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Comparison of U.S. Environmental Protection Agency Underground Storage Tank Regulations and National Fire Protection Association Fire Codes: ASTSWMO Publishes Guidance Document

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The Association of State and Territorial Solid Waste Management Officials (“ASTSWMO”) published a document titled:

Comparing EPA UST Regulations and NFPA Fire Codes (“Guidance”)

The stated intent of the *Guidance* is to provide underground storage tank managers:

. . . a breakdown of where EPA’s Office of Underground Storage Tanks (OUST) UST Regulations and the National Fire Protection Association Fire codes are aligned/misaligned.

After examining the potential threat of underground storage tank (“UST”) releases in 1983, Congress added subchapter IX to the Resource Conservation and Recovery Act (“RCRA”). This subchapter directed EPA to promulgate regulations applicable to all owners and operators containing regulated substances.

EPA subsequently issued design, construction, installation, and compatibility standards for new USTs as well as requirements applicable to all UST owners and operators concerning leak detection, recordkeeping, reporting, closure, corrective action, and financial responsibility.

Congress also provided that the states could develop their own UST programs by establishing standards at least as stringent as the federal provisions. Furthermore, states or other political subdivision may adopt or enforce UST requirements more stringent than the federal provisions.

The ASTSWMO document notes that most states adopt National Fire Protection Association 30 (Flammable and Combustible Liquids Code) and 30A (Code for motor fuel dispensing facilities or repair garages) to include the IFC. However, the *Guidance* also notes that very few states:

. . . enforce or write UST regulatory orders pertaining to Fire Codes. When enforcing, or trying to enforce a particular issue, state UST programs may not be aware of what NFPA Fire Codes include.

Consequently, the ASTSWMO document is intended to be utilized by UST owners or legislatures so as “to not encounter issues when creating legislature/regulations.”

Note that fire safety codes and standards refer to a body of requirements and guidelines that typically provide product designers with instructions on how a product should perform or be built. In the context of fire safety, such codes and standards establish minimum performance requirements for how a product responds to an ignition source like a spark, flame, or other heat source.

A link to the ASTSWMO *Guidance* can be found [here](#).