercial, industrial, or residential?

Soil and Groundwater Information: Providing detailed soil and groundwater information is necessary for NFA evaluations. The DERR needs to know the soil types, i.e., sand, gravel or clays, and the extent and degree of soil contamination, both vertical and horizontal. Including soil boring logs is a great way to convey some of this information. Describe the direction or slope of surface topography. Groundwater, if present, needs to be described; what is its depth, its gradient and flow direction? Are those measurements inferred or measured? If the groundwater was impacted by the release, what are the contaminant types and concentrations? Was free product found, if so, was it abated, and what is the remaining thickness of the discovered free product? Provide a discussion of the information mentioned above, and current or historic analytic tables that support descriptions of the contamination before and after treatment, if treatment occurred.

Site Maps: Detailed and accurate site maps are required for any NFA consideration. When creating a facility site map, make sure it's to scale, with north direction clearly indicated. Include current or former PST system layouts along with associated product types, underground utility locations, buildings, structures such as canopies and property lines. Show the release location, excavation boundaries when applicable, and other known contamination. Provide the location of groundwater monitoring or treatment wells, environmental sampling locations and other relative information. As needed, additional maps such as Points of Diversion, Water Rights and Groundwater Protection Zones help in assessing site risks.

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If you and your consultant believe it is time for an NFA review by the DERR, let your DERR project manager know. Provide your case history, compile facility information, PST release response and mitigation efforts, site investigations and cleanup actions, all supported by environmental sampling results that are presented in tables and good site maps! After this information has been submitted to the DERR, the site closure review can begin. By providing thorough information to the DERR along with working with your DERR project manager, NFA can happen in a timely manner.

For further information, contact your DERR assigned project manager or visit:

<https://documents.deq.utah.gov/environmental-response-and-remediation/ust-lust/leaking-underground-storage-tanks-petroleum-storage/DERR-2021-015457.pdf>

Example Site Maps Used for NFA Consideration:

Utility Layout

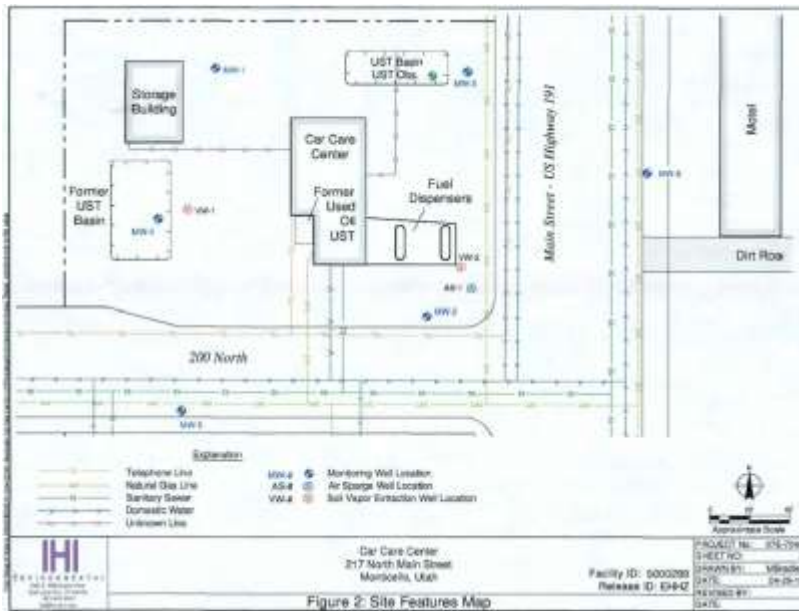


Figure 2: Site Features Map

Relevant Features and Excavations



Excavation Safety for Inspectors and Workers Involved in UST Installations and Removals

by David Wilson

Excavation safety is not only important for your wellbeing-it is also the law. Occupational Safety and Health Administration (OSHA) standards for excavations can be found in Federal Regulations under 29 CFR 1926 subpart P. Excavation hazards can include the following:

- The collapse of the sides of the excavation
- Materials falling onto people
- Falls by, either people or vehicles
- Nearby structures collapsing into the excavation
- Electrocution, explosion, gas leak, or flooding, caused by damage to underground services

Safety measures for excavations such as sloping or shoring the sides of the excavation should be properly implemented at all times. Other excavation safety measures to protect workers from injuries and fatalities include:

- Adding barriers (fencing) around the excavation to keep the public out
- Warning signs such as "Keep Out", "No Smoking" and "Hard Hat Area"
- Making fire extinguishers readily available
- Using basic worker safety equipment such as high-visibility vests, hard hats, safety glasses, gloves and steel toed boots.
- Notify Blue Stakes of Utah to mark all underground gas, water, communication and electrical lines around the site and using private utility locators onsite.

A competent person, usually the Certified Underground Storage Tank (UST) Remover or UST Installer, must be present at all times to monitor safety and eliminate hazards. Inspectors should use common sense precautions such as staying away from the edge of the excavation where asphalt and concrete may have been undercut and staying clear of heavy equipment while on site. OSHA requires employers to implement protective measures for the safety of employees, contractors, and subcontractors before they can work on and near excavations.



Petroleum Brownfields Program

By Bill Rees and Mark Crim

Mention "eyesore" or "blight" and nearly everyone can think of a place they know of that has been neglected and seems to be frozen in time. What can be done about boarded-up buildings on a main street or a long-closed gas station? Why do these properties persist? When the threat of contamination, either real or perceived prevents properties from being sold or developed, the property is considered a 'brownfield.' By definition, a brownfield is a property that has redevelopment or reuse complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

A petroleum brownfield is specific to petroleum-impacted, or potentially impacted properties held up or delayed in their development due to the perceptions of, or known impacts attributed to petroleum storage tanks (PSTs).

In Utah, a partnership between the Utah Department of Environmental Quality/Division of Environmental Response and Remediation (UDEQ/DERR) and the U.S. Environmental Protection Agency (EPA) Brownfields Program, facilitates conversion of these problematic sites into beneficial new uses. Grants, Enforceable Written Assurances (EWAs), other funding mechanisms, and technical assistance provided by the two agencies are the tools that enable communities to identify petroleum brownfields, conduct environmental assessments, and if found to be contaminated, cleaned up for reuse. Examples among many, of successful petroleum brownfields investigations and cleanup are found in Elsinore, Green River and Salt Lake City.

Abandoned Gas Station in Elsinore

In Elsinore, the petroleum brownfields program through the DERR helped this small town to get a new public safety facility.



The DERR conducted a Targeted Brownfields Assessment (TBA) at an abandoned gas station. The TBA identified contaminants and recommended actions for remediation. After demolition and cleanup, the property was redeveloped as a fire station; a big win for the community.



Premium Oil in Green River

In Green River, the petroleum brownfields program also helped the community get a new public safety facility.



Here, an EPA contractor is collecting soil samples for a TBA at a former gas station. The TBA identified contaminants and recommended methods for remediation. After cleanup, a City/County safety building was constructed at the site.



The Village at North Station, Salt Lake City

In Salt Lake City, a private developer utilized the petroleum brownfields program to guide its environmental cleanup. Petroleum contaminated soil and groundwater remained at the property from an PST system removed in 1988. The property supported a construction company, a park and ride, and a bank through 2021. A TBA showed a need to remove petroleum-impacted soil prior to development, and an EWA guided the soil cleanup.



The Village at North Station-Post Cleanup

The Village at North Station development, currently in a final phase, will have multiple apartment blocks on 13 acres, parking stalls and retail space. This transit-oriented development is along North Temple Street and the Utah Transit Authority's bus and TRAX lines.



Resources

To see how the brownfields program can benefit your community or situation, the [Utah Department of Environmental Quality Brownfields Department of Environmental Response and Remediation Program](#) offers an array of assistance.

As part of its mission to protect human health and the environment, [EPA](#) is dedicated to revitalizing contaminated land for productive and sustainable reuses. [Learn more](#) about how the EPA brownfields program works in Utah and throughout EPA Region 8 and about how grants can play a role in realizing community redevelopment goals.

Brownfields Assistance with DEQ/DERR

In addition to providing statewide outreach to ensure that communities are consistently informed of brownfields remediation opportunities, Utah DEQ/DERR offers practical brownfields applications, such as technical assistance, a voluntary cleanup program, and enforceable written assurances. See the [Utah DEQ/DERR website](#) for more information.

Contact Information

The DEQ/DERR Brownfields Program Coordinator is Bill Rees. If you are interested in the Petroleum Brownfields Program, please contact Bill at brees@utah.gov or 801-536-4100.

Therron Blatter DERR Petroleum Storage Tank (PST) Branch Manager Retires

By DERR Staff



Therron Blatter, PST Branch Manager for approximately 15 years, retired in late December 2023, following a 32-year career with the Utah Department of Environmental Quality/Division of Environmental Response and Remediation (UDEQ/DERR). Therron began his journey at the Utah Department of Health, a precursor to the UDEQ, being hired as an environmental scientist in the Underground Storage Tank (UST) Section in 1991, performing inspections for facility compliance, tank removals and installations, and general oversight of facilities in his assigned areas. In 1999, he became the UST Section Manager overseeing UST compliance and spill prevention, program development, coordination with the Environmental Protection Agency (EPA), and the supervision of field inspectors. In 2006, he received the UDEQ/DERR Hall of Fame Award for Outstanding Customer Service, and in 2009, Therron became the UST Branch Manager, managing its three sections, the UST Compliance Section, the Petroleum Storage Tank (PST) Fund Section and the Leaking UST Tank section. As Branch Manager, he oversaw all aspects of the State of Utah's UST program, taking the lead on its many rule changes, the 2015 Energy Policy Act requirements and PST Cost Guidelines. In 2018, Therron was instrumental in Utah receiving State Program Approval from the EPA, with Utah being the second state in the nation to meet this requirement. Under his leadership, the tank program evolved from UST specific work to include the recent addition, May 2021, of Aboveground Storage Tanks (ASTs). We are grateful for his years of service and wish him the best in his new adventures.

Important Dates to Remember

1. APSTs needed to have Financial Responsibility and obtain a Certificate of Compliance by June 30, 2023
2. Annual tank registration and PST Fund fee invoices are mailed around May 15th and the payment deadline for these fees is July 1st
3. Any facility that has not paid the annual fees by September 1st will lose PST Fund coverage and the Certificate of Compliance will lapse
4. The Secondary Containment Tests to qualify for the rebate must be received by December 15th.
5. Certificates of Compliance are mailed around the 15th of December
6. Throughput forms are mailed out around March 15th
7. Throughput forms are due by April 30th

DERR Updates

Position Changes

Allison Stanley, CERCLA, VCP/Brownfields Section, New Hire, May 2023

Michael Storck, CERCLA, NPL and Federal Facilities Section, Retired, July 2023

Kaleb VanArsdale, CERCLA, NPL and Federal Facilities Section, New Hire, October 2023

Kelsey Robinson, CERCLA, NPL and Federal Facilities Section, New Hire, October 2023

Tonya Taylor, CERCLA, Support Staff Member, New Hire, September 2023

Rachele Roades, PST, Support Staff Member, New Hire, February 2023

Thayne Arthur, PST, Release Prevention and Compliance Section, New Hire, September 2023

Laura Perdue, PST, Release Prevention and Compliance Section, New Hire, November 2023

Alex Thompson, PST, Environmental Assurance Cleanup Section, New Hire, November 2023

Therron Blatter, PST Branch Manager, Retired, December 2023

Morgan Atkinson, New PST Branch Manager, January 2024

Certification Corner

EXAMS for A/B Operators, Groundwater and Soil Samplers, UST Removers, UST Installers, UST Technicians, UST Testers and PST Consultants

Testing Location: Utah DEQ/DERR office at 195 North 1950 West, Salt Lake City, Utah.

Testing Times: DERR is testing on the 1st and 3rd Tuesdays of each month, by appointment only, and offered by Chelsea Qualls, as availability occurs. Some months have only one testing date if a regularly scheduled date occurs near a major holiday.

A reminder to sign up early, as we can only accommodate a limited number of testers per date. If you are hoping for a particular exam date, please send your application and supporting documents to Chelsea at least 1 week in advance of the date you prefer, as exam dates tend to get completely booked 1-2 weeks prior. **You can pay fees online:** [DERRpay.utah.gov](https://derrpay.utah.gov)

If you are unsure if you have submitted an application, contact Chelsea, she would be happy to check for you. Please contact Chelsea Qualls at cqualls@utah.gov or 801-536-4100.

Certified PST Consultant Recertification Changes

Regarding the Certified PST Consultant course: at this time the DERR is providing an online version of the course on Google Meet. The course is held twice a year and the next date is *To Be Announced*.

