

New Federal Underground Storage Tank Regulations

Effective October 13th, 2015

What Are We Going To Talk About Today?

- Details on new federal regulations
- How you can comply with them
- Upcoming Service Provider Workshop
- What do we as a state do with these new regulations?

Why Revise the 1988 Regulations?

- Establish requirements comparable to the Energy Policy Act (EPAAct) of 2005
- Ensure operation and maintenance of UST systems
- Update current technology and codes of practice
- Update State Program Approval (“SPA”) regulations

Let's get started.....

Piping Replacements

- Must replace the entire piping run when 50% or more of piping is removed and other piping is installed.

Effective: 4/11/16



Walkthrough Inspections

- Walkthrough inspections - conduct inspections which look at: spill buckets; tank and dispenser sumps; and release detection equipment

Due Date: no later than 10/13/18

**Frequency: every 30 days except
sumps are annually**



Testing – Spill Buckets

- Test for liquid tightness or use a double-walled spill bucket with interstitial monitoring.

Due Date: no later than 10/13/18

Frequency: every 3 yrs

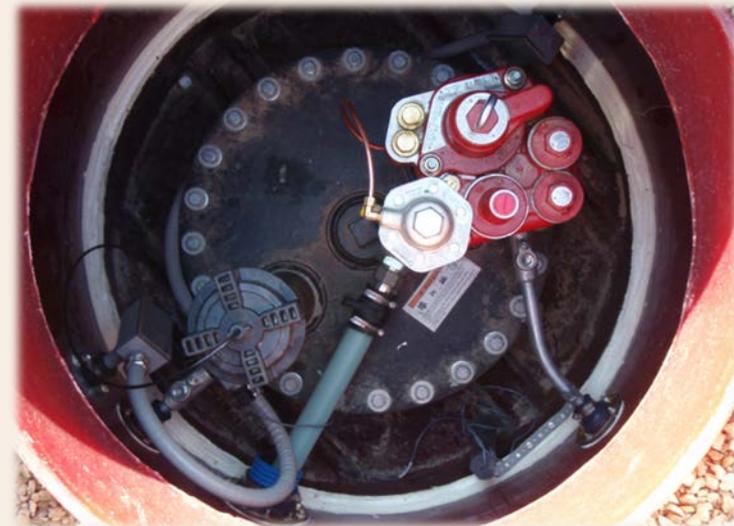


Testing – Containment Sumps

- Test containment sumps used for interstitial monitoring to ensure they are liquid tight or use double-walled sumps with interstitial monitoring.

Due Date: no later than 10/13/18

Frequency: every 3 yrs



Inspecting – Overfill Prevention

- Inspect to ensure equipment is set to activate at the appropriate level in the tank and will activate when fuel reaches that height.

Due Date: no later than 10/13/18

Frequency: every 3 yrs



Testing – Release Detection Equipment

- Test release detection equipment such as automatic tank gauges, probes and sensors, line leak detectors (at 3 gph criteria), etc. annually to ensure equipment is operating properly.

Due Date: no later than 10/13/18

Frequency: every year



Emergency Generator Systems

- Release detection is now required.

Due Date: no later than 10/13/18. New installs immediately.



Phase-Out Devices & Methods

- No longer allows ball floats for overflow prevention in new installs. Ball floats can no longer be replaced. If you have one, you don't need to remove it unless it fails a test.
- Vapor and groundwater monitoring as a release detection method requires a site assessment.

Due Date: no later than 10/13/18

Internal Lining

- Must permanently close tanks using internal lining as the sole method of corrosion protection if the internal lining fails the periodic inspection and cannot be repaired according to a code of practice.



Notification

- Owners must notify the implementing agency within 30 days of UST system ownership change.
- Owners must notify the implementing agency 30 days before storing fuel containing greater than 10% ethanol or 20% biodiesel.
- New Notification Form

www.deq.idaho.gov



Compatibility

- Must demonstrate compatibility for UST systems storing greater than 10 percent ethanol or greater than 20 percent biodiesel.
- Maintain compatibility records for the life of the equipment.

Suspected Releases

- Liquid in the interstice and any release detection alarms are now suspected releases
- Interstitial integrity testing will be allowed or required under certain circumstances for investigating suspected releases



Repairs

- Repaired equipment must be tested within 30 days after repairing spill buckets, overflow equipment, secondary containment areas, and release detection equipment.



Operator Training

- EPA added operator training, although the state has had it since 2007.
- Only minor differences (training on these new regulations).

Due Date: no later than 10/13/18



Airport Hydrant & Field-Constructed USTs

- Airport fuel hydrant distribution systems and field-constructed tanks are now regulated.
- Additional requirements on walkthrough inspections
- Modified leak detection requirements

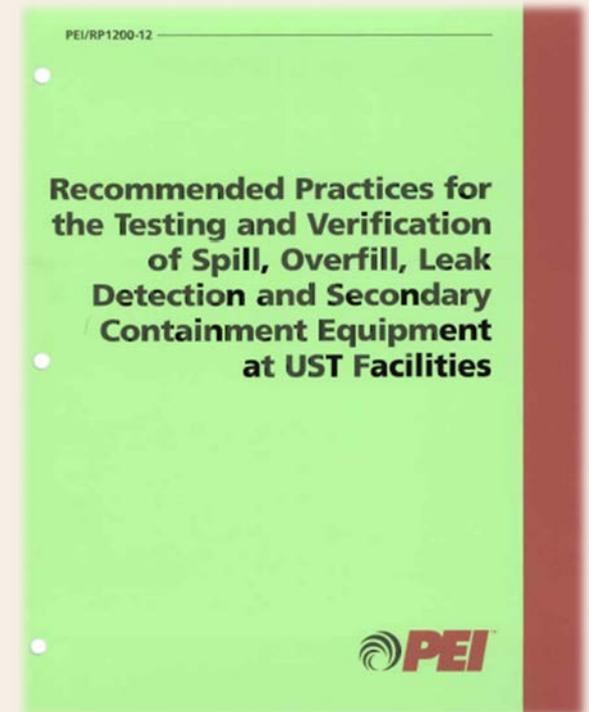
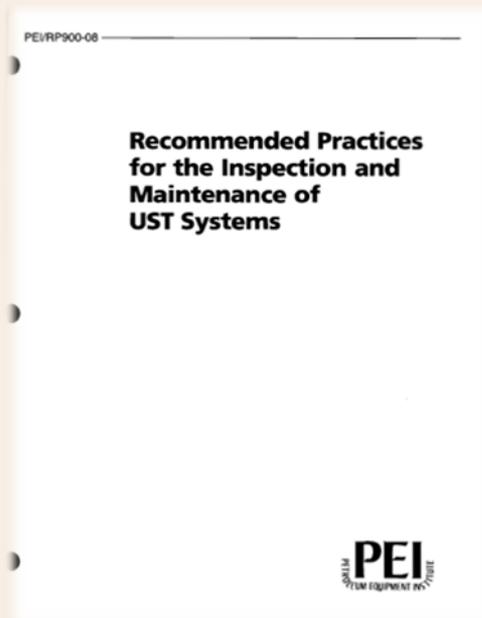
Newer Technologies Including SIR

- Newer technologies added: clad and jacketed tanks, non-corrodible piping, continuous in-tank leak detection, and statistical inventory reconciliation.
- Clarification that SIR must detect a release within 30 days.
- Can maintain electronic records



Codes of Practice

- Newer codes of practices were added, updated titles of codes of practices, and removed codes of practice that are not applicable or no longer exist.



How Can I Comply With All of This?

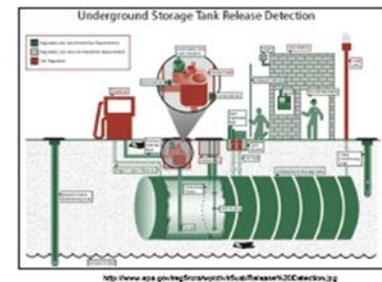
- Walkthrough Inspections – hire a service provider or do it yourself. If you do it yourself, get safety equipment!!! PEI RP 900
- Testing – some yourself, but most likely hire a service provider. PEI RP 1200



Who Do I Hire?

- Good question, I don't know. When the service providers tell me they will provide a service I add them to our Service Provider Directory.
- It can be found online at:
<http://www.deq.idaho.gov/media/1180/ust-provider-directory.pdf>

Underground Storage Tank Service Provider Directory



For the Maintenance of Underground Storage
Tank Systems

Service Provider Workshop

- PEI RP 1200 – Testing Spill, Overfill, Leak Detection & Secondary Containment Equipment
- UST Walkthrough Inspections
- Testing tips, field observations, etc.

UST Service Provider Workshop
January 14th, 2016
8:00-5:00

Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706

Let's talk about our next steps...

State Program Approval Requirements

- Idaho has state program approval (primacy) for the UST program.
- If we want to continue to be the lead authority for USTs then we need to reapply for state program approval within 3 years.
- We will only get state program approval if we adopt or incorporate these new federal regulations.

Funding

- NONE!!!!!! EPA is not giving the states any more money to implement these regulations.
- In fact, EPA cut the state's budget by \$82,000 about 3 years ago and cut it another \$42,000 this year.

What Does This Mean?

- Idaho will most likely not meet its 3 year statutory inspection cycle
- EPA (or its contractors) will have to perform inspections
- Idaho risks losing what we all worked so hard to achieve over the last few years, State Program Approval.

Let's Discuss Our Options

- Option #1:

DEQ adopts the federal regulations and reapplies to EPA for State Program Approval.

Consequence – DEQ will need funding

- tank fee authority
- more state general fund?



Let's Discuss Our Options

- Option #2: The state tells EPA that they can run the UST Program.
Consequences –
 - operator training fees (\$400) plus re-training fees
 - no more TankHelper
 - no more Management Plans
 - no more Compliance Binders
 - increased penalty amounts
 - out of state inspectors
 - no technical assistance
 - no outreach
 - etc., etc.,

EPA and DEQ Comparison

Issue	EPA	DEQ
Civil Penalties	\$16,000	\$5,000
Enforcement	No penalty reductions for Field Citations. No extensions.	Penalty reductions up to 75%. Frequent extensions
Operator Training	\$400 private party training plus any re-training fees. No Management Plans No Compliance Binders No site-specific training No on-site training	No fee for operator training. Customized Management Plans Customized Compliance Binders Site-specific training On-site training
Inspections	EPA will bring in inspectors from other states who have more stringent requirements. EPA does not have a regulation prohibiting them for charging for inspections.	No fee for inspections
Technical Assistance	None	Inspectors in each DEQ regional office provide technical assistance as requested.
Outreach	None	Frequent presentations to universities, high schools, Idaho Petroleum Marketers Association, financial institutions, and realtor associations.

Additionally.....

- In 2005 the Energy Act said if states didn't follow the Act they would lose leaking tank funding too. If the program reverts to EPA we are unsure if the leaking tank funding would be revoked. Since EPA doesn't have any leaking tank staff, the current contaminated properties may not get cleaned up.

What Do You Want To Do?

Questions?