

EPA Proposes to Revise Underground Storage Tank Regulations

March 14, 2012

For the first time since they were promulgated in 1988, EPA is proposing significant revisions to the federal underground storage tank (UST) regulations (40 CFR Part 280). The proposed revisions are meant to emphasize proper operation and maintenance of UST equipment, including the improvement of prevention and detection of UST releases, which are one of the leading sources of groundwater contamination. In addition, EPA proposes to update its approval requirements of state UST regulation programs in 40 CFR Part 281 so that the regulation of USTs in all states, including those authorized by EPA to implement their own UST programs, will conform to the final UST federal regulation revisions. EPA has extended the public comment period to the proposed revisions from February 16, 2012 to April 16, 2012.

EPA's proposal revises the UST technical regulation in 40 CFR part 280 by:

- Requiring the immediate implementation of additional secondary containment requirements for new and replaced tanks and piping.
- Phasing in over three years (based on tank installation date) additional operator training requirements for UST system owners and operators.
- Adding periodic operation and maintenance requirements for UST systems, including:
 - walkthrough inspections,
 - spill prevention equipment tests,
 - overfill prevention equipment tests,
 - interstitial integrity tests, and
 - operability tests for release detection methods.
- Adding new release prevention and detection technologies and methods, such as

- incorporating newer technologies (clad and jacketed tanks, noncorrodible piping, continuous in-tank leak detection, and statistical inventory reconciliation),
 - requiring testing after repairs to spill and overfill prevention equipment and interstices,
 - eliminating flow restrictors in vent lines as an overfill prevention option for all new tanks and when overfill devices are replaced,
 - requiring closure of lined tanks that cannot be repaired according to a code of practice,
 - addressing responses to interstitial monitoring alarms,
 - revising notification requirements of ownership change,
 - eliminating groundwater and vapor monitoring as release detection methods, and
 - establishing requirements for determining compatibility.
- Removing certain deferrals from regulation for:
 - emergency power generator USTs,
 - airport hydrant fuel distribution systems (AHFDSs),
 - UST systems with field-constructed tanks (FCTs),
 - wastewater treatment tank systems (that are not part of a wastewater treatment facility regulated under section 402 or 307(b) of the Clean Water Act), and
 - USTs containing radioactive material.

The above requirements are proposed to be implemented on various schedules. For a summary of the proposed implementation schedule for the above requirements and a comparison of the proposed regulations against the current requirements, see the EPA's website (<http://www.epa.gov/swerust1/fedlaws/Crosswalk.pdf>).

Related Professionals

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