

New Underground Storage Tank (UST) Regulations: How EPA's New Rules Affect Your Operations

INTRODUCTION

For the first time in more than 25 years, the EPA has revised its underground storage tank (UST) regulations. These important changes could affect both new and existing operations, including the way you maintain and operate your existing systems. These regulations became final in October 2015 and strengthen the 1988 federal UST regulations (40 CFR Part 280), by increasing emphasis on properly operating and maintaining UST equipment. The revisions will help prevent and detect UST releases, which are a leading source of groundwater contamination. The revisions will also help ensure that all USTs in the United States, including those on Native American land, meet the same minimum standards. Is your company ready for new walkthrough inspections, increased operator training requirements, and a potential overhaul of your system? Following are key changes:

SECONDARY CONTAINMENT REQUIREMENTS FOR NEW AND REPLACEMENT TANKS AND PIPING

Beginning April 11, 2016, owners and operators must install secondarily contained tanks and piping when installing or replacing tanks and piping. Owners and operators must use interstitial monitoring as release detection for these new or replaced tanks and piping. Automatic line leak detectors are still required for new and replaced pressurized piping. Owners and operators must install under-dispenser containment for all new dispenser systems.

OPERATOR TRAINING REQUIREMENTS

EPA established minimum training requirements for designated Class A, Class B, and Class C Operators. Operators must be trained by October 13, 2018. After this date, new Class A and Class B Operators must be trained within 30 days of assuming duties. Class C Operators must be trained before assuming duties.

PERIODIC OPERATION AND MAINTENANCE REQUIREMENTS

Beginning on October 13, 2018, owners and operators must conduct the following inspections and testing.

Walkthrough Inspections: Owners and operators must conduct walkthrough inspections at their UST facility, either (1) every 30 days (spill prevention equipment at UST systems that receive deliveries at intervals greater than every 30 days may instead be checked prior to each delivery); (2) according to a standard code of practice developed by a nationally recognized association or independent testing laboratory; or (3) according to requirements developed by your state implementing agency.

Overfill Prevention Equipment Inspections: Owners and operators must have their overfill prevention equipment inspected by a qualified professional for proper operation at least once every three years.

Spill Prevention Equipment and Containment Sump Testing: Owners and operators must meet one of the following for spill containment equipment and for containment sumps used for piping interstitial monitoring. *Option 1:* For double-walled spill prevention and containment sump equipment, the integrity of both walls is to be monitored at least as frequently as the walkthrough inspection requirement (typically every 30 days). If owners/operators discontinue this periodic monitoring, they have 30 days to conduct the test described in option 2. *Option 2:* Spill prevention equipment and containment sumps used for interstitial monitoring of piping are to be tested at least once every three years. The test must determine that the equipment is liquid-tight by using either vacuum, pressure, or liquid testing.

Release Detection Equipment Testing: Owners and operators must test electronic and mechanical components of their release detection equipment for proper operation at least annually, according to either the manufacturer's instructions, a code of practice developed by a nationally recognized association or independent testing laboratory, or the requirements developed by the state implementing agency.

ALTERNATIVE FUELS AND UNDERGROUND STORAGE TANKS

The use of alternative fuels in the United States is growing, and Federal mandates require a significant increase in biofuels production. Many retail facilities, such as gas stations and private fueling facilities, already store and dispense ethanol and biodiesel in their UST systems.

Beginning on October 13, 2015, owners and operators must notify their implementing agency at least 30 days prior to switching to regulated substances containing greater than 10% ethanol, greater than 20% biodiesel, or any other regulated substance identified by the implementing agency.

Owners and operators must use a UST system made of or lined with materials that are compatible with the substance stored in the UST system and must

demonstrate compatibility of the UST system (this includes the tank, piping, containment sumps, pumping equipment, release detection equipment, spill equipment, and overfill equipment).

DEFERRALS REMOVED FOR EMERGENCY GENERATOR TANKS, FIELD-CONSTRUCTED TANKS, AND AIRPORT HYDRANT SYSTEMS

The 1988 UST regulation required UST systems that store fuel solely for use by emergency power generators to meet all of the regulatory requirements, except Subpart D – release detection requirements. The revised UST regulation now requires owners and operators of all emergency power generator UST systems to meet the release detection requirements in Subpart D.

UST systems with field-constructed tanks and airport hydrant fuel distribution systems that meet the UST definition are now regulated under Subpart K of the UST regulation.

UPDATED CODES OF PRACTICE

Federal UST regulations often require that industry codes and standards be followed to ensure that the UST system is properly designed, constructed, installed, and maintained. EPA has now included the use of industry codes for other sections of the rule, such as upgrading, repairing, and closing USTs.

EPA encourages owners/operators to use the version of the code or standard that is consistent with the requirements of the implementing agency and current at the time the activity occurs.

Owners and operators in states that have an approved UST program do not have to deal with two sets of statutes and regulations (state and Federal) that may be conflicting. If your UST systems are located in a state with state program approval, you must follow the state requirements. Their implementation time frames may be different from those identified herein.