



Delivery Prohibition Oil Control Guidance

8/22/07

The Maryland Department of the Environment (MDE) may prohibit the delivery of product to an underground storage tank system when it is determined that the system is in significant violation of one or more of the following:

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

The MDE will always prohibit deliveries for violations where required equipment is not installed unless it is not in the public's best interest. The MDE retains complete discretion to determine if a delivery prohibition is advisable for operation and maintenance violations.

Decision Process:

Upon discovery of a significant violation that warrants the enactment of the delivery prohibition, the MDE/OCP staff member making the discovery shall alert their Regional Section Head. The Regional Section Head will alert the Compliance Division Chief. The Division Chief will review the case and make a determination if a delivery prohibition is warranted or if another enforcement mechanism would gain compliance. If other enforcement options are chosen, the Division Chief will instruct the appropriate staff to pursue those options.

When the Division Chief determines that a delivery prohibition is the proper course of action the site is entered into the OCP Delivery Ban database and the Program Administrator is alerted. The Program Administrator or in his absence the Division Chief must alert the Director's office of the action.

Notification:

MDE/OCP will alert the UST owner/operator or their representative in writing that the UST system cannot receive new deliveries of product. The written notice will state the violations and actions that must be taken to achieve compliance. The notice must also state how the o/o can inform MDE of achieving compliance. The notice must also state consequences for continuing to operate the UST system. Notice must be served by certified mail or delivered by hand by a MDE representative. In emergency situations or threat to human health or the environment MDE may initiate delivery prohibition and provide immediate notice to the o/o.

MDE/OCP will make a good faith effort to determine the delivery company. If determined, the company will receive copy of the delivery ban notice issued to the UST

O/O. MDE/OCP will also post on the MDE web site the facility name, address and state that a delivery ban is in place.

Physical Ban:

MDE/OCP will affix a tag, lock clip and/or padlock to the fill of the noncompliant UST system. This tag or lock must be marked "Do Not Fill" and have the MDE/OCP contact information upon it. Should the fill be in a condition where locking or tagging is not feasible the OCP 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 OCP deems it is warranted to alert a delivery company of the ban.

Unless, MDE/OCP 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 MDE/OCP, OCP shall review the compliance data and/or visit the site to confirm compliance. Removal of the tags, locks or labels may be performed by MDE representative or approved by MDE. Temporary removal of locks may be performed to conduct repairs, upgrade, testing or to remove product by a Maryland certified technician, testing company or owner after receiving approval from MDE. MDE/OCP shall provide a written notice of compliance to the o/o and any delivery companies involved. MDE/OCP shall remove the facility name from the MDE web site.

For more information contact the Oil Control Program, 410-537-3442.