COMPLIANCE MANAGEMENT STRATEGIES

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Presented by: Megan Kazmierczak, ECS Eclipse

AST vs. UST Compliance requirements

□ Aboveground Storage Tanks (ASTs):

- ◻ Misconception that ASTs are "unregulated"
- ◻ Most are subject to federal requirements and some may also be subject to state or local requirements
- ◻ ASTs generally have fewer compliance items to track

□ Underground Storage Tanks (USTs):

- ◻ Subject to federal, state and sometimes local requirements
- ◻ In most cases, have more compliance requirements than ASTs

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AST Compliance Background

- No single federal regulatory program for ASTs
- Several federal and state regulations, laws, codes
- Examples of requirements that may apply to ASTs:
  - Spill Prevention Control and Countermeasure (SPCC) regulations
    - Federal EPA program
    - Developed under Clean Water Act, 40 CFR Part 112
    - Purpose is to protect from discharge into water
    - Applicability depends on material stored and quantity

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AST Compliance Background

□ Examples of requirements that may apply to ASTs:

◻ National pollutant discharge elimination system (NPDES) storm water permitting

- Also developed under Clean Water Act
- Developed to protect runoff to storm water from activities at industrial facilities
- Ohio EPA program: http://www.epa.ohio.gov/dsw/storm/index.aspx

◻ Flammable/Combustible Liquid Storage

- Regulated under Ohio Fire Code
- Local fire department may also have requirements

UST Compliance Background

- 1983 - CBS's 60 Minutes aired 'Check the Water' which brought national attention to the effects of leaking underground storage tanks (USTs)

  - At this time UST's were:

    - Steel tanks unprotected from corrosion

    - Had no spill or overfill prevention/protection

    - Were not being monitored for releases

- 1984 - Congress required EPA to develop regulatory Underground Storage Tank Program (required by Subtitle I of Resource Conservation and Recovery Act (RCRA))

  - The UST Program was developed in response to the problems created by more than <u>2 Million</u> USTs operating in 1984, many old and leaking, threatening groundwater.

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UST Compliance Background

- 1986 Congress amended Subtitle I of RCRA and created Leaking Underground Storage Tank (LUST) Trust Fund
  - To oversee cleanups
  - To pay for cleanups at sites where owner/operator cannot or does not pay
- 1988 – EPA issued the new UST regulations
  - 40 CFR Part 280, 40 CFR Part 281 and 40 CFR Parts 280.50 – 282.105
  - Allowed approved state UST programs to operate in place of federal program
    - In Ohio, regulated by State Fire Marshal, Bureau of Underground Storage Tanks (BUSTR)

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UST Compliance Background

- 1989 – New Requirements Started
  - Phase-In of Leak Detection began, including Tank/Line tightness testing
  - New tanks must have spill/overfill, corrosion protection
- 1998- Existing Tanks Upgrade Deadline
  - Spill, Overfill Prevention
  - Monthly Leak Detection
  - Corrosion Protection
  - Double Wall Tanks

"Don't wait until 1998"

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UST Compliance Background

- 2002 - EPA reported 26% of USTs still had significant problems
- March 2003 GAO Report Concluded 200,000 Tanks (30%) not operated and maintained properly (May 2001)
  - Tanks significantly still leaking into environment
  - Even tanks with new equipment still leaking
  - EPA and States Reported -DID NOT have sufficient manpower and funds to inspect all tanks
- 2005 Energy Policy Act amended Subtitle I of the Solid Waste Disposal Act

- Required all regulated USTs be inspected every 3 years
- Secondary containment for new installs
- Delivery prohibition (red tags)
- Operator training (8/8/2012 deadline)

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AST/UST Compliance Future

Where are we going?

- ■ New state and federal UST regulations
  - ▪ Mandatory removal requirements for single-wall systems
  - ▪ More stringent requirements for monitoring and testing of secondary containment
- ■ New regulations allowing decommissioning of Stage II vapor recovery
- ■ New regulations requiring periodic testing of Stage I vapor recovery

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Ohio Petroleum Underground Storage Tank 2012 Annual Report

- Statistics required by 2005 US Energy Policy Act
- 2012 Annual Report info posted April 2, 2013
  - Covers period October 1, 2011 through September 30, 2012
  - Total number of UST facilities at the end of the reporting period: **7,596**
  - Total number of underground storage tanks at the end of the reporting period: **22,144**
- Inspection info:
  - Number of facilities inspected: **2,877**
  - Percent of UST facilities inspected meeting release prevention (corrosion protection, spill and overfill) and release detection requirements: **89%**

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Ohio Petroleum Underground Storage Tank 2012 Annual Report

- Release info:
  - Covers release reporting period October 1, 2011 through September 30, 2012
  - Only UST releases that were identified to have taken place during the reporting period were been included in this report.
  - Total new UST releases that took place during the reporting period: ***72**
    - *There are 12 multiple sources identified for the reported 72 releases

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Ohio Petroleum Underground Storage Tank 2012 Annual Report

☐ Release info: Detail about source of releases

- ❑ Tanks: 9 releases (13% of 72 releases)
  - ■ Physical/Mechanical Damage: 1 (11% of 9 releases)
  - ■ Corrosion: 1 (11% of 9 releases)
  - ■ Unknown: 7 (78% of 9 releases)
- ❑ Piping: 18 releases (25% of 72 releases)
  - ■ Physical/Mechanical Damage: 8 (44% of 18 releases)
  - ■ Unknown: 10 (56% of 18 releases)

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Ohio Petroleum Underground Storage Tank 2012 Annual Report

- Release info: Detail about source of releases

  - Dispenser: 13 releases (18% of 72 releases)
    - Physical/Mechanical Damage: 7 (54% of 13 releases)
    - Other: 1 (8% of 13 releases)
    - Unknown: 5 (38% of 13 releases)

  - Submersible Turbine Pump (STP): 3 releases (4% of 72 releases)
    - Unknown: 3 (100% of 3 releases)

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Ohio Petroleum Underground Storage Tank 2012 Annual Report

- Release info: Detail about source of releases

  - Delivery problem: 3 releases (4% of 72 releases)
    - Spill: 1 (33% of 3 releases)
    - Overfill: 2 (67% of 3 releases)
  - Unknown: 25 releases (35% of 72 releases)
    - Unknown: 25 (100% of 25 releases)

- To view report, or for past reports: http://www.com.ohio.gov/fire/BUSTRAnnualReports.aspx

Why Maintain Compliance?

- Reduce environmental risks
  - Fumes from leaks can cause explosions or fire
  - Leaking USTs and ASTs contaminate groundwater, surface water and soils

- Be prepared for inspections
  - The number of compliance requirements is increasing
  - Inspections have increased. BUSTR inspects UST facilities every 3 years
  - Once issues found, may be subject to increased scrutiny

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Why Maintain Compliance?

- Avoid fines and penalties
  - Fines and penalties could be the result of not maintaining compliance
  - A reminder from the BUSTR Operational Compliance Guide: IF YOUR UST SYSTEM IS NOT EQUIPPED AND OPERATED IN COMPLIANCE WITH FEDERAL AND STATE REGULATIONS, THE FIRE MARSHAL HAS THE AUTHORITY TO FINE YOU UP TO $10,000 FOR EVERY DAY YOU REMAIN IN VIOLATION.
- Stop station disruption
  - Avoid "red tag" shutdowns
  - Also from the BUSTR Operational Compliance Guide: THE FIRE MARSHAL HAS THE AUTHORITY TO PLACE A RED TAG ON YOUR UST AND PROHIBIT DELIVERY OF FUEL TO YOUR UST.

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Why Maintain Compliance?

❑ Ensure cleanup fund eligibility

    ❑ Eliminate the possibility of rejection, due to noncompliance, by state cleanup fund

❑Improve facility performance

    ❑Improve facility recordkeeping and employee training

    ❑Identify maintenance or risk issues before they become a problem

How to Achieve Compliance?

- □ Understand what is required
  - ◘ Agencies
  - ◘ Regulations

- □ Establish a compliance program
  - ◘ Review options, determine best for you

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Important Aspects of Compliance

- ☐ Equipment inventory
  - ◻ Know what you have
- ☐ Permitting and fees
  - ◻ UST related: BUSTR registration,
  - ◻ fees, UST permits for work, out of service, etc.
  - ◻ State fund: PUSTRCB certificate, financial responsibility
  - ◻ Air quality: Ohio EPA Permits to install and operate (PTI and PTO) or Permit to install/operate (PTIO), Permit by rule (PBR, if applicable), emissions related filings and fees
  - ◻ Local (if applicable)
  - ◻ Federal (if applicable)

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Important Aspects of Compliance

- ☐ Testing and inspections
    - ◘ Determine requirements for periodic testing and inspections
    - ◘ Keep track of due dates
    - ◘ Make sure required testing and inspections are performed
- ☐ Maintenance and equipment info
    - ◘ Keep equipment in good working order
    - ◘ May be specific inspection forms / checklists
        - ▪ BUSTR Operational Compliance Form
        - ▪ Stage II equipment inspection and maintenance logs
        - ▪ Impressed current rectifier check logs

Important Aspects of Compliance

- ☐ Training
  - ◘ Class A, B and C UST operator training
  - ◘ Stage I/II vapor recovery training
- ☐ Release detection
  - ◘ Need passing result each month
  - ◘ ATG, interstitial monitoring or other approved method (Statistical Inventory Reconciliation (SIR))
  - ◘ Next steps for non-passing results
  - ◘ Alarm management (ATG)
  - ◘ Release reporting

Important Aspects of Compliance

- Recordkeeping
  - Maintain organized records related to all aspects of compliance management
- NOV resolution
- Regulatory changes
  - Follow and understand

Compliance Management Options

- How can owner/operator manage all compliance requirements?
  - Do it yourself

  - Some third-party assistance

  - Mostly third-party assistance

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Compliance Management Options

☐ Do it yourself

   ◘ How to do it:

      ■ Understand aspects of

      compliance management

      ■ Develop own program

   ◘ Pros:

      ■ Little cost (if compliance is maintained)

   ◘ Cons:

      ■ Requires time investment, discipline, organization, well-trained employees

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Compliance Management Options

□ Some third-party assistance

▢ How to do it:

- Different vendors for managing different aspects: testing contractor, maintenance contractor, release detection

▢ Pros:

- Can pick and choose which aspects need most assistance

▢ Cons:

- Multiple parties involved, possible communication issues, more costly than DIY

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Compliance Management Options

- Mostly third-party assistance
  - How to do it:
    - Use one vendor to assist with all aspects:
      - Maintain equipment inventory
      - Track, renew, maintain permits, pay required fees
      - Scope, dispatch, maintain required tests and inspections
      - Manage and/or perform release detection
      - Document storage (recordkeeping)
      - NOV resolution
      - Regulatory guidance
    - Owner still maintains responsibility

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Compliance Management Options

Mostly third-party assistance (continued)

- Pros:
  - Higher level of compliance, fewer parties involved, all info in one place, requires less involvement and time investment by owner/operator
- Cons:
  - More costly than DIY

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Consequences of Non-Compliance

- Threat to health and environment
- Fines and penalties
- Station disruption or shutdown
- Cost of cleanup if a release occurs

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Conclusion

- Determine best approach

- Understand what is required

- Achieve and maintain compliance

Thank You

- Contact info:
  - Eclipse, a Division of ECS, Inc.
  - Megan Kazmierczak, Manager of Compliance Services
  - 614-433-0170 or 888-302-4875
  - mkazmierczak@ecseclipse.com
  - www.ecseclipse.com

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