



DIVISION OF UNDERGROUND STORAGE TANKS

PROJECT UPDATES

Mark Braswell
Deputy Director of Field Office Operations

2/3/2021

Three Division Projects/Initiatives

- Operational Compliance Inspection Consistency
- Standardized Inspection Manual Revisions
- Outreach and Education



Jeff Phillips

Memphis EFO Manager



1961 - 2020



Operational Compliance Inspection Consistency

- **COVID-19**
- **Quality Assurance**
- **Quality Control**



Operational Compliance Inspection Consistency (cont'd)

TRAINING

- EPA Certified Inspectors, Supervisors & Managers
- Standardized Inspection Manual & New Rules Proficiency Series
- Third-Party Webinars
- Individual Development
- Statewide Staff Meeting 1 Hour at a Time

The Current Rulemaking Process

1. When the Division identifies the need for a new rule or amendments to existing rules, the Division should contact the Rulemaking Coordinator to discuss the proposed change. Important questions are:
 - (a) Is there a rulemaking further along the process that the new rulemaking may impact in an unintended way?
 - (b) What is the potential stakeholder interest in the rulemaking to determine how broadly to draft amendments?
 - (c) Will the rulemaking impact any existing cross references?
2. The Division should obtain a Word version of the currently effective rule from the Rulemaking Coordinator and indicate the desired amendments or additions using the Track Changes function. Then, the Division can send the marked-up copy to the Rulemaking Coordinator for the development of a draft redline version of the rulemaking.
3. The Rulemaking Coordinator will work with the OGC Point of Contact and the Division to finalize the new rule or amendment language. Once the Division and OGC approve the rule language, the next step is to develop the Governor's Office's Prospective Rulemaking Review Responses. This is one of the steps that has recently been expanded. There are now 24 questions that are required to be answered as part of this step, as opposed to six questions under the previous justification.
4. The draft rulemaking and the Prospective Rulemaking Review Responses must then be reviewed and approved by the Commissioner and appropriate Executive Leadership Team member. OGC will schedule a meeting to review the documents with the Commissioner, who must determine that the rules are in the best interest of the state. This formal approval process is another change in the rulemaking process. Once approved by the Commissioner, the rulemaking documents are forwarded to the Governor's Office for review. OGC and the Division will together resolve any follow up questions the Governor's Office requires.
5. Once approved by the Governor's Office to file a rulemaking hearing notice, the Rulemaking Coordinator and the Division will complete Form SS-7037 as required by the Secretary of State and the Governor's Office. During the pandemic, the Governor's Office has instructed that rulemakings be preferably held in-person if it is considered safe with Webex as an alternative method. The rulemaking hearing will be by both methods simultaneously. If the Division is unable to have an in-person hearing, then the rulemaking hearing may continue to be held by Webex only.
6. The rulemaking hearing notice must be filed with the Secretary of State at least 52 days prior to the scheduled hearing date.
7. After the rulemaking hearing has been completed and the comment period closed, the Division will receive Form SS-7039 from the Rulemaking Coordinator for completion. In addition, the Division must provide the answers to nine questions in the information submitted to the Government Operations Committees ("Committees") at the request of the Chair of the House Government Operations Committee.
8. When Form SS-7039 has been completed and returned to the Rulemaking Coordinator, the Division's OGC Point of Contact will conduct a legal review of the rulemaking, followed by review by the Deputy General Counsel or a designated OGC Team Leader.

Operational Compliance Inspection Consistency (cont'd)

JOB PLANS

- Staff
- Managers
- Senior Management



Outreach & Education

- State Infrastructure Projects
- New Rules Pamphlet
- Inspections
- Tennessee Tank Talk
- Tank School
- Toolbox
- Webinars
 - Contracts / Vendors
 - Owners / Operators
- By Request
- Open House

The screenshot displays the Tennessee Department of Environment and Conservation (TDEC) website. At the top, there is a navigation menu with the TN logo and links for Program Areas, Permitting, Public Participation, About, Contact, Calendar of Events, and COVID-19. Below the menu, a text block provides contact information: "needs, outreach functions, and general guidance. If you are unsure of which EFO to contact, you can send your question to Ask.TDEC@tn.gov." and "Toll Free Number: 1-888-891-TDEC (8332)". The main content area features a grid of eight images representing field offices: Chattanooga, Columbia, Cookeville, Jackson, Johnson City, Knoxville, Memphis, and Nashville. A map titled "Field Office Map" is also included, showing the locations of Nashville, Cookeville, Columbia, and Chattanooga with star markers.

Standardized Inspection Manual (SIM) Revisions

- 2015 SIM 1st Edition
- Purpose
- Audience
- Team
- Values
- Process

Standardized Inspection Manual Revision Team	
Operational Compliance Committee	Mark Braswell, Don Taylor, Ben Rowsey, Bruce Rohrbaugh, Rhonda Key, Ronda Johnson, David Stone
Chapter Subject	Team Members
ATG	Don Taylor, Mac Pointer, Kevin Bruce, Ben Rowsey, Nigel Luther
Atypical Systems	David Stone, Ben Rowsey, Mac Pointer, Mark Mashburn, Kate Harper
Cathodic Protection	John Wright, Bruce Rohrbaugh, David Groce
Compliance Toolbox	Carl Carlson, Mark Braswell, Don Taylor
Formatting / Fillable Forms	Mark Braswell, Jo McCrary
Manual Tank Gauging	Bruce Rohrbaugh, Ben Rowsey, Mark Braswell
Pressurized Piping	Don Taylor, Dustin Turner, Mark Brinton, Todd Bixler, Paige Ottenfeld
Secondary Containment/Interstitial Monitoring	Don Taylor, Ronda Johnson, Steve McMahan, Holly Marlowe, Nigel Luther
SIR	David Stone, David Groce, Mitzie Berry, Casey Norris, Rob Wilson
Spill/Overfill	Ronda Johnson, Dustin Turner, Donene Beckett, Mitzie Berry
Suction Piping	Ronda Johnson, Mark Mashburn, Kyle Beverly
Tank Tightness Testing	Ben Rowsey, Mark Braswell, Mark Mashburn, Rick Huchison, Ethan Ralph
UST Reference Guide and Owners Checklist	Mark Braswell, Rhonda Key

Standardized Inspection Manual (SIM) Revisions (cont'd)

[Compare Report] Standardized Inspection Process draft rev 2 20210115_i_noblueine.pdf - Adobe Acrobat Pro DC

File Edit View Sign Window Help

Home Tools [Compare Report] S... x

10 (11 of 24) 96.6%

Compare Files Side-by-Side Old File New File Previous Change Next Change Filter Show Close

iii. Continuous In-Tank Leak Detection System (CITLDS) - Do records provide the following information:

- All tests pass
- Alarm histories are not required to be submitted but if the O/O provides the information voluntarily and an alarm is indicated, evaluate the reason for alarm to determine if additional review is needed (i.e. probe out)
- Test meets third party certification requirements

iv. Interstitial Monitoring - (tanks and piping are listed separately in order to address situations in which interstitial monitoring (IM) is used on only tanks or only piping. See Technical Chapter 3.4). Ensure records provide the following information and are submitted on the standardized forms (unless an alternative form that contains the same information as recorded on the standardized form and is approved by the Division prior to use):

All tanks and pressurized piping installed or replaced after 7/24/07 shall be secondarily contained with IM, however IM may be used for older tanks:

- Monitoring of interstitial space –electronic only (manual or visual monitoring is no longer allowed if IM is the RD method selected for systems installed prior to 7/24/07)
- Type of monitoring device (liquid, pressure, discriminating)
- Monitoring device is certified by third party (on NWGLDE list)

3. Continuous In-Tank Leak Detection System (CITLDS)

Do records provide the following information?

- Summary page with monthly results including facility information
- CITLDS Vendor
- CITLDS Method
- Summary of monthly product throughput to ensure method is in accordance with the NWGLDE listing
- Tank capacity limitations
- Last twelve months of records available
- Manufacturer name and model # of ATG
- Test measures to at least 0.2 gph monthly
- Record test results in GasLog MIA

4. Interstitial Monitoring

(Tanks and piping are listed separately in Technical Chapter 3.4 in order to address situations in which interstitial monitoring (IM) is used on only tanks or only piping. Ensure records provide the following information and are submitted on the standardized forms (unless an alternative form that contains the same information as recorded on the standardized form is pre-approved by the Division).

All tanks and pressurized piping installed or replaced after 7/24/07 shall be secondarily contained with IM, however IM may be used for older tanks and piping as follows:

- Monitoring of interstitial space –electronic only (manual or visual monitoring is no longer allowed if IM is the RD method selected for systems installed prior to 7/24/07)
- Type of monitoring device (liquid, pressure, discriminating)
- Monitoring device is certified by third-party (on NWGLDE list)
- Last twelve months of sensor status reports available
- Last twelve months of alarm history reports available
- Record test results in GasLog MIA

[Old File] ust_si-process_standardized-inspection-process.pdf

[New File] Standardized Inspection Process draft rev 2 20210115_i_noblueine.pdf

Testing Form Draft conjunction with Technical Chapter 4.1

Standardized Inspection Manual (SIM) Revisions (cont'd)

- Encourage & Invite Public Participation Open to April 9, 2020
 - Board
 - Staff
 - UST Stakeholders
- Respond to Comments
- Finalize Summer 2021
- Final Board Approval

Submit Written Comments to:

Tanks.UST@tn.gov





QUESTIONS?

Mark Braswell
Deputy Director of Field Office Operations
Mark.Braswell@tn.gov | 423-621-0062 cell