ENVIRONMENTAL CONSULTING GROUP

St.Germain • Collins



Regs, RAGs and Trucks -Changes in Environmental Rules

Patrick Coughlin MEMA 2010 Convention



Overview

- New SPCC Rules for Parked Trucks
- Status of New Cleanup Guidelines
- Groundwater Fund Status
- UST Training Regulations
- Review of AST/UST Siting Rules



Laws, like sausages, cease to inspire respect in proportion as we know how they are made.

- John Godfrey Saxe

As quoted in The Daily Cleveland Herald, Mar. 29, 1869

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Spill Prevention, Control and Countermeasure Plans



SPCC Plans

- The basics
 - Exceed 1,320 gallon capacity threshold
 - Requires written SPCC Plan
 - Sized secondary containment, from dikes to spill pallets



The NEW Basics

- Parked Trucks
 - Cargo tank vehicle containing product
 - In parking area (e.g. by office) not associated with a bulk plant
 - Reasonable expectation of a discharge into or upon navigable waters of the United States or adjoining shorelines (this includes most locations in Maine)

SPCC Plan now required

Secondary Containment

Parked Trucks

- Dependent on "most likely" release
- Drip pans and sorbents generally okay
- 01/14/2010 Sized containment is no longer required
- EPA Guidance coming soon

Other Containers

- ASTs (diesel, heating oil) at office
- 55 gal drums
- Also in SPCC Plan



Self-Certified SPCC Plans

- Tier II Facility: AST capacity ≤10,000 gal
- Tier I Facility
 - AST Capacity ≤10,000 gallons
 - No single container >5,000 gallons AND
 - No spill to nav. waters >1,000 gal
 - No 2 spills > 42 gal within 12 mo, 3 yrs prior
- Tier I SPCC Template on EPA website
- Left Brain Exercise
- Not sure? Hire a PE

EXPERIENCE YOU CAN RELY ON WHEN IT COUNTS

Status of New Clean-up Guidelines



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New Maine Remedial Guidelines

- Petroleum RGs: December 1, 2009
- Haz RAGs: January 13, 2010
- Related, based on same science
- No more Decision Tree (at least going forward)
- Guidelines, not rules



Basics

 New guidelines cover risk posed by direct exposure to contaminated soil



- Does not cover:
 - Indoor air contamination from soil vapors (DEP) has separate vapor intrusion guidelines)
 - Ground water (drinking water standards (MCLs) and guidelines (MEGs) already exist)
- Address only human health risks, not ecological impacts

EXPERIENCE YOU CAN RELY ON WHEN IT COUNTS

New Exposure Scenarios

- Clean up based on current and probable future use
 - Residential
 - Outdoor Commercial Worker
 - Construction/Excavation Worker
 - Recreational/Park User

Groundwater Leaching (if on or near aquifer or supply well)

ENCE YOU CAN RELY ON WHEN IT COUN

Petroleum Clean-up Guidelines

- Must still remove Free Product
- Soil exposure guidelines based on test methods newly adopted by DEP
 - Volatile Petroleum Hydrocarbons (VPH)
 - Extractable Petroleum Hydrocarbons (EPH)
 - Much better than DRO and GRO
 - Used in MA and NH



Sample ID: Depth: Date: PID Reading	TP-1 6-8' 3/15/10 1,217	TP-2 4-6' 3/15/10 3,111	Resident	Park User	Outdoor Commercial Worker	Construction Excavation Worker
Detected EPH (mg/kg)	- ,—	- ,			007	0 = >
Naphthalene		3.21	200	330	200	32
2-Methylnaphthalene		1.58	94	160	480	35
C9-C18 Aliphatic Hydrocarbons		74.8	2,600	4,400	10,000	7,300
C19-C36 Aliphatic Hydrocarbons			10,000	10,000	10,000	10,000
C11-C22 Aromatic Hydrocarbons			730	1,200	4,500	4,700
Detected VPH (mg/kg)						
Benzene			17	28	86	30
Ethylbenzene	0.372	45.3	130	210	420	2,700
MTBE			780	1,300	2,600	10,000
Naphthalene		18.5	200	330	200	32
Toluene			2,700	4,500	10,000	100,000
m-& p- Xylenes	0.551	181	6,600	10,000	10,000	7,000
o-Xylenes		61	6,600	10,000	10,000	7,000
C5-C8 Aliphatic Hydrocarbons	12	810	1,400	2,300	10,000	10,000
C9-C12 Aliphatic Hydrocarbons	6.49	564	2,600	4,400	10,000	9,800
C9-C10 Aromatic Hydrocarbons	5.49	858	740	1,200	5,100	5,500

EXPERIENCE YOU CAN RELY ON WHEN IT COUNTS

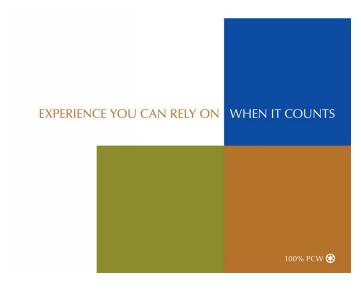
First 6 Months

- Varying levels of familiarity with new rules within DEP
 - Response Services vs Augusta
- Less decisions for Response Services?
- Less to clean up on older sites?
- Planning for UST assessments

EXPERIENCE YOU CAN RELY ON WHEN IT COUNTS

UST Assessments

- No more PID delineation in field, cannot "chase" contamination
- Best to separate assessment from site work
- Recommend pre-assessment



Pre-Assessment

- Geoprobe (or test pits), soil samples to lab
- If impacts, allows delineation and remediation planning before tank installer mobilizes
- Proactive
- Allows more predictable planning

EXPERIENCE YOU CAN RELY ON WHEN IT COUNTS

No Pre-Assessment

- Proceed as before with tank/line removal or replacement
- Inspect for evidence of release. If none, you're done.
- If impacts, either leave the excavation open (24 hr lab TAT possible), or
- Backfill and come back
- Gamble, less predictable

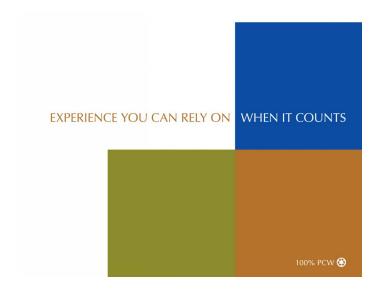


D-Tree vs. PRGs in Falmouth

- 2005 Phase II ESA shows Baseline-2 soil exceedances
 - Predicted soil removal = 1,300 tons
- 2010 Site Closure/VRAP test pits,
 EPH/VPH result in no PRG exceedances
 - Actual soil removed = 4.6 tons
- Do the math \$\$



Status of DEP Ground Water Oil Clean-up Fund

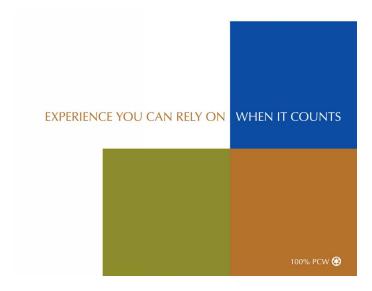


The Fund

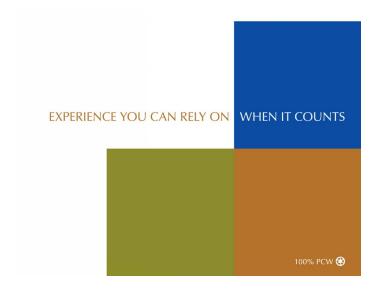
- DEP tighter controls
 - DEP cleanup guidelines revised, improve cleanup cost effectiveness
 - closer technical oversight of cleanup work, and
 - a revised budgeting system based on priorities
- Pre-approved work scope
- Current balance: \$7.4 M
- Reimbursements: No current delays for preapproved, eligible costs

George Seel, UST Program

- Site Assessment Field Method? Still working on it – Cherryfield project
- Ch. 691 Likely "tweak" next winter to adapt to new PRGs, possibly adapt site assessments
- WWPLD

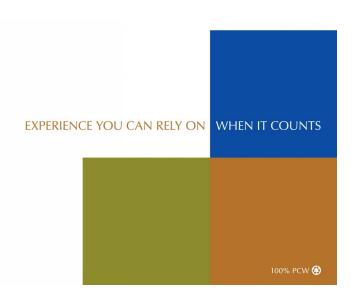


Chapter 693 UST Operator Training Regulations



UST Operator Training

- Federal Energy Policy Act of 2005 requires training
- Operator Classes A, B and C
 - A/B Training module and test online or written
 - C Training checklist
- Training by January 1, 2011
- Certificate good for 1 year



Chapter 693

- In hands of BEP
 - Public Hearing (October)
 - Written Comments (due 10 days after hearing)

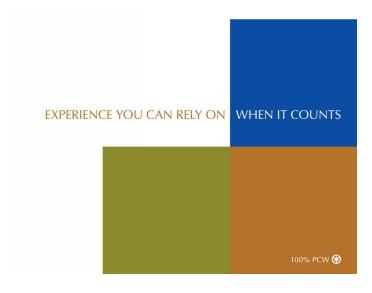


Yellow Pipe

- Streamlined assessment period ends July 1st
- DEP to Installers: Fail yellow pipe with EtOH blends after JULY 1st
- Will force replacements
- At least 2 failures



Review of UST/AST Siting Rules



AST/UST Siting Review

UST: Chapter 691, Section 3

• UST/AST: Title 38, Chap 13-D



Chapter 691

- No new USTs over Significant Sand & Gravel Aquifer
- UST Siting Exemptions:
 - New heating oil for onsite consumption
 - Replacement or expansion of existing
 - Conversion of a <u>permitted</u> AST to UST
 - Underground piping with an AST
 - Lose exemption if OOS≥12 mo

WHEN IT COUNT

Title 38

- Wellhead Protection Zone:
 - 300' Private well
 - 1,000' Public well, or the
 - Source water protection area (whichever is greater)



Prohibited as of 09/30/08

- AST Oil Storage Facility
- Auto graveyard/recycling
- Auto body shop, maintenance or repair
- Dry cleaner using PCE
- Metal plating/finishing
- Commercial haz waste facility

EXPERIENCE YOU CAN RELY ON WHEN IT COUNTS

100% PCW

Exceptions

- Existing facilities
- Replacement or expansion of existing UST (as of 09/30/01) on same property
- Conversion of AST to UST & vice versa
- Oil storage for onsite consumption
- On same property as well serving only users of that property

 EXPERIENCE YOU CAN RELY ON WHEN IT COUNTS

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Variances, Other

- Some wells: Demonstrate no hydrogeologic connection to well
- Limited wells: Engineering/monitoring measures
- Double-wall/secondary containment for AST heating oil tanks in Wellhead PZ
- No Fund eligibility if in violation

WHEN IT COUNTS

What's Coming?



Crystal Ball

- New Legislators
 - Perhaps Mike Estes!
- New Governor
- Same old Augusta
- New Legislation?
 - Get your ideas to Jamie & Ben

EXPERIENCE YOU CAN RELY ON WHEN IT COUNTS

100% PCW

Questions?

