

Slide	Question	
2	According to 10.2.i, the secondary containment areas include dikes, curbing or paving. However, in calculating the containment volume, can trench and sump volumes be included?	
2,3,4	Many facilities in the chemical industry utilize the process trench system and wastewater treatment systems as part of their secondary system. We are interested in the interpretation of the calculation of the event that leads us to the 72 hour hold time. Is it the reasonable worst case scenario, or is it the complete instantaneous emptying of a tank. Using a 300,000-gallon tank as an example. The most reasonable worst-case scenario is a failed weld with a release of 10 gpm. Our trench system can very easily handle this flow. The worst case scenario that our inspectors has stated must be used in releasing the entire contents of the tank in 10 minutes. This results in a flow of 30,000 gpm. Most trench systems cannot handle this volume in a short time period.	
5	Is there any engineering documentation required to show the “less than 72 hour” sufficiently impervious to prevent discharge to lands or water?	
7	Do concrete pads of a secondary containment structure meet the definition of a ‘release prevention barrier’ in 10.3.c.2 and that are used to ensure that the area beneath the tank bottom is monitored for leakage by visual methods according to 10.3.b?	
7	Does WVDEP consider a concrete pad “impermeable or impervious” as per the definition in Section 2.27?	
7	Section 10.3.c.2 “A release prevention barrier is an acceptable form of visual testing”. Per 2.54 a concrete pad is a release prevention barrier. Therefore, for tanks on concrete pads, visual observation is an acceptable form of leak detection. Please confirm.	
8	According to 10.2.i.5, drains on secondary containment systems shall be kept in good operation condition, CLOSED , and secured. Also, 10.2.k states that if drain valves are used, they should be secured in the closed position at all times except during controlled drainage events and accumulation stormwater must be inspected prior to discharge to ensure no substance other than stormwater is present. However, due to plant processes, drains must remain in the open position as flow of water through these areas to process sewers is continual (especially during certain times of the year). The process sewers drain to an on-site wastewater treatment system prior to discharge to an NPDES Outfall. In this case, would the dike drains still be required to remain closed?	
9, 10	Are the visual inspections of the secondary containment to be performed every 14 days for Level 1 ASTs to be documented and kept for 12 months? Are electronic recordings okay for documentation if they are required for the 14 day inspections? Are the 14 day inspections just a quick check to make sure there are no releases or water accumulation in the containment area with just a (yes/no) documentation. If it is more, what inspection tasks should be completed?	

9	Variations in general and specifically for inspections (tanks and dikes) requiring confined space entries inside deep dikes (only considered safe to enter when the tank is de-inventoried). Is a variance obtainable? Is an external review of the dike sufficient?
11	5.1.b Monthly AST Visual Inspection - 5.1.b.4 Check of overfill prevention equipment - I would like the WVDEP to clarify what a “check” would entail.
11	Section 5.1.b.4 of the Monthly AST Visual Inspection section requires a “check of overfill prevention equipment”. What does that mean in the context of instrumentation like high level alarms and interlocks?
12, 13	Does the PE have to visit the site for the AST and secondary containment certification, or can the PE’s agent perform the site review?
12, 13	According to Section 47-63-5.2.c.1, the annual inspection requires that the certifying person ensure the AST meets the design standards. If the tank was installed prior to this rule, we are not aware are any design standards that must be met.
13	Section 5.2.a requires certification statements within 180 days of effective date of the Rule. Will DEP provide a form for this certification?
14	What is the mechanism for submittal and approval of “site specific plans” as per Section 4.2? Can a Groundwater Protection Plan be submitted for approval independent of an NPDES permit renewal?
15	If a facility needs more time to comply with corrosion protection or leak detection provisions, is it reasonable to assume that a voluntary Consent Order can be entered into to extend the timing of June 2017 stated in Section 9.2? For example, is it reasonable to request a delay for installing corrosion protection until the next internal inspection since a lot of the cost associated with the project is emptying and cleaning the tank.
16	According to Section 12 of the AST rule, we must demonstrate and keep record thereof of financial responsibility for taking corrective action caused by accidental releases arising from the operation of aboveground storage tank systems. We can demonstrate financial responsibility in an amount calculated as follows: for Level 1 ASTs, an amount equal to twenty cents per gallon of the aggregate storage capacity for the tank or tank facility, at a minimum of five thousand dollars (\$5,000). Does this mean we must show financial responsibility for the event that all tanks at the facility fail (at \$5,000 each), if the worst case scenario is one tank failing (at a minimum of \$5,000), or if the sum of all level 1 tanks assurance equal to \$5,000?

17	<p>According to 5.3.a, formal internal inspections of regulated ASTs installed prior to June 12, 2015 shall be performed in general accordance with requirements of STI SP001 or API 653, as applicable to the AST being inspected. However, API has no inspection requirement or frequency for fiberglass tanks. And yet, 5.3.f states that if an existing regulated AST has not had an internal inspection, an internal inspection must be performed according to the time intervals specified in paragraph 5.3.b.1 for tanks that are less than 30 years old. 5.3.b.1 states that ASTs of 30,000 gallons or less capacity are not required to have an internal inspection, provided that the AST remains compliant with subsections 10.1 (Spill and Overfill Protection) and 10.3 (Leak Detection). Therefore, if a fiberglass tank is <30,000 gallons and <30 years old and that are compliant with sections 10.1 and 10.3, the tank does not require an internal inspection for the lifetime of the tank?</p>	
17	<p>If a Risk Based Inspection (RBI) determines an internal inspection is not needed beyond 20 years, can the internal inspection be performed beyond 20 years?</p>	
18	<p>According to 9.1.b, acceptable corrosion and deterioration protection methods may include any one or a combination of various methods, such as cathodic protection systems, external and internal coatings, internal tank liners, storage in a manner that prevents metal contact with an electrolyte, construction out of noncorrodible material or metal construction with a noncorrodible material coating. To use exterior coatings as a corrosion protection method, do you also have to have in place interior coatings? Or for metal ASTs with a noncorrodible coating, is this only an external coating or will it require an internal coating as well?</p>	
18	<p>If an API 653 internal inspection assessment determines 20 years until the next internal inspection for an AST, does the internal lining need to be inspected in 10 years as noted in 9.5.b.4?</p>	
19, 20	<p>When taking a tank out of service after 40 years of use, when must it be deregistered?</p>	
19	<p>According to Section 47-63-11.3.d “Closure activities must be performed by a professional engineer, a person certified by API or STI, or a person holding certification...”. Does the PE or certified person have to be onsite during all closure activities, or just overseeing the project?</p>	
21	<p>Is the existing regulated underground single wall piping that requires an annual tightness test just the underground piping between the AST and first valve?</p>	
21	<p>Per Section 2.2, an AST System is defined as “... it’s piping..... up to the first point of isolation. Many tanks have vent systems that do not contain valves. Is it reasonable to include vent piping in the requirements when it will not ever contain liquid due to the required presence of overfill protection?</p>	

22	<p>According to WV Code §22-30-3(1)(J), the following categories of devices are not subject to this act “Pipeline facilities, including gathering lines, regulated under the Natural Gas Pipeline Safety Act of 1968 or the Hazardous Liquid Pipeline Safety Act of 1979, or an intrastate pipeline facility regulated by the West Virginia Public Service Commission or otherwise regulated under any state law comparable to the provisions of either the Natural Gas Pipeline Safety Act of 1968 or the Hazardous Liquid Pipeline Safety Act of 1979;”. Therefore, it is our understanding that natural gas transmission, storage, gathering and distribution facilities regulated under DOT and WVPSC are exempt from the AST regulations. Are there any tanks at these facilities (regulated under DOT and WVPSC that are part of the natural gas operations) for which we should not apply this exemption?</p>	
23	<p>Regarding the new AST regulation 47 CSR 63 Section 5.3.e, internal inspections for existing tanks. Some of storage tanks (pressure vessels) at are fabricated in accordance with ASME Section VIII Division I for pressure vessels. Inspecting these tanks as described by the current law using API 653 isn't feasible nor is it a safe practice. This issue should be addressed in the current law so other storage tank owners are not inspecting a pressure vessel to the wrong inspection code. We currently use API 510 to inspect pressure vessels built to ASME section VIII Division I. The pressure vessels currently on the list are over alloyed and are inspected externally per API 510 5.5.3.3 On-stream in lieu of an internal inspection. Would it be possible to use API 510 Pressure Vessel Inspection Code (Latest Edition) for the current required inspections where applicable? And if so, can an on-stream inspection be performed in lieu of the internal inspection per section 5.5.3.3 and 6.5.2 of API 510?</p>	
24	<p>Requirements for inspections after repairs. Does the damage, the repairs, or both have to be inspected? Is the certified API and STI qualified inspector allowed to inspect secondary containment repairs or must it be a P.E.</p>	
none	<p>The language in 5.2 Inspection Requirements regarding Fit for Service Certifications is confusing. Please clarify.</p>	

