Underground Storage Tanks/Airport Hydrant Systems: U.S. Environmental Protection Agency Addresses Question Regarding Aviation Fuel Facility

Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

11/13/2017

The United States Environmental Protection Agency ("EPA") periodically updates a "Compendium" which addresses revisions to the Resource Conservation and Recovery Act, Subtitle I, Underground Storage Tank ("UST") regulations.

EPA promulgated in 2015 the first set of significant revisions to these federal UST rules since they were originally established.

The Compendium contains the federal agency's periodic issuance of interpretations about various aspects of the 2015 revisions.

EPA addressed a question a few months ago involving aviation fuel facilities. The document added to the Compendium asks:

Is an aviation fuel facility regulated as an AHS if it loads aviation fuel onto a truck, which then drives to an airfield to fuel aircraft?

The acronym "AHS" refers to an Airport Hydrant System. The question assumes the volume of the underground systems is greater than 10 percent.

EPA notes that the scenario was "not explicitly discussed in 40 CFR 280." Nevertheless, the agency states:

. . . However, the 2015 federal UST regulations preamble discusses the definition of an airport hydrant system. Specifically: ". . . EPA is aware there may be instances where an airport hydrant system might include permanently installed dispensing equipment at the end of the hydrant piping instead of a fill stand. However, since these systems still operate under high pressure and contain large diameter piping, we consider them to be airport hydrant systems."

Volume 80 of the Federal Register from July 15, 2015, pages 41588 and 41589 are cited.

EPA further notes:

. . . This facility is captured by the concept addressed in the preamble since it operates under high pressure and contains large diameter piping. If this system meets the 10 percent threshold, it is considered an UST and an AHS regulated under 40 CFR 280.

The Compendium provides a figure illustrating the issue.

A link to the Compendium can be found here.