

UST PART I VIOLATIONS & PENALTIES

Part 1 violations associated with underground storage tank (UST) systems have been found most often to be associated with a significant or potential release of petroleum to the environment. Currently, 16 violations are identified as Part I. For example, some of the violations include or are comprised of the following:

- **Failure to use adequate overfill prevention equipment** (e.g., primarily due to disabling of the overfill prevention device such as drop tube shut off with a stick or other device);
- **Failure to use adequate spill prevention equipment;**
- **Failure to protect a UST system from corrosion;**
- **Accepting deliveries while under delivery prohibition;** and
- **Introduction of petroleum into a UST that is not properly registered.**

The penalty amounts were modified for an increase to all Part I violations since December 2021. These Part 1 violations typically are cited during an annual UST facility inspection. These inspections are scheduled 7-10 days in advance, during which a UST facility owner/operator agrees to be present.



Triannual testing is around the corner.

On May 26, 2017, DHEC amended the S.C. Underground Storage Tank UST Control Regulation R.61-92, Part 280.

Beginning May 26, 2020, South Carolina UST owners were required to complete triennial tests of spill prevention equipment, containment sumps if used with interstitial monitoring and overfill prevention equipment. Test dates are collected at annual compliance inspections or when passing results are submitted to the central office. As a reminder, the same series of triennial tests are nearing their anniversary and must be completed before May 26, 2023.

Contractors are reporting heavier than usual volumes of business, so DHEC recommends contacting your contractors early. If you are unsure what the three-year date is for your facility, you can always refer to the last page of your most recent compliance inspection report for the date.

As part of DHEC's customer service product, the UST Management Division can provide those deadline dates directly to you if you are unable to locate.

If you have any questions, please contact Courtney Evans at **(803) 898-0602** or evansch@dhec.sc.gov or call the main line at **(803) 898-0589**.

Visit the UST Website at scdhec.gov/environment/land-management/underground-storage-tanks/ust-regulation for information regarding what is required as part of the triennial tests.

Don't leave us hanging!

Onsite field observations are used by DHEC's UST Management Division in several ways. Primarily, they allow staff to ensure all site rehabilitation activities are conducted in a manner that reflects the consultant's approved work plan and standard operating procedures. They also provide the opportunity for our staff to learn and understand certain site rehabilitation activities that are applicable to petroleum release assessment and clean-up of those projects. Lastly, they give us the chance to meet our stakeholders and collaborate on the project.

Per the UST Quality Assurance Program Plan (QAPP), a four-day advanced notice/schedule is required for all scopes of fieldwork activities. This includes contractors conducting work under approved Annual Contractor Quality Assurance Plans (ACQAPs). The UST Section understands there are numerous factors that may influence weekly schedules. Therefore, should there be a change to the original schedule, the UST Project Manager(s) must be notified within 24 hours prior to the work being conducted.

Please copy vincenmm@dhec.sc.gov on all email notifications sent to the UST Project Managers for scheduled site rehabilitation activities.

Transfer of Ownership

As of May 26, 2017, any person who assumes ownership of a regulated underground storage tank system must submit a notice of the ownership change within 30 days of acquisition to DHEC on a Transfer of Ownership form (D-3871) or a form approved by DHEC.

All supporting documents (e.g., Bill of Sale, Deed, Title to Real Estate) should be included along with the Transfer of Ownership form. This form should not be submitted when leasing the facility.

Below are some important tips to remember when completing the form.

- **Names on the form must match the supporting documents you choose to provide.**
- **Ensure that the name of the owner or operator submitting financial responsibility matches the owner or operator name on the transfer of ownership form** unless a Guarantee is used.
- **The date of UST Transfer of Ownership** (on the bottom of the form) **should match the date on the supporting documents you choose to provide** and not the date the form was completed, unless completed on the same day.
- **Please ensure the submitted form is notarized.**

Visit scdhec.gov/transfer-ownership for information on Transfer of Ownership. Please contact Taylor Massey at (803) 898-0614 or masseytm@dhec.sc.gov for any other transfer of ownership questions.

Check in before you spend!

One of the most important fund management tools used by the Division is pre-approval of expenditures from the State Underground Petroleum Environmental Response Bank (SUPERB) Account.

Section 44-2-110 of the SUPERB Act states "After September 30, 1994, no costs will be allowed unless prior approval is obtained from the department." This means that for all site rehabilitation activities (e.g., assessment, sampling, free product recovery) funded by the SUPERB Account, a cost proposal must be submitted along with the work plan and must be approved by the UST Project Manager before that work begins.

The approved costs are detailed in a cost agreement that is provided to the tank owner and their contractor with a notice to proceed. If conditions encountered on site require a change to the scope of work that will result in a higher cost than what was provided in the cost agreement or a new line item is needed that was not part of the original cost proposal, an addendum to the approved cost agreement must be submitted and approved as soon as possible after the field work is completed.

The Site Project Manager or their manager within the UST Management Division should be notified periodically about all the changes to the field activities that are occurring while the work is ongoing.

Any costs that are invoiced without pre-approval above the approved amount in the cost agreement will be denied.

Both the cost agreement form, and the cost addendum form are on the DHEC Website at scdhec.gov/permits-regulations/forms-applications-registration-reporting-etc#UST.

Contact Information

DHEC's UST Management Division is always ready to provide customer service to our stakeholders. There are several points of contact that can assist you with any questions or needs.

Technical Assistance.....Bridgette Hackler, (803) 898-2544

Regulatory & Compliance AssistancePeggy Boyd, (803) 898-0589

General Assistance.....Ryan Ariail, (803) 898-9418 or ariailrd@dhec.sc.gov

Websitescdhec.gov/ust

