

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE DIVISION OF WATER QUALITY AND THE
CENTRAL UTAH PUBLIC HEALTH DEPARTMENT
REGARDING PETROLEUM RELEASES TO
THE ENVIRONMENT FROM TRANSPORTATION RELATED SPILLS**

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INTRODUCTION

The Division of Water Quality (DWQ) has specific regulatory responsibilities through its Ground Water Quality Protection program for releases of petroleum from transportation spills that impact or have the potential to impact ground water. Historically, the DWQ has assumed most of the regulatory responsibility for petroleum releases that impact waters of the State when the source of the contamination is not regulated by another agency (the Division of Environmental Response and Remediation (DERR) or the Division of Solid and Hazardous Waste (DSHW)).

The purpose of this Memorandum of Understanding (MOU) is to establish a framework of policy and procedure by which the Central Utah Public Health Department can assume regulatory oversight for petroleum releases from transportation related spills and other unregulated petroleum releases, as directed by the Executive Secretary. This MOU will make more efficient use of resources by clarifying the roles of each entity to facilitate the effective evaluation and remediation of petroleum releases. A further purpose of this agreement is to simplify the regulatory framework for the regulated community, and to ensure that releases of petroleum from transportation related spills and other unregulated petroleum releases can be evaluated and subjected to the same soil cleanup standards and procedures statewide.

POLICY

WE THE UNDERSIGNED DO HEREBY AGREE TO THE FOLLOWING POLICIES:

- A. The Central Utah Public Health Department will assume regulatory oversight of all reported petroleum releases from transportation related spills that may present a direct and immediate threat to public health or the environment within its jurisdiction. ATTACHMENT A outlines the regulatory agency that must be contacted for regulatory oversight of a spill, depending on the pollutant. For instance, gasoline releases are considered to be hazardous because of the benzene concentration and are regulated by the DSHW.
- B. Unless otherwise delegated by the Executive Secretary, the DWQ will assume regulatory oversight of all other reported petroleum releases, including petroleum releases not regulated by the DERR LUST program such as releases from above ground storage tanks, residential or farm fuel tanks under 1,100 gallons used for non commercial purposes, heating oil used on the premises, tanks in basements or tunnels, or any petroleum releases when groundwater and/or surface water is immediately affected as a result of the spill.
- C. The Central Utah Public Health Department will provide oversight for all reported petroleum releases from transportation related spills in cooperation with police, fire, and other emergency personnel, as necessary. When the DWQ or the DERR receive a release report from transportation spills, they will forward it to the Central Utah Public Health Department staff. The Central Utah Public Health Department will complete a release report and evaluate the reported information to determine the level of action to be taken to oversee the release.

1. If the source of the petroleum release is from an otherwise regulated source or anytime a spill immediately impacts waters of the State, the Central Utah Public Health Department will transfer the release report to the DWQ's Groundwater Protection Section Manager or staff. The DWQ will then provide regulatory oversight of the release complying with its existing regulations and procedures for regulated releases.
 2. When a petroleum release resulting from a transportation related spill presents a direct and immediate threat to public health or the environment, the Central Utah Public Health Department will notify the DEQ by calling the 24 hour notification number (801) 536-4123 and the local emergency personnel of the release and coordinate activities, as necessary. The DEQ and Central Utah Public Health Department will make an immediate decision as to the most effective method to regulate the release and abate the emergency, after the site has been determined safe to enter by police, fire and medical personnel, as applicable.
 3. The Central Utah Public Health Department will provide regulatory oversight of investigations and remediation of petroleum releases from transportation related spills as defined in *UAC R317-6*. The Central Utah Public Health Department will use existing policies, guidelines, standards and procedures to meet the intent of the Water Quality Act and the Ground Water Quality Protection Regulations, as defined in *UAC R317-6*. If at any time during the oversight process a responsible party does not comply with the Central Utah Public Health Department requirements, the case will be transferred to the DWQ for possible compliance actions.
- D. The Central Utah Public Health Department will provide oversight on transportation related spills including petroleum releases from sources such as tanker trucks, railroad tankers, service stations (excluding underground and above ground storage tanks), vehicle collisions and transportation pipelines. The Central Utah Public Health Department will utilize and apply soil cleanup criteria pertaining to petroleum releases that are defined by *UAC R317-6* and provided in ATTACHMENT A. In cases where cleanup standards are not achieved, the DWQ staff will provide regulatory oversight and evaluate the remaining petroleum contamination using a risk-based analysis that is currently employed for petroleum left in place at a site.

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ATTACHMENT A
PETROLEUM CLEAN UP STANDARDS FOR SOIL

PURPOSE AND NEED

The District Health Departments and the Department of Environmental Quality have identified a need to establish soil clean up standards based on authority to require cleanup at petroleum release sites. These sites would primarily include transportation accidents or other unregulated petroleum spills in soil, excluding gasoline. The petroleum cleanup standards for soil is identified and defined in *UAC R317-6-15*. Every effort should be made by the responsible party to remove contaminated soil after a spill occurs; however for soil left in place, the cleanup standards shall not exceed the following: cleanup to established background levels, or 500 mg/kg total petroleum hydrocarbons (TPH) for sensitive areas or 5000 mg/kg TPH for non sensitive areas. Sensitive areas include those areas that are near residences, waters of the state, wetlands or any area where exposure to humans or significant environmental impact is likely to occur. Non sensitive areas include industrial and manufacturing areas previously contaminated with petroleum or areas not likely to affect human health, waters of the state, wetlands or cause significant impact.

SAMPLING REQUIREMENTS

The substances of concern are diesel fuel, new oil or other petroleum constituents of that approximate molecular weight range. Environmental soil sampling shall be collected at locations and depths sufficient to document and confirm that applicable cleanup standards have been met, as determined by the local health department on a case-by-case basis. A certified sampler will not be required. At least one confirmation sample should be collected from the excavated material and at least one additional sample from every 50 cubic yards excavated thereafter. Total petroleum hydrocarbons as diesel range organics (TPH as DRO) or total recoverable petroleum hydrocarbons or oil and grease (TRPH or O&G) will be analyzed by a Certified Laboratory for pollutants most likely to occur at the spill scene.

Contaminated soil should be disposed of at an approved land fill or unless otherwise approved by the local health department (i.e., asphalt batch mix).

REPORTING REQUIREMENTS

Reports should be prepared by the petroleum transporter or the responsible party and should include estimated gallons of fuel spilled, a sketch of where confirmation samples were taken, laboratory sample results, number of samples taken, cubic yards of soil removed, the location where the soil was transported, and pictures of the release and cleanup, if available. Sample should be analyzed by a certified laboratory using appropriate sample containers and sample holding times. Chain of custody is recommended.

REGULATORY AUTHORITY

If groundwater is encountered during an abatement action, the release must be reported to the Division of Water Quality (DWQ). All reasonable efforts should be made to remove the source of hydrocarbons in the soil. Prior to backfilling, confirmation samples should be collected to verify that soil cleanup standards have been achieved. The release shall be reported to DWQ whenever surface water or groundwater is directly impacted.

Gasoline spills will continue to be reported to, and be regulated by, the Utah Division of Solid and Hazardous Waste, RCRA program. Waste oil spills will be regulated by the Utah Division of Solid and Hazardous, Waste Oil Program. Underground storage tank releases will be regulated, as they currently are, by Division of Environmental Response and Remediation (DERR). Aboveground storage tanks (ASTs) releases that affect surface or ground water will continue to be reported to DERR LUST.

Spills that affect surface water, groundwater or any water well or spring should be reported to DWQ but may be managed by the Utah Division of Drinking Water.

DE MINIMUS

Releases less than 25 gallons are considered de minimus quantities if they are cleaned up within 24 hours and surface or ground water is not impacted. No reporting or closeout documents will be required. No confirmation samples will be required.

CLOSEOUT

Releases that are overseen and regulated by the local health departments may be closed out with a “no further action” letter written by them after applicable cleanup standards have been achieved. If the case is referred to another agency such as DWQ or DERR, the regulating agency will be responsible for sending the responsible party a “no further action” letter or other appropriate correspondence.