

PST Rulemaking: Draft Rule Changes

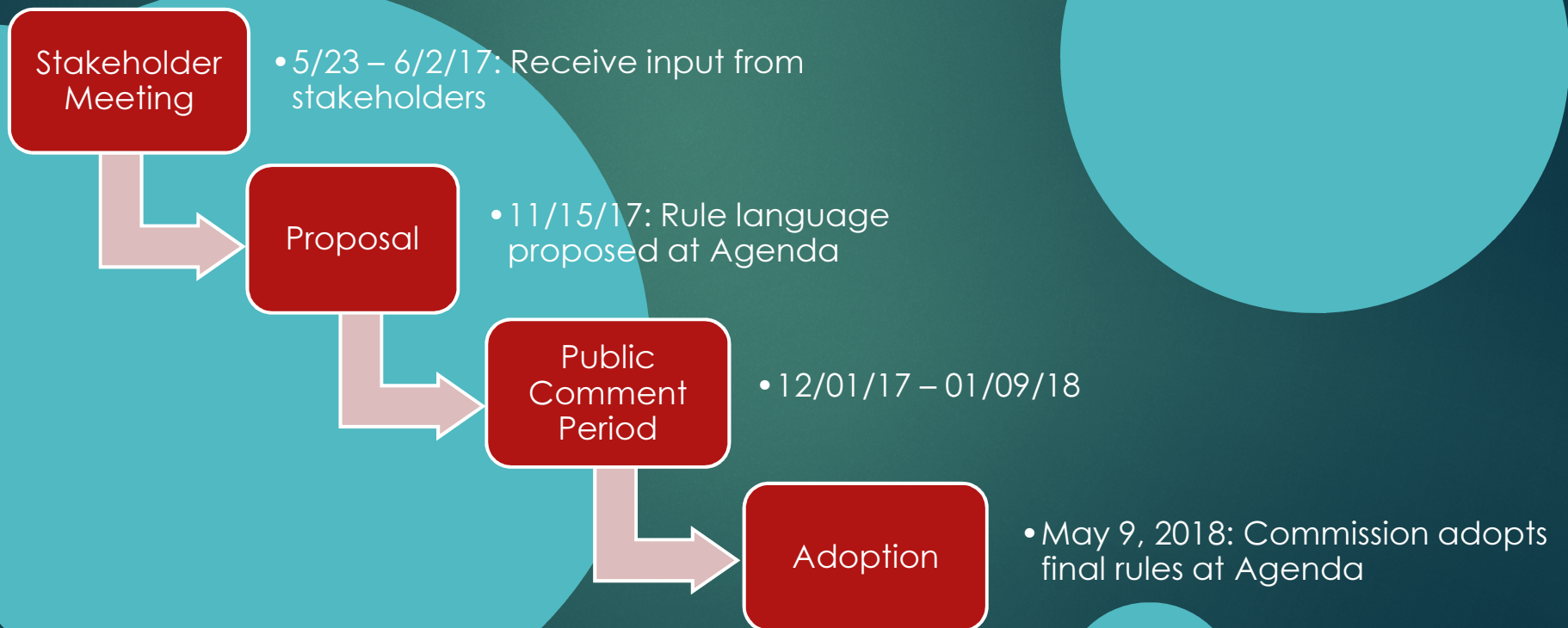
Lonnie Gilley

Technical Specialist/Environmental Investigator
TCEQ OCE, DFW Region Office

817-588-5841

lonnie.gilley@tceq.texas.gov

Texas UST Rulemaking Process



Rulemaking Timeline

► Overview & Tentative Timeline

- **5/23/17: TCEQ stakeholder meeting**
- **5/23/17 - 6/02/17: Stakeholder comment period**
- 11/15/17: Proposal to Commissioners
- 12/01/17: Proposed rules published in Texas Register
- 12/01/17 – 01/09/18: Public comment period
- 01/09/2018: TCEQ formal public hearing
- 05/09/2018: Adoption to Commissioners at Agenda
- 05/25/2018: Rules published in Texas Register
- 05/31/2018: Rulemaking Effective

2015 UST Regulation

- ▶ Updated the 1988 UST Regulation and incorporated key portions of the Energy Act of 2005
 - Altered 40 CFR part 280
- ▶ Published to Federal Register in July 2015
- ▶ Effective in 16 states without State Program Approval (SPA) and Indian country
- ▶ Texas will reapply for SPA by October 2018

Incorporating UST Regulations in Texas

- ▶ **Included many provisions and requirements that Texas already met or exceeded including:**
 - Operator training
 - Secondary containment for new UST systems
 - Removed deferrals for emergency power generators, Airport Hydrant Systems and Field Constructed Tanks

Effective Dates

- ▶ Most rule modifications become effective when the rules are published in Texas Register
- ▶ Proposing delayed effective date to January 1, 2021 in order to allow for implementation

Specific Areas for Input

- ▶ Delayed implementation of certain sections
- ▶ 3-year hydrostatic testing of sumps
 - Disposal options of test water
 - Reuse
 - Required liquid levels
- ▶ Revision of operator training courses
- ▶ Updated operator training deadlines

Texas Rule Changes



5/23/2017

Walkthrough Inspections

334.48(h)

Current	Draft Rules
<p>Old regulations in 334.42(i) were end-dated:</p> <ul style="list-style-type: none">• 60 day sump & spill bucket inspection	<p>Every 30 days :</p> <ul style="list-style-type: none">• Spill and overflow equipment• Release detection equipment <p>Annually:</p> <ul style="list-style-type: none">• Containment sumps after 2009 (all sumps used for interstitial monitoring)– liquid tight• Containment sumps before 2009 – not required to remove water• Sump Turbine Pumps (STP) and Under Dispenser Containment (UDC) not in sumps• Hand held release detection

Walkthrough Inspections

334.48(h)

Current	Draft Rules
<p>Removal and disposal of liquids/debris</p> <ul style="list-style-type: none">• Within 96 hours of alert or discovery	<ul style="list-style-type: none">• Liquids/debris must be removed within 96 hours• Waste must be properly disposed according to regulations

Periodic Testing: Spill Prevention Equipment 334.48(g)

- Applies to spill prevention equipment used for interstitial monitoring, including spill buckets or other containment devices, and containment sumps

Current	Draft Rules
Not required	Must meet one of the following: 1) Tightness testing... <ul style="list-style-type: none">• Every 3 years• Vacuum, pressure, or liquid testing 2) Double-walled equipment may opt to periodically monitor <ul style="list-style-type: none">• Every 30 days

Wastewater General Permits

- ▶ **Petroleum Contaminated Water General Permit (TXG830000)**
- ▶ Sump water that is contaminated with petroleum or petroleum products may be discharged into or adjacent to water in the state from the following sources:
 - groundwater pump tests,
 - groundwater, surface water, and soil remediation activities,
 - cleanup activities following spills that occur during transportation of petroleum, fuel or petroleum substances,
 - removal of water from underground storage tank systems previously containing petroleum fuel or petroleum substances,
 - removal of accumulated groundwater from excavation sites, or
 - removal of accumulated water from utility vaults.

Wastewater General Permits

Parameter	Daily Average Limitations	Daily Maximum Limitations
Total Petroleum Hydrocarbons	15 mg/L	15 mg/L
Total Lead	0.10 mg/L	0.10 mg/L
Total Lead	0.02 mg/L	0.02 mg/L
Benzene	0.005 mg/L	0.005 mg/L
Total BTEX	0.10 mg/L	0.10 mg/L
PAH	0.01 mg/L	0.01 mg/L
pH	6.0 - 9.0 Standard Units	
MTBE	0.15 mg/L	0.15 mg/L

Wastewater General Permits

- ▶ **Hydrostatic Test General Permit (TXG670000)**
- ▶ Water resulting from a hydrostatic test of a vessel may be discharged into or adjacent to water in the state from the following sources:
 - New vessels;
 - Existing vessels that contain or previously contained or transferred raw or potable water, where the water used for hydrostatic tests does not contain corrosion inhibitors, antifreeze compounds, biocides, or other chemical additives (except chlorine or tracer dyes);
 - Existing vessels that previously contained only elemental gases (hydrogen, oxygen, nitrogen, etc.); and
 - Existing vessels that previously contained petroleum product or waste related to petroleum products.

Wastewater General Permits

Parameter	Daily Maximum Limitations	Daily Average Limitations
Total Petroleum Hydrocarbons	15 mg/L	Report
Benzene	0.05 mg/L	Report
Total BTEX	0.50 mg/L	Report
Total Lead	0.10 mg/L ⁵	Report
Total Lead	0.02 mg/L ⁵	Report
pH	6.0 - 9.0 Standard Units	

Other Wastewater Disposal

- ▶ Recycling with no resulting discharge into or adjacent to water in the state;
- ▶ Pumping and hauling to an authorized disposal facility;
- ▶ Discharge to a Publicly Owned Treatment Works (POTW);
- ▶ Underground injection in accordance with 30 TAC Chapter 331 (relating to Underground Injection Control); or
- ▶ Discharge to above ground storage tanks with no resulting discharge into or adjacent to water in the state.

Discharge to POTW***

The following pollutants may not be introduced into a POTW:

- ▶ Pollutants which create a fire or explosion hazard;
- ▶ Any pollutant released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
- ▶ Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through

***With approval from the POTW

Periodic Testing: Overfill Prevention Equipment 334.48(g)

Current	Draft Rules
Not required	<ul style="list-style-type: none">• Inspect every 3 years to ensure:<ul style="list-style-type: none">○ Equipment is set to activate at the correct level○ Activation occurs

Release Detection Testing

334.48(e)

Current	Draft Rules
Not required	<ul style="list-style-type: none">• Test annually• Includes:<ul style="list-style-type: none">○ Automatic Tank Gauge○ Automatic Line/Leak Detector○ Probes & sensors○ Vacuum pumps & pressure gauges○ Hand-held electronic sampling equipment

Release Detection

334.50

Current	Draft Rules
Monitoring period for release detection: <ul style="list-style-type: none">• Monthly (not to exceed 35 days)	Monitoring period for release detection: <ul style="list-style-type: none">• 30 days

Revised language in 334.50 to better organize which rules applied to tanks/piping installed before/after Jan. 1, 2009

Release Detection

334.50(d)

Current	Draft Rules
<p>Emergency generator tanks may use Automatic Tank Gauge (ATG) as a sole method of release detection</p>	<p>Used oil tanks will have same exemption as emergency generator tanks</p> <ul style="list-style-type: none">• Automatic Tank Gauge (ATG) must be capable of conducting a 30-day water check

Release Reporting

334.72

Current	Draft Rules
Existing release reporting rules	Added release rules to include: <ul style="list-style-type: none">• secondary containment• Interstitial monitoring

Flow Restrictors

334.51 (b)

Current	Draft Rules
Flow restrictors (ball floats) are currently allowed	Flow restrictors (ball floats) may no longer be installed on new or replacement systems

Repairs 334.52(d)

Current	Draft Rules
Not required	Test within 30 days of repairs to: <ul style="list-style-type: none">• spill and overflow• secondary containment

Fee on Delivery

334.19(a)

House Bill (HB) 7 bill in the 84th Legislature amended the Texas Water Code 26.3574(b-1)

The bill requires the TCEQ to adjust the petroleum product delivery fee rates (results in 37% reduction in fees)

Current	Draft Rules
Previous fee schedule	<ul style="list-style-type: none">• New fee schedule (results in lower fees)

Operator Training

334.601 (b)

Current	Draft Rules
TCEQ already has operator training requirements similar to EPA's new rules	Considering exempting facilities that are Temporarily Out of Service (TOOS) as long as tanks remain empty

Operator Training Course Approval 334.603(a)(1)

Current	Draft Rules
TCEQ must approve operator training courses	Establish a procedure for approval of UST operator training courses after rule changes are made

Operator Training Documentation

334.606

Current	Draft Rules
Owners/operators submit operator training documentation to investigators when requested	Owners/operators must submit operator training documentation to the agency when requested

Oil Water Separators

334.4

Current	Draft Rules
Owners/operators of oil water separators must complete operator training course and use a registered UST contractor and licensed on-site supervisor for installation and permanent removal	Remove requirements for operator training and the use of registered/licensed personnel to install and permanently remove oil water separators

E10+ and B20+ 334.6(b)(1)(A)(ix)

Current	Draft Rules
No current requirement to notify agency of switching to E10+ and B20+	Requires 30 day notification to agency prior to switching to E10+ and B20+

E10+ and B20+ 334.7(d)(1)(C)

Current	Draft Rules
No current requirement to notify agency of switching to E10+ and B20+	Submit a registration form to agency within 30 days of switching to E10+ and B20+

Other Considered Change

- ▶ Inventory Control requirement for retail facilities may be exempted if the UST system meets the January 1, 2009 requirements

Texas UST Rulemaking Process

- ▶ TCEQ encourages participation in the rulemaking process
- ▶ Comments accepted by mail, fax, or website
 - <http://www1.tceq.texas.gov/rules/ecomments>
 - **Reference Rule Project Number 2016-019-334-CE.**

Key Contacts for Rule Changes:

Kristi Mills-Jurach, P.E.

(512) 239-1261

kristi.mills-jurach@tceq.texas.gov

Laurie Fleet

(512) 5445

laurie.fleet@tceq.texas.gov

Casey Grunnet

(512) 239 – 7025

casey.grunnet@tceq.texas.gov

Nathan Weiss

(512) 239 – 6801

nathan.weiss@tceq.texas.gov

