

# Changes to Underground Storage Tank Regulation/40 CFR 280: Oriana Thompson (The Southern Co.) Arkansas Environmental Federation Presentation



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Ms. Oriana Thompson undertook a presentation at the Arkansas Environmental Federal Convention titled: *Changes to Underground Storage Tank Regulation 40 CFR 280 ("Presentation")*

The *Presentation* addressed comprehensive revisions the United States Environmental Protection Agency ("EPA") made to the federal Petroleum Underground Storage Tank ("UST") regulations in 2015.

The importance of such regulations is the fact they were the first comprehensive revisions to the federal UST rules since 1988.

USTs are utilized in hundreds of thousands of facilities nationwide to store petroleum and chemical products. A variety of design change and installation techniques have been developed over the years to minimize the chance of leaks or spills. As a result, some of the revisions reflect these developments.

Arkansas has primacy and has been delegated UST regulatory authority for many years. As a delegated state, is required to amend its rules to meet the federal baseline requirements. Therefore, the federal revisions are relevant to UST owners and operators.

Ms. Thompson's *Presentation* provided information regarding timelines associated with the states' (including Arkansas) deadlines for revising their programs and compliance deadlines for owners and operators.

A particular focus of the *Presentation* was the new requirements associated with the "30-day Walkthrough Inspection Checklist." The actual tasks required and the mandated frequency were addressed.

Of particular note was periodic O&M which is required every three years for:

- Inspection of overfill prevention equipment
- Inspection of spill buckets and containment sumps

The elements of an inspection were addressed and Ms. Thompson noted the frequent problems that are identified with overfill prevention devices.

The individuals qualified to do certain inspections were discussed under the categories of 30-Day Inspections, Annual Inspections, and 3-Year Inspections.

The double-wall rule was reviewed. Attendees were reminded that since 2007 Arkansas has required each new or replaced UST or piping to be secondarily contained and monitored for leaks. The requirement for secondary containment of piping is now triggered when 50 percent or more of piping from each line is replaced.

Under dispenser containment was addressed. Triggers for replacement involving the impact valve and the flex connector were reviewed.

Internal lining was addressed and Ms. Thompson noted owners and operators must permanently close tanks that use internal lining as the sole method of corrosion protection if:

- The lining fails the periodic inspection and
- The lining cannot be repaired according to a code of practice

Compatibility with regulated substances and mandated training were also reviewed.

The topic of emergency generators was a key issue. It was noted that emergency generators must now have release detection. (They were already required to have spill prevention and corrosion protection).

Post 2007 release detection for USTs was addressed including line and leak detector tests.

Field-constructed tanks and airport hydrant systems requirements were stated to include:

- Notify ADEQ of their existence
- Comply with installation, operation, release notification, and release response
- Certain exceptions were noted

The continuing importance of release reporting – notification requirements in the event of releases was noted. (This is particularly important from the standpoint of the Arkansas Petroleum Storage Tank Trust Fund eligibility).

Finally, aboveground storage tanks were addressed with the reminder that previous Arkansas legislation eliminates fees and registration requirements for aboveground storage tanks that contain petroleum products. However, it was emphasized that continued payment of fees and registration of these tanks is mandatory to be eligible for participation in the Arkansas Petroleum Storage Tank Trust Fund.

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