
State Water Resources Control Board

August 20, 2015

To: Underground Storage Tank Owners and Operators

2015 REVISED FEDERAL UNDERGROUND STORAGE TANK REGULATIONS

The United States Environmental Protection Agency (U.S. EPA) issued revised underground storage tank (UST) regulations on July 15, 2015. The revisions strengthen the 1988 federal UST regulations by placing an emphasis on properly operating and maintaining UST systems. The federal UST regulations have been published in the Federal Register located at <http://www.gpo.gov/fdsys/pkg/FR-2015-07-15/pdf/2015-15914.pdf>.

This letter serves to notify UST owners and operators that UST systems must comply with these new federal UST regulations in addition to California UST statutes and regulations. The new federal UST regulations become effective on October 13, 2015 in Indian Territory and in those states, including California, that do not have U.S. EPA State Program Approval. The compliance deadlines for the new requirements in the federal UST regulations range from October 13, 2015 to October 13, 2018 for those USTs installed on or before October 13, 2015. All USTs installed after October 13, 2015 must fully comply with the new federal UST regulations as well as California UST statutes and/or regulations. U.S. EPA has the authority to enforce the federal UST regulations under federal law.

The State Water Resources Control Board (State Water Board) staff currently are reviewing the new federal UST regulations to determine whether to propose statutory and/or regulatory amendments to incorporate into state law the new requirements in the federal UST regulations that are more stringent. In the meantime, State Water Board staff has compiled tables to assist California UST owners and operators in determining which of the new requirements in the federal UST regulations will affect USTs operated in the State of California. The tables contain compliance deadlines and a general description of each of the new federal regulations that are more stringent than California UST statutes and regulations.

The State Water Board will provide more detailed guidance on how to meet the new federal UST requirements in the near future.

For more information about the revised federal UST regulations, please see the 2015 Revised Underground Storage Tank Regulations webpage located at <http://www.epa.gov/oust/fedlaws/revregs.html>.

If you have any further questions regarding the implementation of these new federal UST regulations please contact me at (916) 341-5870 or laura.fisher@waterboards.ca.gov or Cory Hootman at (916) 341-5668 or cory.hootman@waterboards.ca.gov.

Sincerely,



Laura S. Fisher, Chief
UST Leak Prevention Unit and
Office of Tank Tester Licensing

Enclosure (1)

1. Compliance Deadlines for Meeting 2015 Revised Federal UST Requirements (August 2015)

cc: [Via email only]

Julie M. Osborn, Attorney III
Office of Chief Counsel
State Water Resources Control Board
julie.osborn@waterboards.ca.gov

Amantha Henkel, Chief
UST Enforcement Unit
State Water Resources Control Board
amantha.henkel@waterboards.ca.gov

Steven Linder, P.E., Manager
Underground Storage Tanks Program
United States Environmental Protection Agency Region 9
linder.steven@epa.gov

Kenneth Dixon, California Project Officer
Underground Storage Tanks Program
United States Environmental Protection Agency Region 9
dixon.kenneth@epa.gov

Compliance Deadlines for Meeting 2015 Revised Federal UST Requirements

General Description of the Federal Underground Storage Tank Requirements for Regulated Underground Storage Tanks	Compliance Deadline for Underground Storage Tank Systems Installed On or Before October 13, 2015 ¹
<p>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 substances identified by the implementing agency. (40 Code of Federal Regulations (C.F.R.) § 280.32(b) (2015).)</p>	<p>Owners and operators must begin meeting these requirements after October 13, 2015</p>
<p>Maintain records demonstrating compatibility of the UST system with the substances listed above for as long as that substance is stored. (40 C.F.R. §§ 280.32(b)(1), 280.32(c), & 280.34(b)(3) (2015).)</p>	
<p>Spill and overfill prevention equipment must be tested or inspected, as appropriate, within 30 days following a repair.² (40 C.F.R. § 280.33(f) (2015).)</p>	
<p>Tanks and piping, as well as secondary containment areas of tanks and piping used for interstitial monitoring, must be tested for tightness within 30 days following a repair.² (40 C.F.R. § 280.33(d) (2015).)</p>	
<p>If the internal lining of a tank is no longer performing in accordance with the original design specifications and cannot be repaired according to a code of practice, then the lined tank must be permanently closed. (40 C.F.R. § 280.21(b)(1)(ii) (2015).)</p>	
<p>Flow restrictors in vent lines may not be used to comply with overfill prevention requirements when overfill prevention is installed or replaced. (40 C.F.R. § 280.20(c)(3) (2015).)</p>	
<p>Except for safe suction piping, when 50 percent or more of a single-walled piping run is removed and other piping is installed, the entire piping run must be upgraded to double-walled pipe with interstitial monitoring. (40 C.F.R. §§ 280.12, & 280.20 (2015).)</p>	<p>Owners and operators must begin meeting these requirements after April 11, 2016</p>
<p>A list of designated Class A, B, and C operators and a record of their training must be maintained for as long as they are designated for the facility.³ (40 C.F.R. § 280.245 (2015).)</p>	<p>Owners and operators must begin meeting these requirements after October 13, 2018</p>
<p>Class A and B operators must be retrained if the facility is found to be out of compliance.³ (40 C.F.R. § 280.244 (2015).)</p>	
<p>Class C operators must be trained before assuming the duties of the Class C operator at the facility.³ (40 C.F.R. § 280.243(c) (2015).)</p>	
<p>Maintain documentation of the initial site assessment used to determine groundwater and vapor monitoring for as long as that method of monitoring is used. (40 C.F.R. §§ 280.45(a), 280.43(e)(6), & (f)(7) (2015).)</p>	

¹ All UST systems installed after October 13, 2015 must fully comply with both the new federal UST regulations and all California UST statutes and regulations at the time of installation.

² A repair includes actions taken to restore equipment that has caused a release or is not operating properly.

³ In California, Class A and B are referred to as the designated operator, and Class C is referred to as the facility employee.

**Compliance Deadlines for
Meeting 2015 Revised Federal UST Requirements**

General Description of the Federal Underground Storage Tank Requirements for Regulated Underground Storage Tanks (continued)	Compliance Deadline for Underground Storage Tank Systems Installed On or Before October 13, 2015¹ (continued)
Overfill prevention equipment must be tested or inspected at least every 3 years to ensure that overfill prevention equipment is set to activate at the correct level and activates when the substance stored reaches that level. (40 C.F.R. §§ 280.20(c)(4) & 280.35(a)(2) (2015).)	Owners and operators must conduct the first test or inspection by October 13, 2018
Walkthrough inspections must be conducted every 30 days and include inspecting the spill prevention equipment by visually checking for damage, removing liquid or debris, checking for and removing obstructions in the fill pipe, and checking the fill cap to make sure it is securely on the fill pipe. (40 C.F.R. § 280.36(a)(1)(i)(A) (2015).)	
On an annual basis, containment sumps must be inspected for liquid or debris and any liquid or debris must be removed. (40 C.F.R. § 280.36(a)(1)(ii)(A) (2015).)	

General Description of the Federal Underground Storage Tank Requirements for Airport Hydrant Fuel Distribution Systems	Compliance Deadline for Underground Storage Tank Systems Installed On or Before October 13, 2015¹
Airport hydrant fuel distribution systems must meet federal release reporting requirements. (40 C.F.R. § 280.251(c) (2015).)	Owners and operators must begin meeting these requirements after October 13, 2015
Airport hydrant fuel distribution systems must meet the federal release detection requirements. (40 C.F.R. § 280. 252(d) (2015).)	Owners and operators must begin meeting these requirements after October 13, 2018
Airport hydrant fuel distribution systems must submit a one-time notification of existence to the implementing agency at which time financial responsibility must be demonstrated. (40 C.F.R. § 280.251(b) (2015).)	
Walkthrough inspections of airport hydrant fuels distribution systems must include inspection of hydrant pits for visual damage, leaks, and liquid or debris to be removed. In addition, hydrant piping vaults must be inspected for leaking pipes. (40 C.F.R. § 280.252(c) (2015).)	Owners and operators must conduct the first test or inspection by October 13, 2018

Compliance Deadlines for Meeting 2015 Revised Federal UST Requirements

General Description of the Federal Underground Storage Tank Requirements for Underground Storage Tank Systems with Field-Constructed Tanks	Compliance Deadline for Underground Storage Tank Systems Installed On or Before October 13, 2015 ¹
Piping associated with field-constructed tanks less than or equal to 50,000 gallons must meet the secondary containment requirements when it becomes necessary to replace the existing piping. (40 C.F.R. § 280.252(a) (2015).)	Owners and operators must begin meeting these requirements after October 13, 2015
UST systems with field-constructed tanks must meet federal release reporting requirements. (40 C.F.R. § 280.251(c) (2015).)	
UST systems with field-constructed tanks must meet the federal release detection requirements. (40 C.F.R. § 280.252(d) (2015).)	Owners and operators must begin meeting these requirements after October 13, 2018

General Description of the Federal Underground Storage Tank Requirements for Emergency Generator Tank Systems	Compliance Deadline
Emergency generator tank systems installed after October 13, 2015 must meet all federal requirements that are applicable at the time of installation. (40 C.F.R. § 280. 10(a)(1)(iii) (2015).)	Owners and operators must begin meeting these requirements after October 13, 2015
Emergency generator tank systems installed on or before April 11, 2016 , except for emergency generator tank systems with safe suction piping, when 50 percent or more of a single-walled piping run is removed, and other piping is installed, the entire piping run must be upgraded to double-walled pipe with interstitial monitoring. (40 C.F.R. §§ 280.12 & 280.20 (2015).)	Owners and operators must begin meeting these requirements after April 11, 2016
Emergency generator tank systems installed after April 11, 2016 must be secondarily contained and meet release detection requirements by using interstitial monitoring. (40 C.F.R. § 280.20 (2015).)	
Emergency generator tank systems installed on or before October 13, 2015 are no longer deferred systems and must meet the federal release detection requirements. (40 C.F.R. § 280. 10(a)(1)(ii) (2015).)	Owners and operators must begin meeting these requirements after October 13, 2018

NOTE: This working document was developed for ease of reference. State Water Resources Control Board staff have taken every effort to ensure that the requirements listed in this document match the requirements in part 280 of 40 Code of Federal Regulations. We recommend that this document be used in conjunction with 40 Code of Federal Regulations part 280. In the event of a conflict between this document and 40 Code of Federal Regulations part 280, 40 Code of Federal Regulations part 280 controls.