

STATE OF DELAWARE



EXECUTIVE DEPARTMENT  
DOVER

EXECUTIVE ORDER  
NUMBER FORTY-ONE

TO: HEADS OF ALL STATE DEPARTMENTS, AGENCIES AND AUTHORITIES,  
AND ALL POLITICAL SUBDIVISIONS AND GOVERNMENTAL UNITS OF  
THE STATE OF DELAWARE

RE: TANK REPLACEMENT AND UPGRADE POLICY FOR STATE-OWNED  
UNDERGROUND STORAGE TANK SYSTEMS

WHEREAS, the State of Delaware is charged with the protection of the health, safety and welfare of its citizens; and

WHEREAS, human health, safety and the environment are at substantial risk when hazardous products stored in underground storage tanks leak into the surrounding environment; and

WHEREAS, the Department of Natural Resources and Environmental Control (“DNREC”) has been charged with the responsibility and authority of addressing, remediating and preventing leaks from underground storage tank (“UST”) systems in Delaware; and

WHEREAS, the agencies of the State of Delaware are owners and operators of underground storage tanks and as such are subject to Delaware's Regulations Governing Underground Storage Tank Systems issued by DNREC.

NOW, THEREFORE, I, Thomas R. Carper, by the authority vested in me as Governor of the State of Delaware, do hereby order that the following policy shall pertain to and be adhered to by all state agencies in the management of underground storage tank systems:

1. State agencies must receive authorization from DNREC before a new installation, replacement, retrofit or upgrade of any underground storage tank system may proceed at any state-owned facility. State agencies should contact DNREC before soliciting bids or making budgetary preparations for any underground storage tank work.
2. The following criteria shall be utilized to determine if an underground storage tank system is necessary:
  - a) CATEGORY A - Motor Fuel Tanks - USTs used to store motor fuels (gasoline, kerosene, diesel) used solely for the purpose of fueling motor vehicles.

Use of this type of UST is to be considered only under the following circumstances:

- i) The vehicles being fueled from the USTs are for emergency use (e.g., police, snow removal) and a commercial fuel dispensing facility would not be reliable in an emergency; the site in question is not encompassed within the service area of one of the planned three emergency vehicle fueling facilities; and a temporary above-ground

storage tank would not be practical for the interim period until the three emergency centers are operational;

- ii) There is no commercially available fuel within a five mile radius regardless of whether such fuel may only be purchased by setting up an account different from the state “gas card” system account. Fuel must be used in such a large quantity that use of a commercial facility is not practical. If an account or fuel purchasing system different than the “gas card” system is necessary, such account shall be approved by the Department of Administrative Services before its use; and
- iii) A plan listing the individuals or managers in an agency who are responsible for every day management of the UST. The plan must contain measures to prevent releases from the UST.

- b) CATEGORY B - Heating Fuel Tanks - USTs used to store heating fuel, including diesel, used for heating buildings or providing hot water on the premises.

Use of this type of UST is to be considered only under the following circumstances:

- i) Replacement of tanks should be considered only after the capacity of existing tanks has been examined;

- ii) A cost/benefit analysis of the underground storage of fuel as opposed to the use of alternative fuel sources including natural gas, propane or above-ground storage should be conducted before the replacement, upgrade or new installation of a heating fuel UST commences; and
  - iii) A plan listing the individuals or managers in an agency who are responsible for everyday management of the UST. The plan must contain measures to prevent releases from the UST.
3. All regulated USTs owned or operated by state agencies shall have corrosion protection on or before December 22, 1998.
4. The Secretary of DNREC and the Secretary of the Department of Administrative Services have the authority to inventory all state agency USTs and to prohibit the further use of any UST owned or operated by a state agency where they deem such action necessary or advisable on an environmental or fiscal basis.



Approved this 13<sup>th</sup> day of August, 1996.

Thomas R. Carper  
Governor

Attest:

Edna Paul  
Secretary of State