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Mass. DEP proposes new regulations for underground storage tanks

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The Mass. Department of Environmental Protection (MassDEP) has issued draft regulations for the Mass. Underground Storage Tank (UST) program under 310 CMR 80.00. The proposed draft regulations, once finalized and promulgated, will give the majority of regulatory authority on the UST program to MassDEP rather than the Department of Fire Services (DFS) under 527 CMR 9.00. However, DFS will still have responsibility for public safety issues, flammable storage requirements, and UST closure.

These regulatory changes may impact owners of UST systems that may not have the appropriate leak/spill prevention devices, monitoring systems, or proper staff to inspect the system and associated components. Depending on the age and associated components of the UST system, more financial resources may be required to bring it into compliance.

An overview of the major changes from the current UST regulations and the draft UST regulations, as provided in the MassDEP document entitled Draft 310 CMR 80.00: The Mass. UST program - Background Document for Public Comment dated February, 2014, is presented below:

- * 310 CMR 80.03(4) and 80.20(3): For tanks using submersible pumps, the regulations require installing a turbine sump to contain any regulated substance that is leaking and prevent its release into the environment by January 1, 2018 or when the tank top is upgraded, whichever is earlier.
- * 310 CMR 80.19(2)(e): Current DFS regulations do not have any leak detection requirements for emergency generator tanks and emergency engine driven pumps. MassDEP is proposing to require that owners/operators install and use one of several leak detection methods.
- * 310 CMR 80.04(3) and 310 CMR 80.16(3): Continue to require piping installed after May 28, 1999 to have continuous interstitial monitoring. Pressurized piping systems installed before or after this date must also have an Automatic Line Leak Detector. UST systems installed before this date with piping that does not have a continuous interstitial monitor must conduct an annual tightness test and monitor containment ports quarterly or conduct Statistical Inventory Reconciliation (SIR).
- * 310 CMR 80.21(1)(a): MassDEP is proposing that a five-gallon spill bucket be installed at new UST facilities and when existing three-gallon spill buckets are replaced. MassDEP is also proposing a narrow exemption to this requirement if it is physically impossible to install a five-gallon spill bucket.
- * 310 CMR 80.21(2)(a): MassDEP is proposing to phase out ball floats as an overfill prevention device because these devices break or malfunction easily. Ball floats can be used as the primary method of overfill prevention until they fail, at which time a different primary method of overfill prevention must be installed.
- * 310 CMR 80.27 and 80.28: A risk-based schedule of inspection and testing for sumps is provided in a summary table based on the specific UST systems. The proposed regulations also allow

owners/operators who upgrade their equipment to do less frequent inspections and testing. The proposed regulation also requires that all spill buckets must be inspected on a monthly basis, tested within two years of the effective date of the regulation, every five years after the first inspection, and after repairs.

* 310 CMR 80.35: MassDEP is proposing to retain the current monthly inspection requirement, but eliminate the inspection of components that are more for public safety than environmental protection.

* 310 CMR 80.48: MassDEP is proposing to change two aspects of the delivery prohibition established in 527 CMR 9.07(O). 1) If several types of equipment are not present that are designed to prevent and detect releases, including spill prevention, overfill protection, leak detection, and corrosion detection equipment, MassDEP is proposing to require the imposition of a delivery prohibition 2) three situations are added where MassDEP may impose a delivery prohibition - when equipment specified above is not operating per the regulations; when an owner/operator does not have financial assurance; and when a significant threat of harm to public health, safety, or the environment is posed. Therefore, if the UST system is non-compliant, the fuel delivery will not be made.

* 310 CMR 80.49(3): MassDEP is proposing to upgrade the requirements for becoming a third-party inspector.

* 310 CMR 80.52(1): UST systems holding hazardous materials other than petroleum products would be subject to financial responsibility requirements. Therefore the proposed regulations require that all regulated UST systems subject to 310 CMR 80.00 have financial assurance.

* The list above is a summary of some of the major changes to the UST regulations. Other minor changes to the regulations are also proposed including operator training requirements and removing references in other regulations that are no longer valid.

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