



Maryland
Department of
the Environment

QUESTIONS AND ANSWERS: 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) can issue a Delivery Ban on one or more underground storage tanks (USTs) at a facility due to significant violation of one or more of the requirements of COMAR 26.10.02 through 26.10.11, Oil Pollution and Tank Management.

Why was the Delivery Ban issued? The Delivery Ban was issued for the UST(s) listed in the Department's letter or field report, which was determined by the Department to be in significant violation of UST registration, spill prevention, overflow protection, release detection, corrosion protection and/or financial responsibility requirements.

Can I take the tags off? **No.** The removal of locks, tags, stickers, or labels affixed by a Department representative is a violation of § 4-417(c) Environment Article, Annotated Code of Maryland, which states:

“(c) False statements in required documents; tampering with monitoring devices. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this title, or by any permit, rule, regulation or order issued under this title, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this title or by any permit, rule, regulation, or order issued under this title, upon conviction, is subject to a fine not exceeding \$10,000, or by imprisonment not exceeding six months or both.”

Who can remove the Department lock, tag, or label? Only a Department representative can remove or authorize the removal of the lock device, tag, or label. For repairs, upgrades, corrective actions, and testing the Department may approve the removal of the lock device by a Maryland certified UST System Technician, precision tester, or owner. No product can be added to the tank unless the Department grants written approval for testing purposes only.

Do I have a right to a hearing? **Yes.** Environment Article § 4-412(a)(1)(i) provides that “Any person named in the order may request in writing a hearing before the Department not later than ten days after the date the order is served, in which case a hearing shall be scheduled within ten days from the receipt of the request. A decision shall be rendered within ten days from the date of the hearing.” Environment Article § 4-412(b) states that “a person aggrieved by an order or permit issued may obtain immediate judicial review under the provisions of §§ 10-222 and 10-223 of the State Government Article and the Maryland Rules.” A Delivery Ban is an order issued under § 4-411.1 of the Environment Article is effective immediately whether or not a request for a hearing is filed, and remains in effect until lifted by the Department.



Can I continue to operate the tank? Yes. The Department will allow an owner/operator to continue to dispense and sell product from the tank until the tank is empty, unless you have been directed to immediately empty the tank.

Can I receive additional product delivery? No. Additional product cannot be added to the tank until the owner/operator demonstrates full compliance with required actions, the requested data is submitted to the Department, and the Department removes the Delivery Ban.

Why was my oil distributor notified? The Department will notify your oil distributor of the violation(s) and Delivery Ban. The delivery of fuel to a tank that is under a Delivery Ban may contribute to the ongoing violation(s) and suspected oil pollution issues. The delivery company is subject to enforcement action if they deliver to a UST under a Delivery Ban.

What can I do to lift the Delivery Ban? Perform the required actions to correct the deficiency and violation. Submit all information (work orders, receipts, work plans, testing data, etc.) to the Department confirming corrective action has been completed and the UST is now in full compliance with COMAR. Documents submitted to the Department must have the UST Registration Facility I.D. and case number written in the top right corner.

When will the Delivery Ban be lifted? The Delivery Ban will be lifted as soon as the owner/operator completes necessary corrective actions and provides requested data to demonstrate compliance. Upon confirmation of compliance the Department will notify the owner/operator in writing the Delivery Ban has been lifted.

Who do I contact with questions regarding compliance? The Oil Control Program inspector investigating your facility will be most familiar with the UST violations that were the cause for the Delivery Ban. You should discuss violations, corrective actions and compliance with the regional inspector. You may also contact the Oil Control Program Compliance Division at 410-537-3442. You will need the facility ID number, name and address when calling.

MAIL INFORMATION TO:

MDE Oil Control Program
Compliance Division
Attn: Inspector _____
Suite 620
1800 Washington Blvd.
Baltimore, MD 21230-1719

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.