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*PROPOSED EMERGENCY REGULATIONS FOR
THE TEMPORARY STORAGE OF BIODIESEL*



Current State Water Board Regulations Require

- USTs be approved by an independent testing organization
 - Manufacturers of containment and components have not undergone the required testing, or obtained approval from UL for use with biodiesel blends above B5
- Leak detection equipment be approved to function with the substance stored
 - Leak detection equipment or methods have not been tested for functionality with biodiesel blends

The Issue, Part 1

- **Compatibility**
 - With the exception of biodiesel blends up to B5, USTs manufactured to date have not received the required independent testing organization approval for biodiesel
- **Functionality**
 - Leak detection equipment and method approvals have not been obtained for biodiesel

The Issue, Part 2

- Not having yet completed testing for these two regulatory requirements (compatibility and functionality) has significantly contributed to the delay in the use of biodiesel blends greater than B5 in California

The Solution

- Temporary variance from certain provisions of Title 23 California Code of Regulations for up to 36 months
 - Section 2631
 - Section 2631.1
 - Section 2643

Definition of Biodiesel

- A fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100
- Meets the requirements of the American Society for Testing and Materials (ASTM) Standard Specification D-6751
- Meets the registration requirements of the USEPA as a fuel and as a fuel additive under the Clean Air Act (42 U.S.C. Sec. 7401)

Definition of Biodiesel

- Biodiesel blend means a fuel that contains one percent to 99.99 percent biodiesel blended with diesel fuel
- Where a biodiesel blend is designated BX, X represents the percentage of the fuel, by volume, that is biodiesel
 - For example, B20 means a biodiesel blend that contains 20 percent, by volume, of biodiesel

B5 - Clarifications

- ASTM has designated B5 as meeting their D975 specification for petroleum diesel
- UL has designated B5 as meeting their specifications for petroleum diesel approvals
- However, B5 is not included in petroleum diesel certification for leak detection

Compatibility Testing Variance For Blends Greater than B5, up to and Including B20

- Double Walled UST and Components
- Approved for the use of petroleum diesel
- Otherwise complies with all other applicable operational requirements
- Submittal of Notice of Intent to store biodiesel
- Submittal of Operating Permit Application – Tank Information Form (Form B)
- UST & component compatibility documentation

Compatibility Testing Variance Becomes Inoperative

1. 90 days after the date of any decision by UL that
1) biodiesel blends greater than B5 are included
in the standard petroleum diesel approval, or 2)
determines that materials or components of the
UST for which the variance was obtained are not
compatible with the biodiesel blend stored

OR

2. 36 months from the effective date of this section.

Leak Detection Functional Testing Variance For Biodiesel Blends up to B20

- Leak detection listed in LG 113 for petroleum diesel can be utilized
- Notice of Intent to Store
- Written statement by the owner that leak detection method or equipment functions with the biodiesel blend stored
 - This statement shall be supported by documentation from the manufacturer of the leak detection method or equipment

Leak Detection Functional Testing Variance Becomes Inoperative

- 36 months from the effective date of this section
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When Can an Owner/Operator Store Biodiesel Blends Greater than B5, up to Including B20?

<u>UST and Component <i>Compatibility</i>:</u> Double Wall UST & Components		
Step 1	Emergency Regs Approved?	If regulations are not approved, do not proceed.
Step 2	UST listed/approved for use with petroleum diesel?	If UST is not approved for use by an independent testing organization for petroleum diesel then this variance is not applicable, do not proceed.
Step 3	Is the UST in Compliance?	If facility is not in compliance then do not proceed. Bring facility into operational compliance.
Step 4	Notice of Intent	If Step 1, 2, and 3 are complete, then a Notice of Intent to store biodiesel must be submitted to the CUPA.
Step 5	Tank Form	Revised Tank Form must be submitted to CUPA.
Step 6	Compatibility Documentation	A written statement from the <u>owner</u> that the UST and components are compatible with the biodiesel blend stored. Statement shall be supported by documentation from the UST manufacturer, a nationally-recognized biodiesel association, or a nationally-recognized research organization.
Step 7	Owners/operators shall consult with the CUPA after submittal of all required documentation for direction to proceed.	

When Can an Owner/Operator Deliver & Store Biodiesel Blends up to B20?

<u>Leak Detection <i>Functionality</i>:</u> Double Wall UST & Components		
Step 1	Regulations Approved?	If regulations are not approved do not proceed.
Step 2	Is the UST in Compliance?	If facility is not in compliance then do not proceed. Bring facility into operational compliance.
Step 3	Notice of Intent	Once regulations are approved and USTs are in operational compliance, then a Notice of Intent to store biodiesel must be submitted to the CUPA.
Step 4	Tank Form	Revised Tank Form must be submitted to CUPA.
Step 5	Leak Detection Functionality Documentation	A written statement by the <u>owner</u> that the leak detection method or equipment functions with the biodiesel blend stored. This statement shall be supported by documentation from the manufacturer of the release detection method or equipment.
Step 6	Owners/operators shall consult with the CUPA after submittal of all required documentation for direction to proceed.	

Single Walled Tanks?

- Single Wall tanks, approved for use by an independent testing organization for petroleum diesel, can only store blends up to B5 only when the leak detection equipment is tested/certified for use with the biodiesel blend stored (listed in LG 113)
- Currently there is no tested/certified leak detection equipment for ASTM biodiesel

What Happens After 36 Months?

- For USTs/Components that are not UL certified/compatible for use with the appropriate blend of biodiesel, the biodiesel shall be removed or the owner can install the appropriate UL biodiesel certified/compatible equipment to continue operation
- For leak detection if an owner/operator's leak detection equipment has not been functionally tested with the appropriate biodiesel blends and listed in LG 113, then the owner must remove the biodiesel or replace the leak detection equipment with approved leak detection

Final Thoughts

- These regulations to not over-ride or preclude other codes or authorities
- Once the emergency regulations are adopted, we will begin the formal rulemaking process to make the regulations permanent
- As a result of the public ‘comment and resolution’ process that takes place during the permanent/final rulemaking there is a possibility that the permanent regulations may differ slightly from the emergency regulations

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