June 8, 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 (USTs). The compliance deadline for these regulations is October 13, 2018. Unfortunately, portions of the 2015 regulations, specifically 40 CFR 280.35, impose an overwhelming financial burden on small business petroleum marketers nationwide. These costly regulations require significant capital investments and additional operating expenses on small business retailers over a short period of time. In order to reduce the financial burden on small business retailers and their customers, we request that the EPA extend the compliance deadline to October 13, 2024.

We believe that extending the integrity testing deadline for spill buckets, tank sumps and under dispenser containment equipment, along with operability testing for overfill prevention equipment is warranted. This equipment was not designed to undergo the type of testing the EPA requires without costly modification or replacement. Moreover, much of the equipment already in the ground has not reached the end of its useful operational life. Requiring the replacement or modification of existing equipment would significantly and unnecessarily drive up consumer and business costs by forcing marketers to modify or replace completely functional equipment. A deadline extension would not only provide small business retailers the opportunity to spread compliance costs out over a longer period of time, but also prevent significant cost increases from being passed along to consumers.

The EPA’s 1988 UST system upgrade regulations provided a full ten years for the regulated community to comply. By comparison, the 2015 upgrade requirements provide only three years for small business petroleum marketers to comply. 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 without increasing environmental risk.

Thank you for your consideration of this request.

Sincerely,

Jerry Moran  
United States Senator

[Signature]

Marco Rubio  
United States Senator
Lindsey O. Graham  
United States Senator

Rand Paul, M.D.  
United States Senator

Heidi Heitkamp  
United States Senator

Shelley Moore Capito  
United States Senator

James E. Risch  
United States Senator

Tim Scott  
United States Senator

Mike Enzi  
United States Senator

Mike Crapo  
United States Senator

Thom Tillis  
United States Senator

Roger F. Wicker  
United States Senator

Lamar Alexander  
United States Senator

Cindy Hyde-Smith  
United States Senator