

NH's Storage Tank Program



Green Slopes

July 23, 2009

Changes in the NH Tank Programs

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Oil Compliance Section Programs

- Underground Storage Tank (UST)
- Aboveground Storage Tank (AST)
- Vapor Recovery
- SAFETANK & On-Premise-Use Facility (OPUF)

Oil Compliance Section Rules

- Env-Wm 1401 UST Rules
 - Petroleum & Hazardous Substances
- Env-Wm 1402 AST Rules
 - Petroleum
- Env-Wm 1404 Vapor Recovery Rules
 - Gasoline

Other Tank Rules

- Env-Wq 401 Best Management Practices
 - DES Water Division
- Saf-C 6000 State Fire Code
 - Department of Safety
- 40 CFR Part 112 “SPCC Rules”
 - US EPA
- Industry Standards such as NFPA and API as incorporated into Rules

What do these Rules have in common?

Seek to minimize the contamination of the land and waters of the state and to reduce emissions of volatile organic compounds into the air.



What else do these Rules have in common?

A facility will not be eligible for petroleum reimbursement funds if it is not in compliance with applicable rules.



Petroleum Reimbursement Fund

- To reimburse eligible owners for costs incurred cleaning up spills
- Eligible if compliant or achieve compliance after initial release.
- Strike 2, you're out.

Tank Program Changes

- AST Rule Amendments of 2005 & 2009
- 40 CFR Part 112 Amendments
- Federal Energy Act of 2005
- OPUF Initiatives
- UST Secondary Containment by 2015

AST Rule Amendments of May 28, 2005

- Secondary Containment Upgrade Deadline
May 28, 2008: Tanks & Underground/Over
Water Piping
- OPUF Exemption Reduced from 10,000-
gallons to 1,320-gallons

Secondary Containment

- “One-Foot in 72-Hours”
- Spill will not infiltrate or escape to GW/SW before cleanup occurs
- Greater of 110% or 100% + 10-Year/24-Hour Storm
- Berms in accordance with NFPA 30
- Constructed and maintained for life



Containment Drain Left Open



Spills Happen



After Spill – Back in Business



Earthen Containment Facility



Spills Happen



Escape to GW Before Cleanup Occurs?



Escape to GW Before Cleanup Occurs?



After Spill ... Out of Business



OPUF Exemption Reduced

- Was 10,000-gallons until May 28, 2005
- Now 1,320-gallons
- Those exempt before 2005 had until May 28, 2008 to comply
- No residential exemption in AST Rules

AST Rule Amendments of January 21, 2009

- Annual testing requirements
 - Reporting requirements
 - New AST Site water supply setbacks
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- The background of the slide features a blue gradient with several faint, concentric circular ripples in the lower half, resembling water droplets on a surface.

New Site Setbacks

(no previously existing regulated tank)

- All Gasoline: 500-ft from public water system wells (PWS) and 250-ft from non-PWS
- Regulated OPUF & electrical generator tank: outside sanitary protective area (SPA) of PWS and 75-ft from non-PWS
- All other tanks: 400-ft from PWS and 75-ft from non-PWS
- All tanks except marinas, hydroelectric, and marine terminals: 75-ft from surface waters

40 CFR Part 112

August 16, 2002 Amendment

Implementation Deadline

- August 18, 2003
- February 18, 2005
- February 18, 2006
- August 18, 2006
- October 31, 2007
- July 1, 2009
- November 20, 2009
- January 14, 2010
- **November 10, 2010**

*But in NH,
1402.30 requires
that all facilities
have a current
SPCC Plan
certified by a NH
PE since 1997!*

Federal Energy Act of 2005

- UST Delivery Prohibition

http://www2.des.state.nh.us/UST_RED_TAG/Main.aspx

- UST Public Record Reporting

http://www2.des.state.nh.us/OneStop/ORCB_Web_Reports_Menu.aspx

- UST Operator Training, HB 443

UST Operator Training

Each Facility Must Have:

- Class A Operator – “Rules” Person
- Class B Operator – “Nuts & Bolts” Person
- Class C Operator – “First Responder”

UST Operator Training Program Options

- ICC Exam
- Approved 1st Party
- Approved 3rd Party
- State of NH
- Other State Reciprocity
- Trained no later than August 8, 2012

OPUF Initiatives

- OPUF BMPs

http://des.nh.gov/organization/commissioner/pip/publications/wmd/documents/bmp_opuh_oiltanks.pdf

- Filter Covers

- Oil Board July 1, 2010 Deadline





Snow & Ice and External Filters

Filter Cover



OPUF Deadline of July 1, 2010

- Odb 405.01(d) FOD Rules
<http://des.nh.gov/organization/commissioner/legal/rules/documents/odb100-600.pdf>
- State Fire Code / NFPA 31
- Proposed OPUF BMP compliance
- Proposed Deadline Extension

December 22, 2015

- “Don’t wait until 98”
 - Now the rest of the single wall UST tanks and piping must come out.
 - “Don’t go unseen before 2015”
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Importance of Compliance

- Fund Eligibility
- Integrity of Business
- Avoiding Enforcement

Enforcement

- Administrative Fines and Orders
- Civil Penalties
- Delivery Prohibition

LINKS

- **AST Program:**
<http://des.nh.gov/organization/divisions/waste/orcb/ocs/astp/index.htm>
- **UST Program:**
<http://des.nh.gov/organization/divisions/waste/orcb/ocs/ustp/index.htm>
- **OPUF BMPs:**
http://des.nh.gov/organization/commissioner/pip/publications/wmd/documents/bmp_opuh_oiltanks.pdf
- **Petroleum Reimbursement Fund Program:**
<http://des.nh.gov/organization/divisions/waste/orcb/fms/prfp/index.htm>

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