



Maryland Department of the Environment

Land Issues Impacting Utilities in Maryland

MD-DC Utilities Association

2013 Environmental Conference

October 2, 2013



Outline

- Oil Control Program
 - Significant Changes, Current and Upcoming: Drafting AST Regulations; New Federal UST Regulations
 - Enforcement Activities to be Aware Of
 - Other MDE Issues Impacting Public Utilities
- Land Restoration Program
 - CHS Notification Regulations
 - Arsenic bioavailability
 - Brownfield Master Inventory

Draft AST Regulations

- AST regulations related to petroleum storage have been discussed several times in the past
- MDE is currently drafting AST regulations to directly incorporate many industry standards from API, NFPA, and STI
- Draft regulations will be shared with stake holders through the Maryland Ad Hoc Committee on Oil prior to proposal to the Maryland Register
- Expected date for proposing to the Maryland Register is Spring of 2014

Federal UST Regulations

- EPA proposed revised Federal UST regulations in November 2011 (40 CFR 280 / 281)
- Existing Federal regulations are over 20 years old
- Incorporate Energy Policy Act requirements
- Remove deferrals
- Generally, bring Federal regulations up to current industry practice and standards

What is The Process?

- Comment period closed April 16, 2012
- EPA is reviewing comments and expects to have a final rule Spring 2014
- As proposed, MDE will have 3 years after the final rule to achieve State Program Approval (SPA) (2017)



What is The Process?

- MDE will work with EPA to determine where our regulations are not as stringent as the final Federal regulations
- MDE will internally develop proposed regulations to close the gaps
- MDE will work with stakeholders in MD to discuss and develop the proposed regulations and schedules for implementation
- The proposed regulations will go through the normal State legislative process
- MDE will then work with EPA to achieve SPA for the new regulations

What Happens Now?

- MDE currently has SPA from EPA
- Why does that matter?
 - The regulated community in MD will continue to follow the current **State regulations** after EPA finalizes the Federal regulations
 - Once the new **State regulations** are passed, then the regulated community in MD will follow them
 - Basically, UST Owners/Operators in MD will always follow the **State regulations** regardless of differences with Federal UST regulations

What is On the Table?



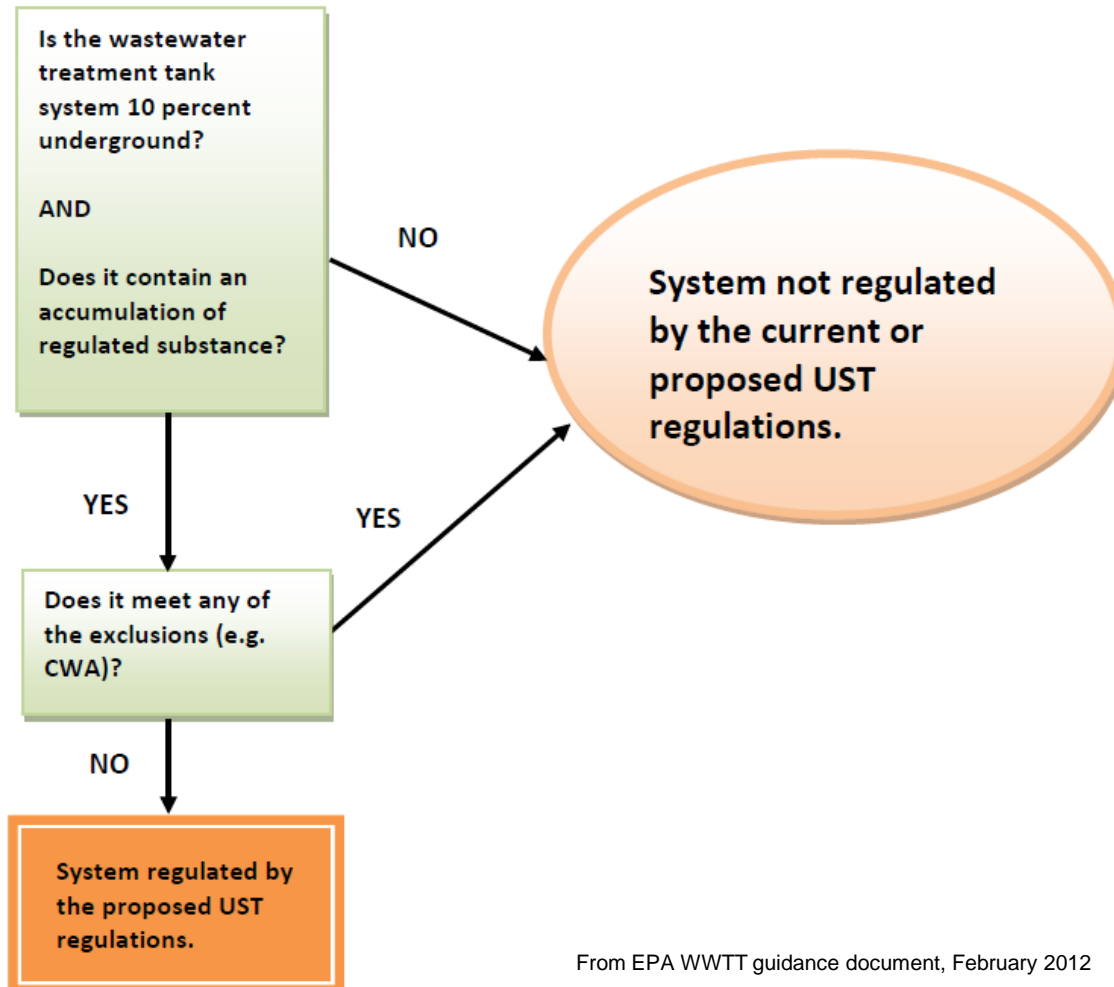
<u>Operator Training</u>	<u>Secondary Containment</u>	Walk Through Inspections
<u>Spill Prevention Equipment Tests</u>	Overfill Prevention Equipment Tests	<u>Secondary Containment Tests</u>
<u>O&M for Release Detection</u>	<u>RD for Emergency Generator Tanks</u>	<u>Airport Hydrant Fuel Distribution</u>
Field Constructed USTs	<u>Wastewater Treatment Tanks</u>	Overfill Prevention (Vent Restrictors)
<u>Failing Internally Lined Tanks</u>	<u>Alternative Fuels and Compatibility</u>	<u>Removal of GW and Vapor Monitoring for RD</u>

** Underlined = Partially Implemented **

Wastewater Treatment Tanks

- A lot of discussion on how much of an impact there will be on wastewater treatment tanks (WWTTs)
- EPA position is that majority are already covered by the Clean Water Act (sections 402 & 307(b)) (i.e. NPDES and pretreatment standards)
- Link to EPA guidance document on the effects of the proposed rule:
 - http://www.epa.gov/oust/fedlaws/wwtts_2-29-12_final.pdf

Will My WWTT be Affected?



Potential Regulation Changes

- Walk Through Inspections – Once Every 30 Days
 - Health and safety concerns (inspectors, customers)
 - Frequency?
 - What about systems with complete secondary containment systems?
 - Follow PEI RP 500 and 900
- Overfill Prevention Equipment Tests – Every 3 years
 - Who is allowed to perform the work? Certified UST technicians, certified TPIs, tank testers?
- Secondary Containment Tests – Every 3 years
 - MD is currently every 5 years for UST systems installed after 1/12/09

Potential Regulation Changes

- RD on Previously Deferred Emergency Generator USTs
 - MDE-OCP currently requires RD on emergency generator tanks installed after 3/1/08
 - This would include **all** emergency generator tanks
 - 629 currently exist \ 600 prior to 3/1/08 \ 300 – 400 will apply
- Removal of Vent Restrictors as Overfill Prevention (Ball Floats)
 - New and replaced UST systems
- Product Compatibility Requirements
 - Greater than 10% Ethanol and 20% Biodiesel
 - MD already requires compatibility, but this would be more specific

Potential Regulation Changes

- Removal of USTs that Fail an Internal Lining Inspection
 - No repair allowed, must close the tank
- Removal of Groundwater and Vapor Monitoring as Form of RD
 - Already do not allow vapor monitoring after 4/1/09
 - If it is detected outside the tank, you have already failed to prevent the release
 - About 20 facilities in MD



Oil Control Program Overview

- **Permits** – ASTs, Terminals, Transportation
- **Remediation** – Cleanup after release
- **Compliance** – Preventative

OCP Updates – Stats

- 8,270 federally regulated USTs at 3,049 facilities, and 3,107 state regulated USTs (11,377 total USTs)
- Continue to average approx. 650 UST removals per year since 2006
- 168 temporarily out of service tanks
- 89 certified Third Party Inspectors and 332 certified UST Removers and Technicians

OCP Updates – Stats (cont.)

- Remediation Division has approx. 750 active cases that are both Federal and State regulated.
 - Approximately 37% of open cases are 10 years old or older.
 - Approximately 20% of open cases are 20 years old or older.
- Continue to get hits of MTBE that require a 0.5 mile notification by MD law.
 - 3 notifications within the last year

Maryland's Rankings – MY13

- Cleanup Backlog – 2.91%
 - 1st in Region 3 (R3 is 1st in the nation)
 - 2nd in the nation
- Combined SOC Compliance Rate – 70%
 - 4th in Region 3 (R3 is 3rd in the nation)
 - 32nd in the nation (moved up 6 spots since Oct.)

OCP Website Resources

- Fact sheets on compliance topics
- Information relating to remediation cases
- Permit requirements and applications
- Registered UST facility summary searches

Facility Summary

- Available for UST facilities registered with the Department
- Online search tool:

<http://mes-mde.mde.state.md.us/FacilitySummary/default.aspx>

- Ability to view, save, and print summaries of UST facilities
- Provides information such as owner name, facility ID number, location, tank status, install date, piping and tank material of construction, information, release detection method



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Land

Underground Storage Tanks
Aboveground Storage Tanks
Oil Transportation
Fact Sheets Publications
Permit Licenses
Remediation Sites
Used Oil Program
UST Certification Programs
Oil Control Program

Oil Control Program - Underground Storage Tank Facility Summary

Enter your search values in one or more of the text boxes below.

Please Note: Wild card characters are not supported in your search values but partial values are. (*Excluding Facility ID)

Facility ID*: Address: County:
Location Name: power City: Zip Code:

Show Facilities with Delivery Ban only: ☐

Search

Click the [View Report](#) link in the first column to view a Facility Summary report.

19 facilities found

	Facility ID	Location	Address	City	Zip Code
View Report	7900	American Mart/Power Fuel	1601 Eastern Blvd.	Baltimore	21221
View Report	11647	Bechtel Power Corp.	15740 Shady Grove Road	Gaithersburg	20877
View Report	2137	Brandon Shores Power Plan	1000 Brandon Shores Road	Baltimore	21226
View Report	2119	C.P. Crane Power Generati	1001 Carroll Island Road	Chase	21220
View Report	1023	Calvert Cliffs Nuclear Po	1650 Calvert Cliffs Parkway (Routes 2 & 4)	Lusby	20657
View Report	12694	Central Power Plant	701 N. Durham Street	Baltimore	21287
View Report	14171	Dees Fluid Power/CMD BGD	8860 Kelso Drive	Baltimore	21221
View Report	1292	Gould Street Power Plant	2105 Gould Street	Baltimore	21230
View Report	18011	Heat & Power Corporation	501 West West Street	Baltimore	21230
View Report	14268	Monongahela Power Co. Rad	Eagle Rock Rd.	Deer Park	21550
View Report	16477	Power and Combustion, Inc	7909 Philadelphia Road	Baltimore	21237
View Report	10819	Power Plant (Formerly Nor	3400 N. Charles St.	Baltimore	21218
View Report	16411	Power Plant - W. Preston	300 W. Preston St.	Baltimore	21201
View Report	6839	R. Paul Smith Power Stati	Lockwood Road	Williamsport	21795
View Report	15821	Schatz's Power Equipment,	7611 Main Street	Sykesville	21784
View Report	4757	Shady Grove Adventist Hos	14900 Broschart Road	Rockville	20850
View Report	6286	Taylor's Outdoor Power Equ	1300 Washington Rd.	Westminster	21157
View Report	15931	The South Power Plant	1702 East Fayette Street	Baltimore	21231
View Report	7040	Town of Berlin - Electric	319 William Street	Berlin	21811



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1800 Washington Boulevard, Baltimore, MD 21230 | (410) 537-3000

FacilitySummary_2119.pdf - Adobe Reader

File Edit View Window Help

EP

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91.5%

Tools

Sign

Comment

Facility Summary for Facility ID #2119

Owner Name and Address:

Raven Power Holdings LLC
1005 Brandon Shores Rd. Baltimore, MD 21226
Thomas Weissinger (410) 787-5532

Owner Type: Commercial

Facility ID	County	Location Name	Location Street Address	Location City	Zip
2119	Baltimore	C.P. Crane Power Generating Station	1001 Carroll Island Road	Chase	21220

Tank ID	Date Installed	Product	Tank Mat'l of Construction	Piping Material	Primary - Tank Release Detection	CP	RD	FR
Status	Age (yr)	Total Capacity	Secondary Option	Secondary Option	Primary - Piping Release Detection	Over	Spill	
Closure Status	Closure Date	Compartment		Piping Type	Sec - Interstitial Monitoring Tank/Piping	Mnfd	EG	B/HO
6	4/1/2009	Used Oil	Composite (Steel w/ FRP)	Above Ground Piping	N	Yes	Yes	Yes
Currently In Use		500	Double-Walled	None	G	Yes	Yes	
				Gravity Feed	No/No	No	No	No
1	1/1/1970	Used Oil	Not Listed	Not Listed	R	No	No	Yes
Permanently Out Of Use		250	None	None	R	No	No	
Tank removed from ground	1/1/1986			Not Listed	No/No	No	No	No
2	1/1/1985	Gasoline	Fiberglass Reinforced Plastic	Not Listed	R	No	No	Yes
Permanently Out Of Use		10,000	None	None	R	No	No	
Tank removed from ground	1/1/1988			Not Listed	No/No	No	No	No
3	1/1/1970	Gasoline	Not Listed	Not Listed	R	No	No	Yes
Permanently Out Of Use		250	None	None	R	No	No	
Tank removed from ground	1/1/1986			Not Listed	No/No	No	No	No
4	1/1/1967	Used Oil	Asphalt Coated or Bare Steel	Fiberglass Reinforced Plastic	R	No	No	Yes
Permanently Out Of Use		550	None	None	R	No	No	
Tank removed from ground	1/1/1990			Not Listed	No/No	No	No	No

Tank/Piping Release Detection Codes

A	Manual Tank Gauging	B	Tank Tightness Testing	C	Inventory Control	D	ATG/Auto Line LD	E	ATG 0.2 GPH Test	F	Safe Suction
G	Gravity Feed	H	Elect ALLD Testing 0.2 GPH	I	Line Tightness Annual	J	Line Tightness Every 2 Yrs.	K	Vapor monitoring	L	Groundwater monitoring
M	Inventory SIR	N	Interstit. Dbl-wall Monitor	O	Interstit. Sec. Con. Monitor	P	Other method	Q	Deferred	R	Not listed
N/A	Heating Oil/Emergency Generator										

Tank/Piping Codes

CP	Corrosion Protection Met	Over	Overfill Protected	Mnfd	Manifold	FR	Financial Responsibility Met
RD	Release Detection Met	Spill	Spill Protected	EG	Emergency Power Generation	B/HO	Bulk Heating Oil

Report Generation Date: 9/13/2013

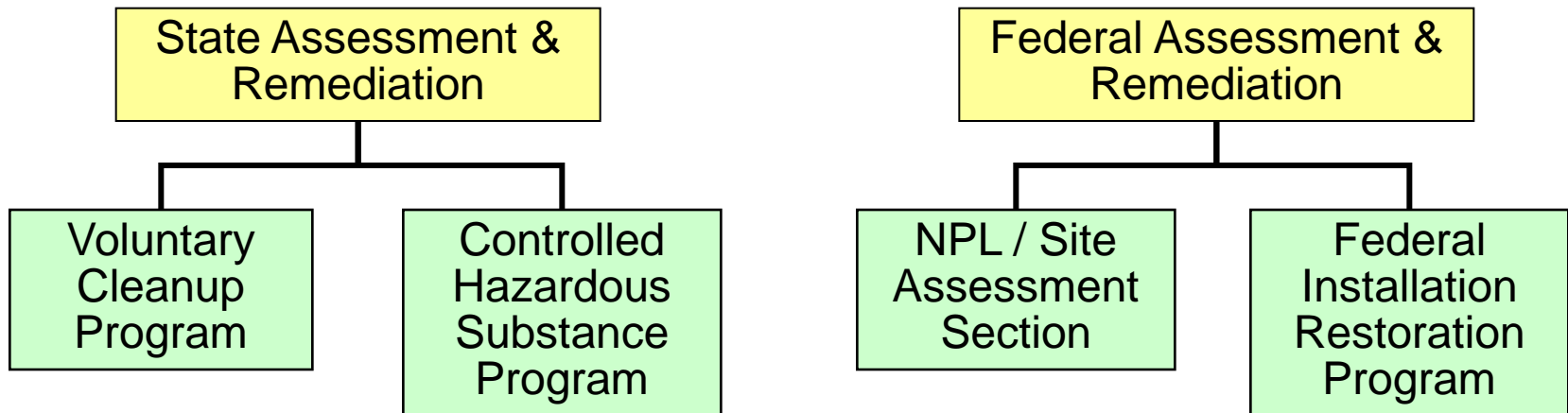
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Report All Oil Spills

- Required by Law and Regulation
- Report immediately or within 2 hours of discovery
- **1-866-633-4686**
- Exceptions are listed in Oil Operations Permits or other express agreements with the MDE

Land Restoration Program

- Responsible for Assessment & Remediation of Hazardous Substance Sites



LRP Issues of Interest

- Hazardous Substance Notification Regulations
- Change in Arsenic Bioavailability
- Brownfield Master Inventory

Hazardous Substance Notification Regulations

- Preparing Re-Proposed Regulations for COMAR 26.14.02
- Requires Responsible Persons to Notify MDE of Releases in Excess of Notification Standards
- Stakeholder Session Planned for Late October or Early November

Change in Arsenic Bioavailability

- LRP Adopting USEPA Default Value for Relative Bioavailability of Arsenic in Soil
 - Relative bioavailability (RBA) of arsenic in soils expected to be less than 100 percent;
 - Upper percentile of the data sets of arsenic RBAs in US result in default RBA value of 60 percent; and
 - Default RBA for arsenic in soils should only be used if site-specific assessments for arsenic RBA are not feasible.
- LRP to Apply Bioavailability Factor In Considering Whether Action is Required

Brownfield Master Inventory

- §7-223 of the Environment Article Requires MDE to List Hazardous Waste Sites
- MDE Creating Brownfield Master Inventory (BMI) to Replace State Master List and Non-Master List.

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Brownfield Master Inventory (BMI)

The Maryland Department of the Environment is required by §7-223(1) of the Environment Article to create a master list of sites where there is reason to believe or has been notified that controlled hazardous substances may be present. In the past, the State Master List and Non-Master List have served this purpose. For the past year, LRP has worked to develop an approach that combines sites from these lists into a single, comprehensive list called the "Brownfield Master Inventory". The Department believes this approach is consistent with State and federal law. For example, CERCLA § 101(39)(A) defines a brownfield site as "real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant." This definition is very broad and covers many different types of properties.

To simplify access to information about the sites on the BMI, LRP has created individual county reports of active and archived (or closed) sites. These reports will be updated quarterly and are listed below.

Active BMI Sites, By County

Allegany	Anne Arundel	Baltimore
Baltimore City	Calvert	Caroline
Carroll	Cecil	Charles
Dorchester	Frederick	Garrett
Harford	Howard	Kent
Montgomery	Prince George's	Queen Anne's
Saint Mary's	Somerset	Talbot
Washington	Wicomico	Worcester

Archived (or Closed) BMI Sites, By County

Allegany	Anne Arundel	Baltimore
Baltimore City	Calvert	Caroline
Carroll	Cecil	Charles
Dorchester	Frederick	Garrett
Harford	Howard	Kent
Montgomery	Prince George's	Queen Anne's
Saint Mary's	Somerset	Talbot
Washington	Wicomico	Worcester

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Land Management Administration

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