

# UTAH TANK NEWS

## Summer 2023

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ENVIRONMENTAL  
& REMEDIATION

## Aboveground Petroleum Storage Tank Certificate of Compliance Reminder

**DEADLINE IS JUNE 30, 2023**

By Morgan Atkinson

On May 5, 2021, the 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.*** Regulated APSTs that do not register and obtain a Certificate of Compliance by June 30, 2023, will be subject to enforcement actions, penalties and delivery prohibition.

Once an application for a Certificate of Compliance is received, owners will be invoiced for annual registration fees and, if applicable, Environmental Assurance Program (EAP) participation fees. If not participating in the EAP, you must document an approved Financial Responsibility (FR) mechanism, i.e. a pollution liability insurance policy, and pay an alternate FR review fee. Please do not pay fees until you receive an invoice.

If your application is complete and all testing requirements have been met, a Certificate of Compliance will be issued once the fee payment is received. If your application is not complete and additional work is needed, you may be given the option to enter into a Stipulation and Consent Agreement. This agreement will establish a schedule for the completion of all the remaining requirements and obtaining a Certificate by an agreed upon date. Entering into this agreement will suspend the mandated penalties and allow you to continue to receive fuel deliveries until you complete the remaining requirements to obtain a Certificate of Compliance. If the terms of the Stipulation and Consent Agreement are not met by the agreed upon date, the suspended penalties and delivery prohibition will be enforced.

If owners do not notify and/or do not apply for a Certificate of Compliance by June 30, 2023, mandated penalties and delivery prohibition will be enforced.

Please call 801-536-4100 with questions or for more information.

~ continued on page 2

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

1. **Complete the APST Notification Form:**  
<https://documents.deq.utah.gov/environmental-response-and-remediation/ust-lust/branch/DERR-2021-020824.pdf>

2. **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>

### **The application includes the following documents:**

- **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.

3. **Provide required tank and line tightness tests by a Utah Certified Tester**

- Must include passing **Line Tightness Tests** for all underground product piping
- 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>

4. APSTs electing to participate in the Environmental Assurance Program must also provide a test of spill prevention device.

5. **Payment of Fees** – Once the Certificate of Compliance 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

# Division of Air Quality Rule Update for Stage I Vapor Recovery

By Gary Harris

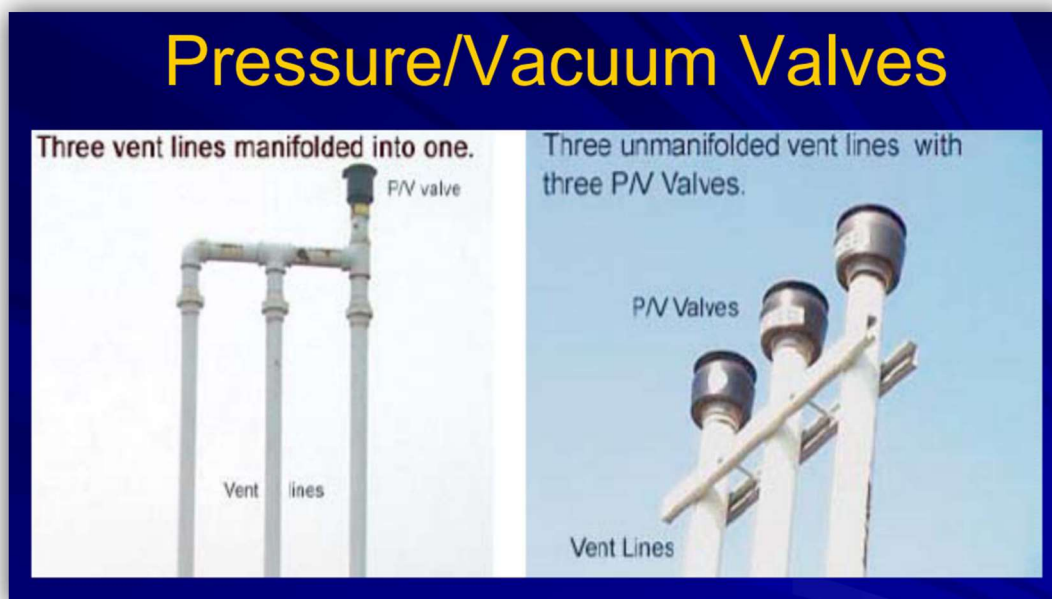
The Utah Division of Air Quality (DAQ) is responsible for implementing the Clean Air Act in Utah and meeting and maintaining the federal National Ambient Air Quality Standards. To better evaluate and meet the standard for Ozone, the DAQ has updated its state implementation plan, and recently amended UAC Rule R307-328 to include requirements for petroleum storage tanks. The updated rule went into effect on May 1, 2023 and requires the installation and testing of pressure vacuum relief valves on gasoline petroleum storage tank vent lines.

A pressure vacuum relief valve is a safety device designed to protect tanks from damage created by overpressure or excessive vacuum. The valve may also reduce costly product evaporation losses due to normal tank "breathing." The valve is designed to open at a predetermined pressure to protect the tank from exceeding its design limit. Its secondary purpose is to control fugitive emissions from the tank, thereby reducing ozone formation. This is the most important feature for air quality benefits.

To maintain proper operation of the valves, UAC Rule R307-328 requires that the valves be tested or replaced every three years. The California Air Resource Board (CARB) Test Procedure 201.1E is the required testing procedure under the rule to ensure that pressure relief valves are operating correctly. The testing should be conducted by a Utah Certified Petroleum Storage Tank Tester.

DAQ is working with the Division of Environmental Response and Remediation (DERR), PST Release Prevention and Compliance Section, to develop an agreement that would permit DERR inspectors to verify the presence of vapor recovery components and request the test records during our annual inspections.

If you have questions please contact the DERR, PST Release Prevention and Compliance Section at 1-801-536-4100.

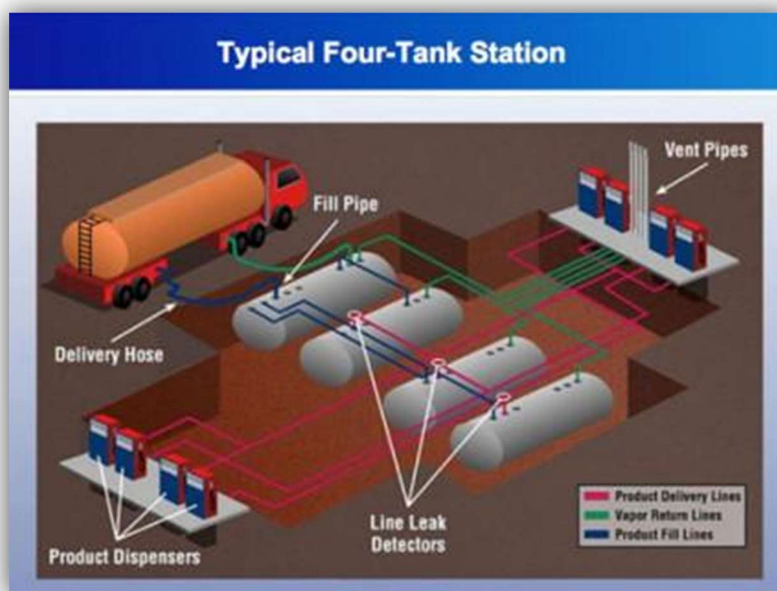
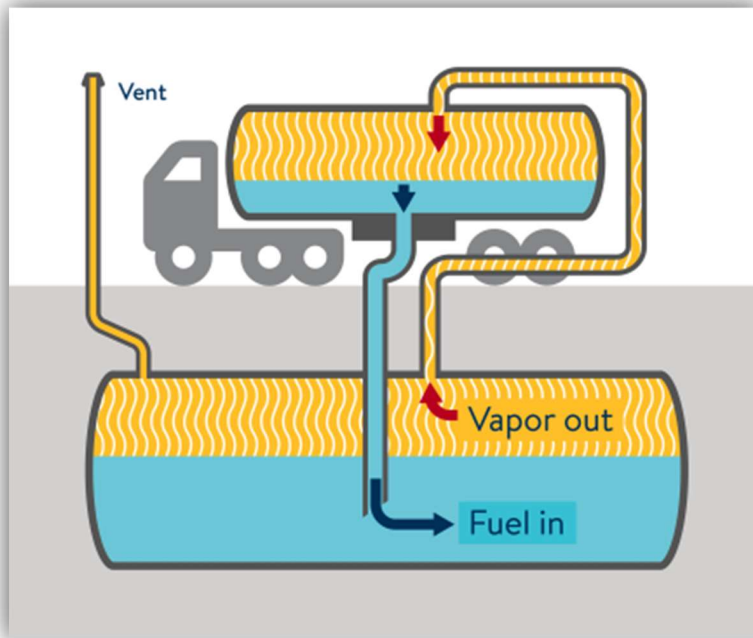


# UST Fuel Delivery

By Sean Warner

When a delivery driver shows up at a site to make a fuel drop the first thing that needs to be done is confirm there is room in the tank for the delivery. They will stick the tank or use the ATG to confirm that there is enough room in the tank to hold the requested delivery amount. Once this is done the driver will connect both the delivery hose and the vapor recovery hose. The drop is made and the vapors that are forced out of the tank are returned to the tanker truck keeping them out of the environment.

Owners and operators need to do everything they can to ensure safety precautions are taken during delivery and verify delivery drivers are not taking any shortcuts to bypass overfill or vapor recovery devices. If you see a delivery driver making an improper fuel drop, please contact your distributor.



# PST Redevelopment Fact Sheets

By Mark Crim

Since about 2018, the DERR PST Branch has been creating fact sheets on former leaking petroleum storage tank (LPST) sites that have successfully been cleaned up and redeveloped for new beneficial uses in the surrounding communities.

The program, internally-described as Redevelopment, showcases the important role that the DERR has in revitalizing neighborhoods and communities. DERR project managers guide responsible parties through cleanup and regulatory closure, or no further action (NFA), and then create a short writeup on redevelopment that the cleanup and NFA helped facilitate.

Internally, a Redevelopment database module is used on these sites to track site specific information over-time. Information gathered begins with current state of the site, redevelopment potential of the site, and then facts pertaining to actual redevelopment of the site, such as acres developed, housing or commercial units created, jobs created and or green space created.

The Redevelopment Fact Sheets are promoted as successes in the agency's petroleum storage tank cleanup efforts. From time to time, the fact sheets are used to present to state legislators curious about activities in the PST Branch.

These new beneficial uses of cleaned-up former LPST sites are wide ranging: dentist offices, hotels, commercial spaces, libraries, restaurants, housing and parks. An example of a Redevelopment Fact Sheet is shown below.



UTAH DEPARTMENT of  
ENVIRONMENTAL QUALITY  
**ENVIRONMENTAL RESPONSE  
& REMEDIATION**

## Diamond Rail Apartments

Former Diamond Mattress Co.  
Facility ID 4001974  
50 North 600 West  
Leaking Underground Storage Tank Site  
Salt Lake City, Utah

**SUMMARY** The Diamond Rail Apartments development has **80 units**, parking stalls, and **1350 sf of retail space**. This **transit-oriented** development was completed Spring 2022, and shown right



**BACKGROUND** Petroleum contaminated soil and groundwater remain at the property from an underground storage tank system removed in 1996. The property supported a mattress manufacturing facility and later an automobile repair shop through 1996 (shown left). Hydrocarbon impacts in shallow soil and groundwater occur under a portion of the newly constructed building.

**Remedial Actions:**

- Excavating-out soil hot spots
- Engineered controls with a vapor barrier installed

To **protect human health and the environment**, the release at this property was closed using an **environmental covenant** which outlines activity and use limitations for the property. **Engineered controls** will be used to mitigate potential hazards.

**REDEVELOPMENT CASE STUDY**

# Choosing a PST Consultant

By Michael Pecorelli

It was supposed to be a normal day at your station, but you had a petroleum release; you took all necessary actions, made notifications, and thought you were done. Now, what is next? Following a petroleum release, it is likely that the Division of Environmental Response and Remediation (DERR) will contact you via a phone call or letter requesting information about the release event. You may be asked to submit a report of actions about the release, or perform additional work such as a site investigation or cleanup. This is likely to cause anxiety, but you can get help by hiring a Utah-certified petroleum storage tank (PST) consultant (Consultant). The Consultant can help with getting the release investigated, cleaned up, and closed out (no further action). Having knowledge about how to go about hiring a Consultant can be helpful; that is the intent of this article.

A list of Consultants for your review can be obtained from your DERR project manager assigned to the reported release. State rules require that work being done to abate, investigate, or cleanup a PST release must be done by a Consultant. The list of Consultants will give you contact names, firms and information that can help you.

## **What are some of the things you should consider when contacting a Consultant?**

One thing to consider upfront is if the cost of the release is going to be covered by you personally and/or your company, or is it covered by private insurance or the PST Fund. If it is going to be covered by private insurance or the PST Fund you will want to discuss if costs by the Consultant, not reimbursed by insurance, are going to be your responsibility, or will the Consultant only charge for the amounts that are covered. Some Consultants want the owners to pay the difference, and others will only charge for what is reimbursed by insurance. Regarding what charges on a site are acceptable to the DERR, basic costs of common tasks for PST Fund reimbursement, were developed by researching historical task costs, and in meetings with Consultants and subcontractors. These PST-approved costs have been compiled in a document used by the PST Fund called 'Cost Guidelines for Utah Underground Storage Tank Sites', and can be found at:

<https://documents.deq.utah.gov/environmental-response-and-remediation/ust-lust/underground-storage-tanks/DERR-2021-008666.pdf>

Consultants generate reports for the work they do, and you could ask for examples of their reports like a Site Investigation report or a Groundwater Sampling report, to review their work. Ask about the Consultant's experience, ask for references, and it might also be helpful to ask other station owners or operators if they have any recommendations for a particular Consultant.

It is important to keep in mind that the Consultant is retained by you and works for you! The Consultant's job is to use their knowledge and expertise to your benefit, to meet the requirements of dealing with the release, and the DERR, but ultimately it is the responsibility of the owner/operator who had the release to get the release cleaned up. It is important to ask questions and stay informed about the work that is being done at your site, and how it will get you to the point when no further action is granted for the release.

## What's Wrong in this Picture?

By PST Staff



This is a picture of a spill bucket gauge that indicates there is liquid in the interstices. To correct this, it needs to be cleaned out and pass a tightness test. Either a hydrostatic or vacuum test.

## Important Dates to Remember

1. APSTs must 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 1<sup>st</sup>
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 15<sup>th</sup> of December
6. Throughput forms are mailed out around March 15<sup>th</sup>
7. Throughput forms are due by April 30<sup>th</sup>

# DERR Updates

## Position Changes

Mazie Cox, NPL and Federal Facilities Section, New Hire, October 2022  
Wes Sandlin, New NPL and Federal Facilities Section Manager, January 2023  
Peggy Duckworth, DERR Finance Section, New Hire from CERCLA, February 2023  
Seini Siala, PST Branch Secretary, New Hire, March 2023  
Edoardo Tagliaferri, CERCLA, New Hire, May 2023  
Nicole Chavez, Environmental Assurance Cleanup Section, New Hire, May 2023  
Phillip Lundell, Release Prevention and Compliance Section, New Hire, May 2023

## 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](mailto: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 June 22, 2023.

