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A summary of the proposed revisions to the federal underground storage tank regulations

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Following is a summary of the proposed revisions to the federal underground storage tank (UST) regulations as published in the November 18, 2011 federal register. It should be noted that each authorized state may be at different stages of UST legislation adoption.

The U.S. Environmental Protection Agency (EPA) is proposing revisions to the 1988 federal UST regulations, which are similar to key portions of the Energy Policy Act of 2005. These proposed changes are designed to strengthen the regulations and increase the emphasis on the proper operation and maintenance of UST equipment. The proposed revisions synchronize the minimum standards applicable to all USTs in the U.S., including those on Indian land. The federal regulations applicable to USTs are contained in 40 CFR Part 280, 40 CFR Part 281, and 40 CFR Parts 282.50-282.105.

There are approximately 595,000 USTs nationwide that store petroleum or hazardous substances. The greatest potential threat from a leaking UST is contamination of groundwater, the source of drinking water for nearly half of all Americans.

These revisions will help improve prevention and detection of UST releases, which are one of the leading sources of groundwater contamination. The revisions will also help ensure all USTs in the U.S. meet the same minimum standards.

The proposed changes to the federal UST regulations include the following. The changes are required to be implemented immediately once the proposed regulations are finalized, unless otherwise stated:

- * **Operator Training:** Designated individuals for each of the three classes (Class A, Class B, Class C) of operators must be trained on the minimum defined areas, per the regulations, and re-trained if the UST is not in compliance. Training records must be retained on-site. The Training requirement is to be phased in over three years based on the tank installation date once the proposed regulations are finalized.

- * **Secondary Containment:** Secondary containment will now be required for all new and replacement tanks and piping, including petroleum. Under-dispenser containers must also be installed for all new dispenser systems.

- * **Operation and Maintenance (O&M):** In addition to the current O&M requirements, this proposed regulation requires monthly walkthrough inspections and spill prevention equipment testing.

- * **Deferrals:**

- o UST systems storing fuel for use by emergency power generators were previously deferred from release detection; however, the proposed regulation eliminates the deferral and requires owners and operators to perform release detection on emergency power generators within one year of the proposed regulations being finalized.

o Field-Constructed Tanks (FCT), Airport Hydrant Systems (AHS) and Wastewater Treatment Tank Systems were previously deferred from subparts B, C, D, E, G and H; however, the proposed regulation eliminates the deferral and now regulates FCT, AHS and wastewater treatment tank systems. Requirements will be phased in either immediately or over a three to seven year period based on the specific requirement once the proposed regulations are finalized.

* Flow Restrictors in Vent Lines: In the proposed regulation THIS IS USED BELOW ON SOME PARAGRAPHS AND NOT OTHERS - CONSIDER NOT INCLUDING SINCE THE TOPIC IS THE PROPOSED REGULATION, the EPA now eliminates flow restrictors in vent lines as an option to meet overfill prevention equipment requirement for newly installed UST systems and when flow restrictors in existing vent lines are replaced.

* Internal Lining: If the internal lining fails a periodic inspection, cannot be repaired and it is the sole method of corrosion protection, the tanks must be permanently closed.

* Notification: Owners and operators must now notify the implementing agency within 30 days of the following situations: a UST system brought into use, an ownership change or a previously deferred UST system.

* Compatibility: Compatibility must be demonstrated for UST systems storing greater than 10% ethanol or greater than 20% biodiesel, or any other regulated substance the EPA identifies. Records of compatibility must now be maintained for the life of the equipment or component for all new or replaced equipment and for UST systems storing greater than 10% ethanol and 20% biodiesel.

* Repairs: In the proposed regulation, the EPA revises the definition of repair to remove the assumption that a repair must be associated with a release. Repairs can now occur on other UST components. Additionally, a test must be conducted within 30 days of a repair to spill or overfill equipment and secondary containment areas.

* Vapor and Groundwater Monitoring: In this proposed regulation, the EPA phases out vapor and groundwater monitoring as release detection options. To be implemented within five years once the proposed regulations are finalized.

* Interstitial Monitoring Results: In this proposed regulation, the EPA adds interstitial monitoring alarms as an example of an unusual operating condition under release reporting; adds interstitial integrity testing for secondarily-contained tanks and piping using interstitial monitoring for the system test under release investigation and confirmation; and adds closure as an option if a system test confirms a leak.

* Newer Technologies: In this proposed regulation, the EPA adds newer technologies than those from 1988 and before, including clad and jacketed tanks, non-corrodible piping, continuous in-tank leak detection, and statistical inventory reconciliation.

* Codes of Practice: In this proposed regulation, the EPA adds newer codes of practices than those from 1988 and before, updates titles of codes of practices and removes codes of practices that are not applicable or no longer exist.

* Upgrade Requirements: In this proposed regulation, the EPA removes references to 1993 through 1998 upgrades and phase in schedules associated with the original upgrade deadlines.

Currently, 37 states plus the District of Columbia and the Commonwealth of Puerto Rico have approved "state" programs. These state programs may already be more stringent than the federal regulations; therefore, adherence to their respective regulations is required.

For further information on the proposed UST regulations, for assistance in the resultant UST system assessments and upgrades, and/or for training opportunities, please email

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