



State of Oregon
Department of
Environmental
Quality

EPA Approves Oregon UST Program

The U.S. Environmental Protection Agency officially approved Oregon's Underground Storage Tank Program on Sept. 16, 2011, as published in the *Federal Register*. The *Federal Register* notice can be reviewed at: www.gpo.gov/fdsys/pkg/FR-2011-09-16/pdf/2011-23816.pdf.

EPA approval of a state program means that requirements in the state's laws and regulations are in effect rather than the federal requirements. Requirements for approval of state UST programs include laws and regulations that are no less stringent than the federal requirements and adequate enforcement of compliance. Currently 37 states, the District of Columbia and Commonwealth of Puerto Rico have approved programs.

Oregon tank owners and permittees will benefit from state program approval by having a single set of requirements (Oregon's) enforced in the state, thus eliminating duplication and confusion that can result from having separate state and federal requirements. Oregon's UST Program now operates under an agreement with EPA that clearly delineates EPA's limited role and assures Oregon the lead role in administering and enforcing the program.

FINAL NOTICE:
*TANKLINE Bulletin and
Service Provider Bulletin
Going Exclusively Digital*

EPA Proposal Revises UST Regulations - 90-Day Public Comment Period Started Nov. 18, 2011

This is the first time EPA is proposing significant revisions to the federal UST regulations since they were put in place in 1988. Permittees, tank owners and the public have until Feb. 16, 2012 to comment on the proposed revisions. To find out how to comment or to view EPA publications detailing the rule revisions, go to: www.epa.gov/oust/fedlaws/proposedregs.html.

DEQ will have three years after EPA adopts final rules to modify state rules to conform to the federal changes. If DEQ fails to modify state rules to conform to the federal changes, it will lose state program approval (see state program approval article on this page). It is extremely important for permittees and tank owners to take this opportunity to comment on EPA's proposed changes because DEQ intends to maintain state program approval by amending its rules to conform to EPA's revised rules.

EPA is proposing revisions to strengthen the 1988 federal UST regulations by increasing emphasis on properly operating and maintaining underground storage tank equipment. These revisions will help improve prevention and detection of UST releases, which are one of the leading sources of groundwater contamination. The revisions will also help ensure all USTs in the United

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FINAL NOTICE:

Tankline Bulletin and Service Provider Bulletin Going Exclusively Digital

To receive future editions of TANKLINE and Service Provider Bulletins, you must go to DEQ's UST home page at www.deq.state.or.us/lq/tanks/ust/ and sign up for this free service. On the left feature bar of the UST home page click on the button that reads "Sign up for email updates on Underground Storage Tanks" (see adjacent picture of the UST Home page), then provide DEQ with your email address. If you change your email address, you will need to re-subscribe to this service. If you wish to unsubscribe from this email service, follow the instructions to unsubscribe that accompany each email message sent to you. Please note that if the service is unable to deliver to an email address, the email address is automatically removed from the list.



Please take a few minutes to log on to the UST home page and sign up for our digital service. **After Jan. 1, 2012, TANKLINE Bulletin and Service Provider Bulletin will only be delivered electronically to persons on the UST Program email list.** Note that copies of the *TANKLINE Bulletin* and *Service Provider Bulletin* will continue to be posted on the UST Program's publication web page at: www.deq.state.or.us/pubs/reports.htm#UST.



Compliance Tip

Leak Detection Monitoring of Pressurized Piping to Satellite Dispensers

UST leak detection rules, specified in Oregon Administrative Rule 340-150-0410 (2) (b) require three gallon-per-hour leak detection monitoring of pressurized piping. Typical UST system installations include an automatic line leak detector at the turbine pump that performs three gph leak detection for the entire run of piping from turbine to dispenser. Many truck fueling facilities, particularly cardlock fueling sites, use UST piping runs built with satellite dispensers that allow filling of fuel tanks on both sides of a vehicle at the same time. Flow of fuel from the primary dispenser to the satellite dispenser is often controlled with a solenoid valve. Improper placement of this solenoid valve can prevent the detector from performing its required leak detection on the section of piping from the primary dispenser to the satellite dispenser. Under these circumstances, a catastrophic leak of three gph or greater could go undetected, resulting in harmful environmental impacts and costly site investigation and cleanup. In addition, improper placement of solenoid valves may also interfere with annual line tightness testing of the piping leading to the satellite dispenser. UST service providers performing piping testing must document in their test result reports that the satellite piping sections were included in the annual tightness test.

If you have satellite dispensers, expect UST inspectors to pay special attention to this potential problem. If UST inspectors discover that satellite dispenser piping is not being monitored by the automatic line leak detector, they'll require permittees to consult a licensed UST service provider and correct the problem immediately.



Cleanup Update: Risk-based Concentration Tables Revised Nov. 16, 2011

DEQ updated both chemical-specific and total petroleum hydrocarbon risk-based concentrations that accompany the risk-based decision-making guidance on Nov. 16, 2011. Updated spreadsheets and all associated information can be found at: www.deq.state.or.us/lq/rbdm.htm.

Revised risk-based concentrations should be implemented according the following guidelines:

- For all newly initiated RBDM screening evaluations at a site, the recently revised RBCs and EPA regional screening values will be used from this point forward;
- For RBDM screening evaluations currently being performed, the revised RBCs and EPA regional screening values will be used on a case-by-case basis; and
- For completed RBDM screening evaluations submitted before November 2011, reassessments may be performed on a case-by-case basis when a new decision is required that needs to be supported by a screening evaluation or updated risk assessment. Until that time, the current completed and approved screening evaluation will continue to be considered valid based on guidance used when the assessment was completed.

Major Changes to TPH Tables

- Toxicity values which have been used since 2007 for total petroleum hydrocarbon have been withdrawn and are no longer available. Therefore, toxicity values for petroleum fractions were updated to be consistent with those provided in: *Provisional Peer-Reviewed Toxicity Values for TPH Mixtures and Xylenes, Attachment 1: PPRTVs for Complex Mixtures of Aliphatic and Aromatic Hydrocarbons (CASRN various), and Attachment*

2: PPRTVs for Xylenes (CASRN 1330-20-7), Nov. 10, 2009.

- Computational methodology for inhalation has changed to be consistent with EPA's *Risk Assessment Guidance for Superfund; Volume I: Human Health Evaluation Manual (Part F, Supplemental Guidance for Inhalation Risk Assessment) EPA 540-R-070-002, OSWER 9285.7-82, January 2009.*
- Soil vapor TPH risk-based concentrations are now available to assess the vapor intrusion pathway.

Major Changes to Chemical-Specific Tables:

- Updated toxicity values now correspond to EPA's currently accepted values as published in their regional screening tables (June 2011).
- In 2010, DEQ published updated human health risk assessment guidance. Appendix D of that guidance provides an updated approach for bioaccumulative contaminants that could affect infant health from a breastfeeding mother. The RBC tables are updated to account for this pathway for several relevant compounds (e.g., PCBs, DDT, DDD, DDE and dioxin). The new risk-based concentrations for PCBs based on non-cancer effects are slightly lower than the old RBCs based on cancer effects, so the impact on determining unacceptable risk at sites is relatively minor. However, hot spot concentrations for PCBs will now be an order of magnitude lower.
- The "volatile chemicals" definition has changed. A volatile chemical was previously defined as having a Henry's constant > 10⁻⁵ m³-atm/mol and a molecular

weight < 200 g/mol. EPA no longer uses the molecular weight criterion, only the Henry's constant. To be consistent with EPA, DEQ removed the molecular weight criterion in its current version of DEQ's risk-based concentrations spreadsheet. This results in calculated vapor transport RBCs for a number of heavier compounds with sufficiently high Henry's constants.

Notable Chemical-Specific Changes:

- Trichloroethylene is a significant change this year. DEQ had been using the same general approach to TCE since 2003. In September 2011, long-anticipated TCE toxicity values have become available on EPA's IRIS database. Accordingly, TCE risk-based concentrations are now higher than in previous years.
- Chromium VI, or hexavalent chromium, now has an oral cancer slope factor, and is considered to act by a mutagenic mode of action. These changes result in RBCs that are significantly lower than in the previous tables.

Correction

DEQ's March 2011 compliance tip about record keeping when using the automatic tank gauging method for monitoring pressurized piping inadvertently referred to an annual tank gauge method when it meant to refer to a monthly tank gauge method. The correct sentence should read "One of these methods is the 0.2 gallon-per-hour monthly tank gauge method described in OAR 340-150-0450."



UST Technical Assistance Inspection - Am I Eligible?

Over the past several years, the UST program is seeing a fairly steady 10 percent annual turnover in ownership and operation of UST facilities. Some of these changes involve people new to ownership and operation of underground storage tank systems. In order to foster a positive relationship with new permittees and to help them understand environmental rules that apply to their underground tank systems, DEQ is offering a one-time opportunity for a technical assistance inspection.

To be eligible for a UST technical assistance inspection:

1. Permittee and tank owner must be new to the underground storage tank business.
2. Permittee and tank owner must have complied with permit registration, annual tank fee and financial responsibility requirements.
3. Permittee and tank owner must have completed operator training, or be scheduled to complete operator training, before the inspection is held.
4. Permittee and tank owner must apply for a technical assistance inspection within 90 days of receiving an operating certificate for the UST facility.
5. Permittee and/or tank owner must be on-site and actively participate in the technical assistance inspection.
6. New permittees and tank owners are only eligible for one technical assistance inspection, even if they own or operate multiple facilities.
7. Any violations noted during the technical assistance inspection must be fixed according to a corrective action schedule established by DEQ. No enforcement action will be taken if violations are corrected according to the corrective action schedule.

For full details of the first-time UST technical assistance inspection program, including copies of inspection request forms, please visit DEQ's UST website at www.deq.state.or.us/lq/tanks/ust/tainspection.htm.

DEQ Revises Guidance for Release Reporting

DEQ is asking service providers and others who report tank releases to review the On-Line Petroleum Release Reporting Revised Guidance – October 2011 prior to reporting releases. The revised guidance is posted on the On-Line Petroleum Release Reporting login screen and on DEQ's website at: www.deq.state.or.us/lq/pubs/docs/tanks/GuidanceOnLinePetroleumReleaseReporting.pdf. In addition, both the UST and Heating Oil Tank Petroleum Release Reporting forms are updated. These revisions were necessary as EPA recently identified data quality issues with public record reporting of the sources and causes of UST releases. In response, EPA provided states with revised guidance for the reporting of sources and causes of UST releases.

Revised Guidance for Releases Discovered At Closure

Some releases are discovered when

an UST system is being closed. You should only report a known source and cause if you can determine the release came from that component. For example, if you remove a tank and find a large corrosion hole in the tank and regulated substance in the soil near the hole, you can assume the release came from the tank. However, if you remove a tank and find regulated substance in the backfill but don't see any obvious evidence of the source, the release source is unknown.

Revised Guidance for Unknown Sources

Please do not place sources that are not known in any of the known source categories when reporting releases. For example, do not place unknown sources in the "other" category. If the source of release is unknown, DEQ does not require the source to be reported at this time.

Revised Guidance for Identifying the Tank as a Source

Tank – This term means the tank that stores the product and is part of the underground storage tank system. Use this source if regulated substances were released directly from the tank. NOTE: If a spill or overfill occurred at the tank, report this as a "delivery problem," not as a tank spill or overfill.

Additional revised definitions of the source and cause fields are on page 2 of the guidance document. To view the guidance on the On-Line Petroleum Release Reporting data entry screen, go to www.deq.state.or.us/lust/olprrt/olprrlogin.asp. The interactive release reporting forms can be found at www.deq.state.or.us/pubs/forms.htm#Tanks. DEQ asks permittees, tank owners and service providers to review the revised guidance and assist us in improving the quality of future release reporting.



Recovery Act Funded Work Completed at Leaking Underground Storage Tank Sites

On July 28, 2009 EPA awarded DEQ \$2,694,000 to protect human health and the environment by cleaning up petroleum leaks. The funding was authorized by The American Recovery and Reinvestment Act of 2009 (Recovery Act). The goal of DEQ's LUST Recovery Act Corrective Action Project was to perform site assessments and cleanup work at high-priority leaking underground storage tank sites that were part of the historic backlog of contaminated sites. Site assessment and/or cleanup work took place at a total of 18 sites listed below.

Project Sites <i>Site Name, City</i>	
1. Cowboy Shell, Drain	10. Night Owl Truck Stop, Burns
2. Dora Store, Myrtle Point	11. Rainier Shell, Rainier
3. Fort Rock General Store, Fort Rock	12. Reedsport 5th St Sewer Line, Reedsport
4. Goodman Oil, Ontario	13. Senz Automotive, Yamhill
5. Keno Groundwater Areawide, Keno	14. Steve's Auto, Enterprise
6. Lone Elk Market, Spray	15. Strong's Market, Days Creek
7. Madariaga Chevron, Jordan Valley	16. Tri-City Rural Fire Protection District, Banks
8. Nehalem Hwy 101 ROW, Nehalem	17. Westside Mobil Service, Pendleton
9. New Beatty Store, Beatty	18. VP Valley, Nyssa

DEQ has prepared a final performance report explaining work performed at the 18 sites. The report is on DEQ's website at: www.deq.state.or.us/lq/pubs/docs/tanks/RecoveryActFinalPerformanceReport.pdf.

New EPA Publication

Underground Storage Tank Flood Guide (EPA-510-R-10-002), November 2010.

This 29-page guide provides simple guidelines and useful information for state, local and tribal authorities in the event of a threatened or actual flood. The guide provides information about preparing for a flood, important actions after the disaster strikes, and information on financial assistance. It consolidates information from various federal, state, nongovernmental and

UST industry resources. The guide will help prepare for, prevent or lessen catastrophic effects and environmental harm that could occur due to flooded UST systems, as well as help return these UST systems to service as soon as possible. A copy of the guide can be viewed and downloaded from EPA's website: www.epa.gov/oust/pubs/ustfloodguide.htm.

Quality Assurance Project Plan Update

EPA provides funding to states for both Underground Storage Tank compliance and Leaking Underground Storage Tank cleanup program activities. In order to use federal LUST Trust Funds for sampling and analysis activities, EPA requires states to have an approved Quality Assurance Project Plan. In addition to funding, approval of the QAPP was an essential component of DEQ's application for state program approval.

The QAPP defines duties and responsibilities of DEQ staff and establishes standard operating procedures for sample collection, preservation, handling, documentation and analysis for UST site investigations conducted by responsible parties and/or DEQ contractors. Service providers also need to have a quality assurance/quality control program in place and may either develop their own program or adopt quality assurance and quality control elements specified in the DEQ quality assurance project plan for the LUST Program. The objective is to ensure that all data obtained during UST site investigations represent actual site conditions. The data also must be of known quality and, where necessary, legally defensible. To view the QAPP on DEQ's website, go to www.deq.state.or.us/lq/pubs/docs/tanks/QualityAssuranceProjectPlanUST.pdf.



States, including those on tribal lands, meet the same minimum standards.

EPA's proposal revises UST technical regulations listed in the Code of Federal Regulations (40 CFR part 280) by:

- Adding secondary containment requirements for new and replaced tanks and piping.
- Adding operator training requirements for UST system owners and operators.
- Adding periodic operation and maintenance requirements for UST systems.
- Removing certain deferrals.
- Adding new release prevention and detection technologies.
- Updating codes of practice.
- Making editorial and technical corrections.

Although many of the proposed changes such as operator training

have already been implemented by DEQ, several of EPA's proposals will significantly affect current business practices of permittees and tank owners. After the EPA rules have been finalized, DEQ will start a rulemaking process to implement any needed changes. Some of the proposals that may directly impact permittees and tanks owners are listed below:

- Leak detection will be required on emergency generator tanks; previously, they were deferred.
- Monthly walkthrough inspections will be required.
- Spill prevention equipment must be tested annually for liquid tightness or a double-walled spill bucket with continuous monitoring may be used.
- Overfill prevention equipment must be tested every three years. This requirement has a three-year phase-in period depending on the tank age.
- Secondary containment areas must be tested every three years or specific continuous monitoring methods may be used. This requirement also has a three-year phase-in.

- Release detection equipment including line leak detectors must be tested annually.
- Vent line flow restrictors (ball float valves) are banned for new installations and replacements.
- Changes in ownership must be reported to DEQ within 30 days instead of the 60 days specified in DEQ's current rules.
- Compatibility must be demonstrated for UST systems holding greater than 10 percent ethanol or 20 percent biodiesel.

EPA has developed publications to help permittees, tank owners and the public review proposed revisions to the 1988 UST regulations:

- Comparison of 1988 UST regulations and proposed UST regulations.
- Red-line strikeout of 1988 UST regulations – A version of the 1988 UST regulations with deletions, additions and changes marked in red text.
- Regulatory Impact Analysis – assesses the potential costs, benefits and other impacts of the proposed revisions to the 1988 UST regulations.

CONTACTING DEQ REGIONAL TANK STAFF

Regions:

Eastern Region: (Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco and Wheeler Counties)

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