

**Congress of the United States**  
**Washington, DC 20515**

June 7, 2018

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Pruitt:

In 2015, the Environmental Protection Agency (EPA) established updated regulations for the operation and maintenance of underground storage tanks (UST's). Proper UST operations are vital to preventing fuel releases into the environment. Unfortunately, portions of the 2015 regulations, specifically 40 CFR 280.35, impose an overwhelming financial and strategic burden on fuel retailers, particularly small businesses, by requiring excessive labor and infrastructure investments over a short period of time. Therefore, we request that the EPA extend its previously established compliance deadline of October 13, 2018 to October 13, 2024.


Notwithstanding the compliance flexibility provided through consensus industry standards, we consider that extending the deadline for initial testing in 40 CFR 280.35 is warranted. First, we have been informed that much of the equipment used in existing UST systems was not designed, manufactured, and installed to be tested in the manner in which these EPA regulations require (vacuum, pressure, or liquid testing). We understand that fuel retailers operating UST's require a longer period of time in order to make the necessary adjustments and equipment upgrades in preparation for the testing and inspection protocol. Additionally, as the October 2018 deadline approaches, we are concerned that many operators may have difficulty in finding enough qualified contractors to prepare the equipment to be tested and inspectors to perform the required testing. Therefore, we believe these challenges will make it problematic for owners and operators to achieve timely compliance.

We also understand the EPA's new periodic inspection mandate for overfill prevention equipment is also concerning. For the majority of overfill prevention devices, there are no recommended manufacturer inspection methods that currently 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 is likely to damage the previously functioning device beyond repair. While we appreciate that Section 9005(c) of the Solid Waste Disposal Act requires inspections of UST systems every three years, the Administrator retains some discretion about the specifics of those inspections. Extending the compliance deadline for this specific area to October 2024 allows small businesses, acting in good faith, more time to get this equipment removed

and replaced. After this time, small business owners will have the option to install new, and recently commercially available, overflow prevention equipment capable of being tested in place.

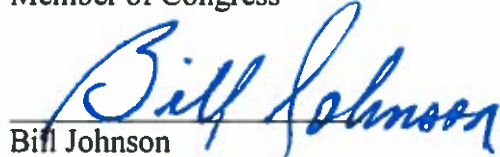
I am sure we can all agree that regulations should be designed to protect the environment through reasonable requirements, not consist of infeasible rules that pile up violations and increase fine collections. By delaying the testing and inspection requirements until October 13, 2024, we can provide these small businesses with the proper time they need to meet the new EPA requirements

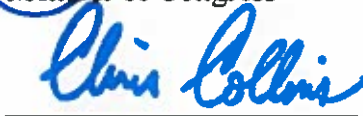
Sincerely,

  
Tim Walberg  
Member of Congress


  
Cathy McMorris Rodgers  
Member of Congress

  
David B. McKinley, P.E.  
Member of Congress

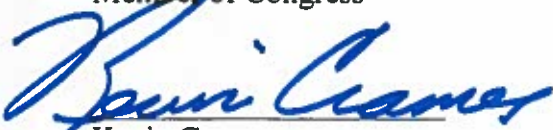
  
Bill Johnson  
Member of Congress

  
Chris Collins  
Member of Congress

  
Brett Guthrie  
Member of Congress

  
Gregg Harper  
Member of Congress


  
Jeff Duncan  
Member of Congress

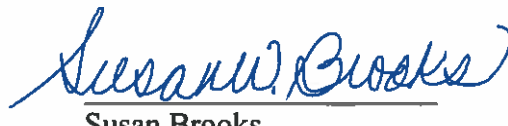
  
Kevin Cramer  
Member of Congress

  
Bill Flores  
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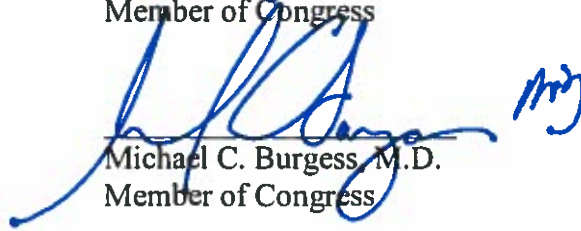
Pete Olson  
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Lynn Jenkins, CPA  
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Richard Hudson  
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Michael C. Burgess, M.D.  
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