

New UST Regulations

The long awaited UST regulations were released by the EPA on June 22, 2015 and soon will be published in the *Federal Register*. The new regulations will go into effect 90 days after publication.

The new regulations require more equipment testing, facility inspections, documentation and keeping the UST regulators informed of changes at facilities.

Included in the new regulations are some rules that were addendums to previous UST rules and have been previously put in place. One example is the UST operator training rule that actually became effective in 2006. Kansas was the third state to adopt this regulation and began training in November 2007.

What follows are the changes to EPA's regulations that TMS believes impacts you, the owner/operator, the most.

Following each new or updated rule is when it will be or was implemented.

Operator Training

- Owners and operators designate at least one individual for A and B operator classes and all individuals that meet Class C operator definition. Designated operators must be trained on minimum defined areas and may need to be retrained if the UST system is not in compliance.
- Owners and operators retain a list of designated operators currently trained at each facility and proof of training or retraining. Documentation can be kept offsite.
- EPA adds definitions for Class A operator, Class B operator, Class C operator, and training program.

This was part of the 2005 Energy Policy Act and is already in effect in Kansas

Secondary Containment

- Owners and operators install secondary containment and interstitial monitoring for all (including petroleum) new and replaced tanks and piping (except safe suction piping and piping associated with field-constructed tanks greater than 50,000 gallons in size and airport hydrant systems). Owners and operators must replace the entire piping run when 50 percent or more of piping, excluding connectors, is removed and other piping is installed.
- Owners and operators install under-dispenser containment for all new dispenser systems.
- EPA adds definitions for dispenser, dispenser system, replaced, secondary containment, and under-dispenser containment.

Kansas Adopted this rule in July, 2013.

Periodic Walkthrough Inspections (reprinted with permission from the PEI *TulsaLetter* written by Robert Renkes). The regulation requires owners and operators to conduct walkthrough inspections as follows:

- Every 30 days check spill prevention equipment for damage and remove liquid or debris; check for and remove obstructions in the fill pipe; check the fill cap to ensure it is securely on the fill pipe; and for double-walled spill buckets with interstitial monitoring, check for a leak in the interstitial area (exception: owners and operators of spill prevention equipment at UST systems receiving deliveries at intervals greater than 30 days may check that equipment prior to each delivery). Also check release detection equipment to ensure it is operating with no alarms or unusual operating conditions present and ensure release detection records are reviewed and current.
- Annually check containment sumps for damage and leaks to the containment area or releases into the environment; remove liquid or debris in contained sumps; and for double-walled containment sumps with interstitial monitoring, check for a leak in the interstitial area. Also check hand-held release detection equipment, such as gauge sticks and bailers, for operability and serviceability.

The regulation allows owners and operators to conduct operation and maintenance walkthrough inspections according to a standard code of practice developed by a nationally recognized association or independent testing laboratory, or according to requirements developed by the implementing agency. The inspections must check equipment in a manner comparable to the walkthrough inspection requirements described above. EPA included PEI's *Recommended Practices for the Inspection and Maintenance of UST Systems* (PEI/RP900) as a code of practice that may be used to meet the walkthrough inspection requirement. Owners and operators who use the code of practice option for meeting UST requirements must use the entire code of practice. For example, owners and operators would not meet the walkthrough inspection requirement if they chose to follow only some of the walkthrough inspection areas in the code of practice while ignoring others.

Other requirements concerning walkthrough requirements include:

- To align implementation of all operation and maintenance requirements, the regulation requires owners and operators to begin conducting walkthrough inspections three years after the effective date of the final UST regulation.
- EPA will not change the cathodic protection checks at the 60-day interval specified in the 1988 UST regulation.
- Monitoring and observation wells do not have to be checked to ensure they are secure.
- Owners and operators are required to maintain records of walkthrough inspections for one year.

Implementation: Within three years

Spill Containment

- Owners and operators must have equipment tested at least once every three years for liquid tightness or use a double-walled spill bucket with periodic interstitial monitoring.

Implementation: Within three years

Overfill Prevention Equipment

- Owners and operators must inspect at least once every three years to ensure equipment is set to activate at the appropriate level in the tank when regulated substances reach that height.

Implementation: Within three years

Secondary Containment Testing

- Owners and operators must test containment sumps used for piping interstitial monitoring every three years for liquid tightness or use a double-walled containment sump with periodic interstitial monitoring.

Implementation: Within three years

Release Detection Equipment

- Owners and operators must test annually to ensure release detection equipment (including LLDs) is operating properly.

Implementation: Within three years

Ball Float Valves (flow restrictors in vent lines). (reprinted with permission from the PEI *TulsaLetter* written by Robert Renkes)

- EPA eliminated the use of flow restrictors in vent lines as an overfill protection option for new UST systems installations and when overfill equipment is replaced. Ball float valves may still be used on tanks installed on or before the effective date of the regulation as long as the ball float continues to operate effectively. Beginning three years after the implementation date, ball float valves must be tested for proper operation once every three years. If the ball float valve is not operating properly and cannot be repaired, the overfill device must be replaced with one of the other two types of overfill prevention (automatic shutoff devices or overfill alarms).

Implementation: Immediately

Internal Lined Tanks

- EPA revises the internal lining requirement to mandate that owners and operators 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.

Implementation: Immediately

Notification

- EPA adds a requirement that owners notify the implementing agency within 30 days of UST system ownership change.
- EPA adds a requirement that, within three years, owners submit a one-time notification for previously deferred FCTs and AHSs.
- EPA updated the notification form to reflect the new changes and editorial/formatting revisions.
- EPA created new notification of ownership change form for owners to submit when necessary.
- EPA adds a requirement that owners and operators notify the implementing agency at least 30 days prior to switching to a regulated substance containing greater than 10 percent ethanol, greater than 20 percent biodiesel, or any other regulated substance the implementing agency identifies and meet one of the following:
 - * Demonstrate compatibility through a listing by a nationally recognized independent testing laboratory or through equipment or component manufacturer approval;
 - * Or use another method determined by the implementing agency to be no less protective of human health and the environment than the compatibility demonstration methods listed above

- EPA adds a requirement to maintain records to demonstrate compliance with 280.32 for as long as the UST system is storing regulated substances containing greater than 10 percent ethanol, greater than 20 percent biodiesel, or any other regulated substance the implementing agency identifies.
- EPA removes references to one code of practice.
- EPA revises definitions of motor fuel and regulated substance.

Implementation: Immediately

Repairs

- EPA revises definition to remove the link that a repair must be associated with a release and adds examples of other UST system components that can be repaired.
- EPA adds a requirement for owners and operators to test within 30 days after a repair to spill or overfill equipment and secondary containment areas.
- Records for each repair must be kept until the UST is permanently closed or undergoes a change in service.

Implementation: Immediately

Groundwater and Vapor Monitoring (reprinted with permission from the PEI *TulsaLetter* written by Robert Renkes)

- EPA determined that vapor monitoring and groundwater monitoring are used by 5 percent of the UST owners to comply with the Agency's release detection requirements. UST owners in Arkansas (29 percent), Louisiana (12 percent) and Mississippi (65 percent) rely on vapor monitoring, groundwater monitoring, or a combination more often than UST owners throughout the rest of the country. The widespread use of these release detection methods influenced EPA to continue to allow their use in meeting the regulation, provided owners and operators demonstrate proper installation and performance through site assessments.

Implementation: Record of site assessment within three years

Interstitial Monitoring Results

- EPA adds interstitial monitoring alarms as an example of an unusual operating condition under release reporting.
- EPA adds a choice for secondary containment testing for secondarily contained tanks and piping using interstitial monitoring for the system test under release investigation and confirmation.
- EPA adds closure as an option if a system test confirms a leak.
- EPA clarifies use of the terms release and leak.

Implementation: Immediately

Release Detection for UST Systems Used With Emergency Power Generators (reprinted with permission from the PEI *TulsaLetter* written by Robert Renkes)

- EPA eliminated the deferral for release detection for UST systems storing fuel solely for use by emergency power generators. The regulation allows owners and operators flexibility to choose the most appropriate release detection methods for their systems, including line leak detectors that trigger an alarm only and do not necessarily shut down the pumps. The regulation requires that the alarm must be transmitted to a monitoring center where someone on site can hear or see the alarm and respond to a suspected or confirmed release. Owners of emergency generator tanks installed before the effective date of the regulation must begin meeting the release detection requirements within three years of the effective date. USTs storing fuel for emergency power generation installed after the effective date must meet the release detection requirements at installation.

Implementation: Within three years

Field-erected Tanks (reprinted with permission from the PEI *TulsaLetter* written by Robert Renkes)

- EPA removed the 1988 deferral of field-erected tanks (FETs) in UST systems from regulation. The regulation now provides that the current release detection methods in subpart D of the 1988 regulation are appropriate for FETs less than 50,000 gallons. For those tanks, EPA did not establish leak detection requirements beyond those listed for conventional UST systems. EPA also retained the option for owners and operators to demonstrate to the implementing agencies release detection methods as effective as those stated in the final UST regulation. Implementing agencies must approve options not specifically included in the UST regulation.
- EPA provided three additional options in its regulation that provide flexibility for owners and operators (primarily the Department of Defense) of FETs greater than 50,000 to meet the release detection requirements.

Implementation: Within three years

In summary, EPA's main points of emphasis are:

- That operators know how their UST system works, what to do in case equipment fails and what their responsibilities are;
- That UST facilities are monitored daily and the necessary information is logged;
- That the equipment used for overfill and leak detection functions;
- That UST regulators are informed of changes at UST facilities;
- That all parts of a UST facility get reviewed because most leaks are found by people and not equipment.

Tank Management Services, Inc. along with KDHE will be doing informative meetings on the new UST regulations in the coming months. Owners and operators will be notified by e-mail and the Advisor of dates and locations.

Operator Training

Kansas Department of Health and Environment (KDHE) requires all UST operators to be certified as level A/B operators within 30 days of taking over operation of a UST facility. **Trained in 2010 or 2011 MUST RENEW BY DECEMBER 31, 2015.** If you were trained in 2012 or after you must renew within four years of the **EXACT DATE** you were trained.

You will find the full 2015 class schedule and registration on our website at www.tankmgmt.net.

August 4	City Limits Convention Center Altir Room 2227 S Range Colby, KS
August 5	Fort Hays State University Memorial Union, Trails Room 217 600 Park Street Hays, KS
August 6	Atrium Hotel & Conference Center 1400 N Lorraine Hutchinson, KS
September 23	Hilton Garden Inn Conference Center, Konza Prairie Room 410 South 3rd Street Manhattan, KS
September 24	The Eldridge Hotel Crystal Ballroom 701 Massachusetts Lawrence, KS
October 6	Best Western Wichita North Regency III 915 East 53rd Street North Wichita, KS
October 7	Salina BiCentennial Center Room 203 800 The Midway Salina, KS
November 5	Crowne Plaza Hotel KC/Overland Park 12601 West 95th Street Lenexa, KS
December 2	Kansas Soybean Association Board Room 1000 SW Red Oaks Place Topeka, KS

Clerks and Attendants Must Be Trained

Information on level C training for all clerks and attendants may be found in the manual or on the CD received by A/B operators. A Level C certificate is available at www.tankmgmt.net. Mouse over the "UST Operator Training" button on the left side of the home page. A menu will appear, left click "Class C Certificate" then click on Level C Certificate. This will get you a printable certificate.

All UST Level C personnel must be trained before they may begin working at the facility.

WHAT IS TANK MANAGEMENT SERVICES?

TMS provides loss control and risk management assistance to UST owners who have third party liability insurance through Great American Custom as part of the Kansas Underground Storage Tank Liability Plan.

TMS can provide you with information on USTs –leak detection methods, and Federal and State regulations. Call TMS toll free at 800-530-5683 during normal Central Time Zone office hours (8-5). In the Topeka area, please call 233-1414. On the web go to www.tankmgmt.net. David Engelken is available to answer your questions. *This Service is free.*