



Maryland
Department of
the Environment

FACTS ABOUT: UNDERGROUND STORAGE TANK SYSTEM PRODUCT DELIVERY BANS

In accordance with Code of Maryland Regulation (COMAR) 26.10.02.01D, the Maryland Department of the Environment (the Department) may prohibit the delivery of product to one or more underground storage tank (UST) systems at a facility when it has determined that a UST system is in significant violation of one or more of the following requirements of COMAR 26.10.02 through 26.10.11, Oil Pollution and Tank Management:

- Registration,
- Spill prevention,
- Overfill protection,
- Release detection,
- Corrosion protection, or
- Financial responsibility.

These requirements are considered to be significant operational compliance (SOC) categories by the U.S. Environmental Protection Agency. Significant non-compliance with these categories greatly increase the likelihood that a UST system will have a release to the environment, not be able to timely detect a release, or diminish the owner's ability to respond to a release of product to the environment.

The Department will always prohibit deliveries for violations where required equipment is not installed unless it is not in the public's best interest (e.g. emergency generator for a hospital). The Department may also issue a Delivery Ban for failure to have a UST System Compliance Inspection (i.e. third party inspection) completed.

DECISION PROCESS

Upon the finding of non-compliance that may warrant a Delivery Ban, the Department's Oil Control Program (OCP) staff member making the discovery will inform the Regional Section Head and the Compliance Division Chief. The Division Chief will review the case and make a determination if a Delivery Ban is warranted or if another enforcement mechanism would gain compliance. If the Division Chief determines that a Delivery Ban will be issued, a facility inspection will be immediately scheduled to verify the non-compliance is continuing and to issue a notice of pending Delivery Ban. The Program Manager is also informed.



NOTIFICATION

Once the decision to issue a Delivery Ban has been made, the Department will conduct a site inspection to verify the compliance status and to notify the UST owner/operator (O/O) in writing of the pending Delivery Ban. The written notice will state the violations and actions that must be taken to achieve compliance and to prevent the Delivery Ban from being issued. The notice will inform the O/O that the Department will return in four days to inspect the facility for compliance.

Upon the fourth day, the Department will return to the facility to inspect whether the necessary corrective actions have been completed. If the corrective actions have not been completed, the Department will issue the Delivery Ban. Again, the notice will state the violations and actions that must be taken to achieve compliance to lift the Delivery Ban. The notice will state how the O/O can inform the Department of achieving compliance. The notice will also explain certain hearing rights that are available to the O/O through the Office of Administrative Hearings.

In emergency situations or threat to human health or the environment the Department may issue a Delivery Ban and provide immediate notice to the O/O.

The Department will attempt to determine the delivery company and notify them of the Delivery Ban and affected USTs at the facility. The Department will also identify the affected tanks in its database, which can be accessed through the Department's website: <http://mes-mde.mde.state.md.us/FacilitySummary/default.aspx>.

PHYSICAL BAN

The Department implements the Delivery Ban by attaching a tag and locking clip to the fill port of the noncompliant UST system. The tag is marked "Do Not Fill" and has the Department's contact information on it (see below).



Example of Delivery Ban and Red Tag

If the fill port is in a condition where attaching the tag is not feasible, the Department may plug and label the fill in such a manner that alerts a delivery company but does not damage the fill port. Additional stickers or labels may be affixed to locations at the facility where deemed necessary to alert a delivery company of the Delivery Ban.

Unless, the Department determines that there is an immediate threat to public health and safety the remaining product within the UST may be dispensed until the UST system is empty.

COMPLIANCE

When an O/O achieves compliance and properly notifies the Department, the OCP will review the compliance data and/or visit the site to confirm compliance. Removal of the tags may be performed by an OCP representative or approved by the OCP. Temporary removal of tags may be performed to conduct repairs, upgrades, testing, or to remove product by a Maryland certified UST System Technician, testing company, or owner after receiving written approval from the OCP. The Department will provide a written notice of compliance to the O/O. The Department will remove the facility name from the Department website.

CONTACTS

For further information on requirements for UST systems, please contact the Oil Control Program at (410) 537-3442 or (800) 633-6101 x3442. To report oil spills call 1-866-633-4686. Available 24 hours a day.