The Honorable Michael C. Burgess, M.D.
U. S. House of Representatives
Washington, D.C. 20515

Dear Congressman Burgess:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

Since a compliance deadline extension to 2024 could unintentionally do more harm than good, we are not extending the deadline. The new requirements in the 2015 UST regulation were designed to focus on the parts of tank systems most likely to leak or to fail to detect a leak if there were a problem. A several-year delay in conducting the new requirements could result in releases not being identified and addressed for many years, which ultimately could result in unnecessary environmental damage and more expensive cleanup costs. Since the regulation was finalized in 2015, many stakeholders, including tank owners and operators, service providers, testing companies and other contractors have planned their work based on the October 2018 deadline, and an extension now could be disruptive to those stakeholders’ businesses.

Moreover, the agency undertook an extensive and lengthy process in developing the 2015 UST regulation. We reached out substantially to affected stakeholders starting in 2008 before proposing the rule in November 2011. After the proposal, there was a five-month comment period during which we received approximately 200 comments. The final rule, published in 2015, simplified the implementation schedule, reduced the burden of walkthrough inspections, removed requirements for periodic testing of tank secondary containment and changed requirements on some previously deferred tanks, among other revisions. In May 2017, the EPA added an alternative sump testing method that some stakeholders could choose if it would be easier for them to use and less costly.

Additionally, because USTs are often directly regulated by states, the deadline of October 13, 2018 applies directly in only the 16 states and territories that have not received State Program Approval (SPA). In the other 40 states and territories with SPA, the state regulations apply in lieu of the federal regulation, and states can implement their regulations up to three years beyond the federal compliance
deadline. Thus, implementation will be phased in from 2018 through up to 2021. The variability of
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The EPA encourages tank owners to not wait until the last minute to try to arrange for testing and
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respond to a violation.

Again, thank you for your letter. If you have further questions, please contact me or your staff may
contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at
snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

Barry N. Breen
Acting Assistant Administrator
The Honorable Lynn Jenkins, CPA  
U. S. House of Representatives  
Washington, D.C. 20515

Dear Congresswoman Jenkins:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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Sincerely,

[Signature]

Barry N. Breen
Acting Assistant Administrator
The Honorable Markwayne Mullin  
U. S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Mullin:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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Sincerely,

Barry N. Breen
Acting Assistant Administrator
The Honorable Richard Hudson  
U. S. House of Representatives  
Washington, D.C. 20515  

Dear Congressman Hudson:  

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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Sincerely,

Barry N. Breen
Acting Assistant Administrator
The Honorable Pete Olson  
U. S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Olson:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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Sincerely,

Barry N. Breen
Acting Assistant Administrator
The Honorable Larry Bucshon, M.D.
U. S. House of Representatives
Washington, D.C. 20515

Dear Congressman Bucshon:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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Sincerely,

Barry N. Breen
Acting Assistant Administrator
The Honorable Susan W. Brooks  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congresswoman Brooks:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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Sincerely,

Barry N. Breen
Acting Assistant Administrator
The Honorable Robert E. Latta  
U. S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Latta:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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Sincerely,

[Signature]

Barry N. Breen
Acting Assistant Administrator
The Honorable Bill Flores  
U. S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Flores:

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Sincerely,

Barry N. Breen
Acting Assistant Administrator
The Honorable Jeff Duncan
U. S. House of Representatives
Washington, D.C. 20515

Dear Congressman Duncan:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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Sincerely,

Barry N. Brein
Acting Assistant Administrator
The Honorable Brett Guthrie  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Guthrie:

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Sincerely,

Barry N. Breen
Acting Assistant Administrator
Dear Congressman Johnson:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

Since a compliance deadline extension to 2024 could unintentionally do more harm than good, we are not extending the deadline. The new requirements in the 2015 UST regulation were designed to focus on the parts of tank systems most likely to leak or to fail to detect a leak if there were a problem. A several-year delay in conducting the new requirements could result in releases not being identified and addressed for many years, which ultimately could result in unnecessary environmental damage and more expensive cleanup costs. Since the regulation was finalized in 2015, many stakeholders, including tank owners and operators, service providers, testing companies and other contractors have planned their work based on the October 2018 deadline, and an extension now could be disruptive to those stakeholders’ businesses.

Moreover, the agency undertook an extensive and lengthy process in developing the 2015 UST regulation. We reached out substantially to affected stakeholders starting in 2008 before proposing the rule in November 2011. After the proposal, there was a five-month comment period during which we received approximately 200 comments. The final rule, published in 2015, simplified the implementation schedule, reduced the burden of walkthrough inspections, removed requirements for periodic testing of tank secondary containment and changed requirements on some previously deferred tanks, among other revisions. In May 2017, the EPA added an alternative sump testing method that some stakeholders could choose if it would be easier for them to use and less costly.

Additionally, because USTs are often directly regulated by states, the deadline of October 13, 2018 applies directly in only the 16 states and territories that have not received State Program Approval (SPA). In the other 40 states and territories with SPA, the state regulations apply in lieu of the federal regulation, and states can implement their regulations up to three years beyond the federal compliance deadline.
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The EPA encourages tank owners to not wait until the last minute to try to arrange for testing and inspection. If the required tests/inspections determine that existing equipment is not properly operating to prevent and detect releases, the EPA understands it may take time to get that equipment repaired or upgraded. For diligent tank owners who nevertheless are unable to comply with the October 2018 deadline, the EPA considers any good faith efforts to comply with the law when deciding if and how to respond to a violation.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

Barry N. Breen
Acting Assistant Administrator
The Honorable Cathy McMorris Rodgers  
U. S. House of Representatives  
Washington, D.C. 20515

Dear Congresswoman Rodgers:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA’s Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

Barry N. Breen
Acting Assistant Administrator
The Honorable Earl L. 'Buddy' Carter  
U. S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Carter:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

Barry N. Breen
Acting Assistant Administrator
The Honorable Leonard Lance  
U. S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Lance:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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Moreover, the agency undertook an extensive and lengthy process in developing the 2015 UST regulation. We reached out substantially to affected stakeholders starting in 2008 before proposing the rule in November 2011. After the proposal, there was a five-month comment period during which we received approximately 200 comments. The final rule, published in 2015, simplified the implementation schedule, reduced the burden of walkthrough inspections, removed requirements for periodic testing of tank secondary containment and changed requirements on some previously deferred tanks, among other revisions. In May 2017, the EPA added an alternative sump testing method that some stakeholders could choose if it would be easier for them to use and less costly.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA’s Office of Congressional and Intergovernmental Relations at snyder.raquelepa.gov or at (202) 564-9586.

Sincerely,

Barry N. Breen
Acting Assistant Administrator
Dear Congressman Cramer:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may
contact Raquel Snyder in the EPA’s Office of Congressional and Intergovernmental Relations at
snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

Barry N. Breen
Acting Assistant Administrator
The Honorable Gregg Harper  
U. S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Harper:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

Barry N. Breen
Acting Assistant Administrator
The Honorable Chris Collins  
U. S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Collins:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

Barry N. Breen
Acting Assistant Administrator
The Honorable David B. McKinley, P.E.
U. S. House of Representatives
Washington, D.C. 20515

Dear Congressman McKinley:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

Barry N. Breen
Acting Assistant Administrator
The Honorable Tim Walberg  
U. S. House of Representatives  
Washington, D.C. 20515  

Dear Congressman Walberg:  

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.  

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Sincerely,

[Signature]

Barry N. Breen
Acting Assistant Administrator