



# **Overview of Revisions to the Underground Storage Tank (UST) Regulations**

August 2015



# **Why is EPA making changes to the UST regulations?**

- Establish equity in Indian country for secondary containment and operator training
- Improve operation and maintenance
- Address UST systems deferred in the 1988 UST regulation
- Update to include newer technologies



# What is the history of the rulemaking?

- November 2011 – EPA published proposed changes to the 1988 UST and SPA regulations
  - Did extensive stakeholder engagement since 2008
  - Allowed a 5 month public comment period
  - Received many insightful comments during the public comment period that helped shape the Final Rule
- July 15, 2015 – EPA published the final changes to the regulations



# What do these new requirements mean for owners and operators?

- **In states without state program approval (SPA) and in Indian country**
  - the new requirements will apply according to time frames specified in the 2015 UST regulation.
- **In states with SPA**
  - none of the new requirements will apply until the state adopts the federal requirements or if a state does not adopt the requirements, until EPA withdraws approval of SPA for that state. Owners and operators in states with SPA must continue to meet the state UST requirements.





# New Operator Training and Secondary Containment Requirements

- ***Operator Training (by October 13, 2018)***
  - Owners must designate and ensure 3 classes of operators are trained
  - Recordkeeping is required for as long as the operator is designated at the facility
  - Retraining is required for Class A and B operators at facilities determined to be out of compliance
- ***Secondary Containment (after April 11, 2016)***
  - Applies to new and replaced tanks and piping
  - Includes interstitial monitoring (and sumps if they are used for interstitial monitoring)
  - Includes under-dispenser containment for new dispenser systems



# New Operation and Maintenance Requirements

- ***Periodic walkthrough inspections (beginning October 13, 2018)***
  - Every 30 Days
    - Check spill prevention equipment
    - Check release detection equipment and records
  - Annually
    - Check containment sumps
    - Check hand held release detection equipment
  - Keep records of the walkthrough inspection for 1 year





# New Operation and Maintenance Requirements

- ***Three year spill prevention equipment testing***
  - To make sure the spill bucket will hold drips and small spills when the delivery hose is disconnected from the fill pipe.
    - Double-walled spill buckets with periodic interstitial monitoring between the spill bucket walls are not required to meet the testing requirement
    - Applies to new installations after October 13, 2015
    - Applies October 13, 2018 for UST systems installed on or before effective date of rule
    - Keep records for 3 years







# New Operation and Maintenance Requirements

- ***Three year overfill prevention equipment inspections***
  - Inspect to make sure overfill operates as intended
    - Applies to new installations after October 13, 2015
    - Applies October 13, 2018 for UST systems installed on or before effective date of rule
    - Keep records for 3 years





# New Operation and Maintenance Requirements

- ***Three year containment sump testing*** for sumps used for piping interstitial monitoring
  - Applies to new installations after October 13, 2015
  - Applies October 13, 2018 for UST systems installed on or before effective date of rule
  - Double-walled sumps with periodic interstitial monitoring between the containment sump walls are not required to meet the testing requirement
  - Keep records for 3 years





# New Operation and Maintenance Requirements

- ***Annual release detection equipment testing*** to make sure release detection equipment is operating properly
  - Applies beginning October 13, 2018
  - Keep records for 3 years





# Addressing Deferrals – Emergency Generator USTs

- Removes the deferral and requires release detection for Emergency Generator Tanks
  - Required October 13, 2018 for systems installed on or before October 13, 2015
  - Required immediately for UST systems installed after October 13, 2015





# ***Addressing Deferrals – Field-Constructed USTs and Airport Hydrant Fuel Distribution Systems***

- 1988 UST regulation deferred AHS and FCT from meeting release prevention and detection requirements
- 2015 UST regulation removes the deferral, however given the unique nature of these systems EPA created more specific and appropriate requirements for these systems
  - Exceptions to meeting secondary containment requirement for some FCT & AHS piping
  - Provides unique options for meeting release detection requirements
  - One-time notification by October 13, 2018 for these systems
  - Implementation depends on requirement
    - October 13, 2015: release reporting, response, and investigation; financial responsibility; closure, notification (except one-time )
    - October 13, 2018: Spill and overfill prevention, corrosion protection, general operating requirements (including compatibility and repairs), release detection, and operator training
  - Partially excludes aboveground tanks associated with these systems







## ***Addressing Deferrals – Wastewater Treatment Tank Systems, USTs Containing Radioactive Materials, and Emergency Generator USTs at NRC facilities***

- These previously deferred systems are reclassified as partially excluded from the 2015 UST rule. As with 1988 rule, we will continue to regulate installation under subpart A and cleanup under subpart F.



## ***Compatibility***

- **Notification** - Owners and operators must notify the implementing agency at least 30 days before switching to a regulated substance containing greater than 10 percent ethanol, 20 percent biodiesel, or any other regulated substance identified by the implementing agency
- **Demonstration of compatibility** – Owners and operators must demonstrate compatibility of the UST system through a nationally recognized testing lab listing or manufacturer approval of UST equipment or components, or use an alternative option identified by the implementing agency that is no less protective than demonstrating compatibility of the UST system
- **Recordkeeping** - Owners and operators must maintain records for as long as the biofuel blend is stored to demonstrate compliance





# Groundwater and Vapor Monitoring

- Requires owner or operator to have a record of site assessment for as long as using ***groundwater or vapor monitoring for release detection***
- Record of site assessments needed by October 13, 2018



## Additional Requirements

- **Flow restrictors** - flow restrictors in vent lines (ball floats) are no longer an option for overfill protection in new UST systems and when these devices need to be replaced
- **Internally lined USTs** - if the periodic internal lining inspection shows that the lining fails and cannot be repaired according to a code of practice, then that UST system must be permanently closed
- **Notification** – new owners must notify implementing agency within 30 days of becoming an UST owner



# Additional Requirements

## – Repairs

- 1988 regulation linked a repair to a release to the environment
- 2015 UST regulation removes this link so that fixes not associated with releases are also repairs
- Added testing after repairs to spill, overfill, and secondary containment equipment

## – Interstitial monitoring results

- 2015 regulation considers an interstitial alarm being an unusual operating condition and added interstitial integrity testing as part of release investigation and confirmation



## General Updates

- Added newer technologies to the rule
- Updated codes of practice
- Removed references to old compliance deadlines
- Made editorial and technical corrections



## Additional Information

- OUST Website on Revised Regulations  
<http://www.epa.gov/oust/fedlaws/revregs.html>
- OUST Contact  
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