

# Underground Storage Tanks/Louisiana: U.S. Environmental Protection Agency Direct Final Rule Approving State Regulatory Revisions



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The United States Environmental Protection Agency (“EPA”) published a June 4th Federal Register Notice announcing a direct final rule to approve the State of Louisiana’s revisions to its Underground Storage Tank (“UST”) program. See 85 Fed. Reg. 34361.

The EPA approval includes Louisiana’s revisions to its UST regulations intended to address EPA’s comprehensive amendments of the federal UST regulatory provisions that had been finalized on July 15, 2015. See 80 Fed. Reg. 41566.

Subtitle I of the federal Resource Conservation and Recovery Act previously required EPA to issue design, construction, installation, and compatibility standards for USTs as well as requirements concerning leak detection, recordkeeping, reporting, closure, corrective action, and financial responsibility applicable to most USTs. Congress also encouraged states to develop their own UST programs, provided that the state standards are at least as stringent as the federal provisions.

EPA initially published two sets of UST regulatory requirements, codified at 40 C.F.R. Parts 280 and 281 in 1988.

The revisions EPA promulgated in 2015 were the first set of comprehensive changes since the original 1988 promulgation. The 2015 rule was intended to:

- Improve operation and maintenance along with reduction of petroleum releases
- Address certain UST systems that were deferred in the 1988 regulations
- Update the regulations to include new technologies and fuel blends
- Provide regulation for previously unregulated areas

Louisiana, Arkansas, and most states have developed their own UST regulatory programs and have therefore been delegated this authority by EPA.

The June 4th Federal Register Notice states that Louisiana submitted program revisions to address the 2015 federal UST revisions. EPA further stated that such submitted revisions satisfied all requirements needed for program approval. They were deemed to be no less stringent than corresponding federal requirements in Subpart C of 40 C.F.R. Part 281. In addition, it was determined that the Louisiana program provides for adequate enforcement and, therefore, the state was granted approval to operate its UST program with the changes described in the Louisiana program revision application.

EPA states that it is publishing a direct final rule because it views the action as noncontroversial and anticipates no adverse comment.

The preamble to the direct final rule describes Louisiana statutory and regulatory authorities addressing USTs along with its enforcement authority and resources. The Louisiana revisions addressing the 2015 EPA amendments are also discussed. Certain differences between the Louisiana rules and the federal program are identified.

A copy of the Federal Register Notice can be downloaded [here](#).