

New FAQs (to combine with December 20 document)

EFFECTIVE DATES

Question: If I temporarily closed a tank before the effective date of the rules, is the tank subject to the requirement to permanently close after one year? When does the one year timeline start?

Answer: Yes, all temporarily closed tanks will be subject to the new requirement to permanently close after one year. The one year will begin on the effective date of the new rule, so a tank that was temporarily closed before the effective date will still have one year from the effective date to be re-opened or permanently closed.

OVERFILL PREVENTION

Inspections

Question: Are tank owners required to pull the automatic shut off device out of the tank during the annual overfill prevention equipment inspection? (This question and answer replace ones from the December 20 document to improve clarity.)

Answer: The regulations do not necessarily require that the automatic shutoff device (ASD) be removed during the inspection; whether or not the device must be removed depends on whether it can be inspected without removal. The inspection criteria in §35(a)(3) allow inspection according to requirements developed by the manufacturer or a code of practice developed by a nationally recognized association or independent testing laboratory. It may be possible to appropriately inspect certain new ASDs for operability according to manufacturer requirements and without removing them from the tank.

OPERATOR TRAINING

Training program requirements

Question: When and how does an operator training program need to submit its curriculum to DOH to get re-certified by the effective date of the new rules? Can the information be submitted over e-mail?

Answer: Training program information can be submitted via e-mail. The department will need two months before the new rules become effective to review and approve training programs. At this time we estimate that the deadline for training programs to submit curricula will be August 1. To join the e-mail list to receive an update when the department determines the actual deadline, please e-mail thu.perry@doh.hawaii.gov.

SUMP TIGHTNESS TESTING

Under-dispenser containment testing

Question: Are my under-dispenser containment sumps subject to the new requirement for tightness testing every three years?

A: If the under-dispenser containment sumps are part of the interstitial monitoring system for piping that uses interstitial monitoring to meet the release detection requirements (including all piping installed on or after August 9, 2013), then the UDC sump is subject to the new requirement at §35(a)(2). The sump must be tightness tested every three years OR be double walled with the integrity of both walls monitored every thirty days.

Containment sumps used for interstitial monitoring of piping must prevent releases to the environment by meeting one of the following:

- (A) The equipment is double walled and the integrity of both walls is periodically monitored at a frequency not less than the frequency of the walkthrough inspections described in section 11-280.1-36. Owners and operators must begin meeting the requirements of subparagraph (B) and conduct a test within thirty days of discontinuing periodic monitoring of this equipment; OR
- (B) The containment sumps used for interstitial monitoring of piping are tested at least once every three years to ensure the equipment is liquid tight by using vacuum, pressure, or liquid testing in accordance with one of the criteria in paragraph (1)(B)(i) to (iii).
 - [(i) Requirements developed by the manufacturer. (Note: Owners and operators may use this option only if the manufacturer has developed requirements.);
 - (ii) Code of practice developed by a nationally recognized association or independent testing laboratory; or
 - (iii) Requirements determined by the department to be no less protective of human health and the environment than the requirements listed in clauses (i) and (ii).]

TEMPORARY AND PERMANENT CLOSURE

Question: When is a tank temporarily closed?

Answer: The department is adding a new definition to clarify that a tank is temporarily closed if it does not receive or dispense product for fifteen days or longer.

Question: What is the deadline to notify if I temporarily close my tank?

Answer: The notification must be submitted within thirty days of the initiation of the temporary closure. Therefore, if you are uncertain whether your closure will last fifteen days or longer, when tank closure reaches fifteen days and is considered a temporary closure of which the department must be notified, you have an additional fifteen days during which to submit the notification. If you intend to close the tank for fifteen days or longer, you can notify before fifteen days have elapsed.

Question: If I temporarily closed a tank before the effective date of the rules, is the tank subject to the requirement to permanently close after one year? When does the one year timeline start?

Answer: Yes, all temporarily closed tanks will be subject to the new requirement to permanently close after one year. The one year will begin on the effective date of the new rule, so a tank that was temporarily closed before the effective date will still have one year from the effective date to be re-opened or permanently closed.