



## **UNDERGROUND STORAGE TANKS RULE DELAY**

### **BACKGROUND**

In 2015, the Environmental Protection Agency (EPA) updated the 1988 regulations for the operation and maintenance of underground storage tanks (UST's). UST integrity is critical to preventing fuel releases into the environment. However, portions of the 2015 regulations, particularly those relating to testing and inspection of spill buckets, containment sumps and overfill equipment require excessive labor and infrastructure investments for small business petroleum marketers over a very short time period.

### **REQUEST FOR A DELAY IN THE COMPLIANCE DATE**

**PMAA has requested a delay to the compliance deadline in the 2015 underground storage tank amendments for containment sumps, spill buckets and overfill prevention equipment operability testing until October 13, 2024.**

The extension would allow tank owners and operators adequate time to acquire the capital needed to pay for the compliance costs associated with the initial testing requirements.

A deadline extension for initial testing is justified for several reasons. First, much of the equipment used in existing UST systems was not designed, manufactured and installed to be tested in the manner the EPA regulations require. Owners and operators of USTs need additional time to make the necessary upgrades to prepare for the testing and inspection protocols. Moreover, as the deadline approaches, many owners and operators may have difficulty finding qualified contractors to do the testing. Lastly, it will be problematic for owners and operators to meet the testing and inspection deadline because few suitable test methods are available for containment sumps, spill buckets and overfill prevention equipment currently in use.

Furthermore, PMAA is concerned with EPA's new periodic inspection requirement for overfill prevention equipment designed to prevent filling tanks beyond maximum capacity during fuel deliveries from cargo tank trucks. The 2015 UST amendments require inspection of overfill prevention equipment once every three years to ensure it is functioning properly, however, for the overwhelming majority of overfill prevention devices, no manufacturer inspection recommendations exist, and the one available code of practice requires the removal of the overfill prevention device to facilitate the inspection. Removal of existing overfill prevention equipment that has not been previously removed or tested may damage the device beyond repair. Extending the compliance deadline to October 2024 would allow tank owners and operators more time to get this equipment removed and potentially replaced. After this time, new removable overfill equipment can be installed to facilitate future inspections.

**"THE ASK"** *Committee: Senate Environment and Public Works; House Energy and Commerce*

PMAA urges Senators to sign onto a letter led by Senator Moran (R-KS) to the EPA requesting a delay in the 2015 underground storage tank amendments for containment sump, spill bucket and overfill prevention equipment operability testing until October 13, 2024. To do so, please contact Jordan Ebert in Senator Moran's office at [Jordan\\_Ebert@moran.senate.gov](mailto:Jordan_Ebert@moran.senate.gov). Deadline to sign the letter is Thursday, May 24<sup>th</sup>.

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