

Federal Underground Storage Tank Rule Revisions: U.S. Senate and House Representative Ask EPA for Extended Compliance Date



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Several members of the United States Senate and House of Representatives (collectively “Members”) sent June 7th and 8th letters, respectively, asking the United States Environmental Protection Agency (“EPA”) Administrator to extend a compliance deadline for the 2015 federal underground storage tank (“UST”) revisions (“Rule Revisions”).

The Members ask that EPA extend a previously established deadline of October 13, 2018, for the Rule Revisions to October 13, 2024.

By way of background, EPA published certain revisions to the federal petroleum UST regulations in 2015. These were the first comprehensive revisions to the federal UST rules since 1988.

The changes included:

- Added secondary containment requirements for new and replaced USTs and piping
- Added operator training requirement
- Added periodic operation and maintenance requirements for UST systems
- Added requirements to ensure that UST system capability before storing certain biofuel blends
- Remove past deferrals for emergency generator tanks, field construction tanks, and airport hydrant systems
- Updated codes of practice

The states that have delegation of the federal petroleum UST programs (which include Arkansas) have three years to reapply in order to retain their delegated status.

The Members argue that portions of the 2015 Rule Revisions (citing 40 C.F.R. 280.35) “impose an overwhelming financial and strategic burden on fuel retailers, particularly small businesses, by requiring excessive labor and infrastructure investments over a short period of time.” As to the 40 C.F.R. 280.35 testing requirement, they cite concerns such as:

- Much of the equipment used in existing UST systems was not designed, manufactured, and installed to be tested in the manner in which the Rule Revisions require.
- Fuel retailers operating USTs require a longer period of time in order to make the necessary adjustments and equipment upgrades in preparation for the testing and inspection protocol.
- Operators may have difficulty in finding enough qualified contractors to prepare the equipment to be tested and inspectors to perform the required testing.

Concern is also expressed regarding the periodic inspection mandate for overfill prevention equipment.

Arkansas Senators Tom Cotton and John Boozman were signatories to the June 8th letter from the U.S. Senate Members.

Whether or not EPA will seriously consider this request is unknown. A potential problem in granting such an extension is the fact that some states have already revised their regulations to incorporate the Rule Revisions.

A copy of the [letters](#) can be downloaded here.