

What you need to know to be EPA compliant by the Oct. 13, 2018, deadline.



Oct. 13, 2018, looms as a significant date for Retail Fueling operators in the United States. That's the day that the latest U.S. Environmental Protection Agency (EPA) regulations go into full effect regarding the testing and maintenance of new or existing underground storage tank (UST) systems and their components, along with required training for fuel-site owner/operators and other site personnel.

OPW's Guide to the 2018 EPA Regulations is designed to give fuel-site owner/operators a quick overview of the most important parts of the regulation that will impact them and what they must do to become and stay compliant with it.

What is the new regulation called?

The new regulation is known as "Revising Underground Storage Tank Regulations – Revisions to Existing Requirements and New Requirements for Secondary Containment and Operator Training; Final Rule (40 CFR Parts 280 and 281)."

When was the new regulation created?

In the July 15, 2015 *Federal Register*, the EPA published the 2015 underground storage tank regulation and the 2015 state program approval regulation, with a listed compliance deadline of Oct. 13, 2018. This was the first major revision to federal UST regulations since 1988.

What does the new regulation intend to do?

The [revisions](#) strengthen the 1988 federal underground storage tank (UST) regulations by increasing emphasis on properly operating and maintaining UST equipment. The revisions are designed to help prevent and detect UST releases and help ensure that all USTs in the U.S. meet the same minimum standards.

Are any new jurisdictions affected by the new regulations?

Yes, for the first time, the regulation of fueling sites that are located on Native American lands, which had previously been totally autonomous and subject to only tribal regulations, will now fall under the national compliance umbrella.

What are the new regulation's specific testing and inspection requirements for fuel retailers?

There are four (4) major regulatory requirements that retailers must be aware of:

□ 1) Testing of sumps and under-dispenser containment systems

Must be performed every three (3) years if the system uses interstitial monitoring of the piping as its primary form of leak deterrence.

□ 2) Spill-bucket testing

Will be required every three (3) years, unless the UST system is outfitted with double-wall spill buckets where the interstitial space is tested regularly. **NOTE:** Some states already require spill-bucket testing every year.

□ 3) Compliance testing of repaired components

Whenever any component in the spill-protection, overfill-containment and secondary-containment areas of the UST system needs to be repaired, [compliance testing](#) of the repaired system must be completed within 30 days, regardless of whether or not an actual product release occurred.

□ 4) Overfill-prevention equipment inspections

Will be required every three (3) years, except in states where they are already required annually.

Does the new regulation affect retailers who store and sell biofuels?

Yes, the regulation adds [requirements](#) that ensure UST compatibility when storing certain biofuel blends.

What is state program approval (SPA)?

The EPA recognizes that state and local governments are best positioned to oversee USTs. Therefore, the EPA created the [state program approval \(SPA\) regulations](#) plan in the 1990s, which set criteria for states to obtain the authority to operate in lieu of the federal program. The SPA regulations were updated in 2015 in conjunction with the revised federal UST regulations, with the caveat that the state programs must be at least as stringent as the EPA's.

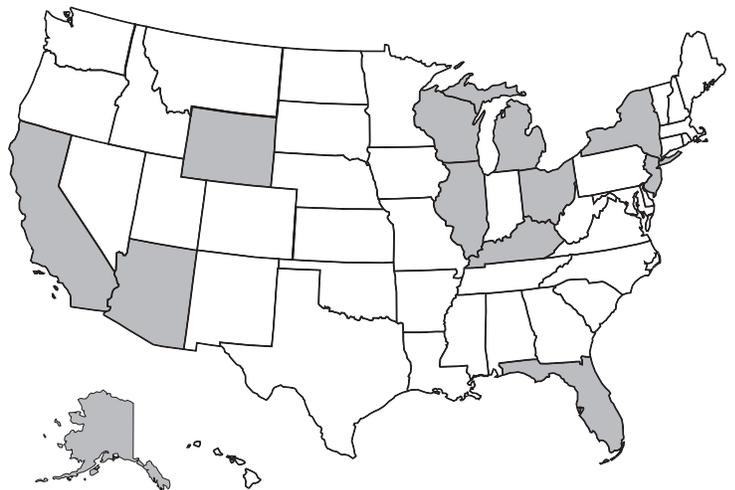
How does SPA affect compliance with the new EPA regulations?

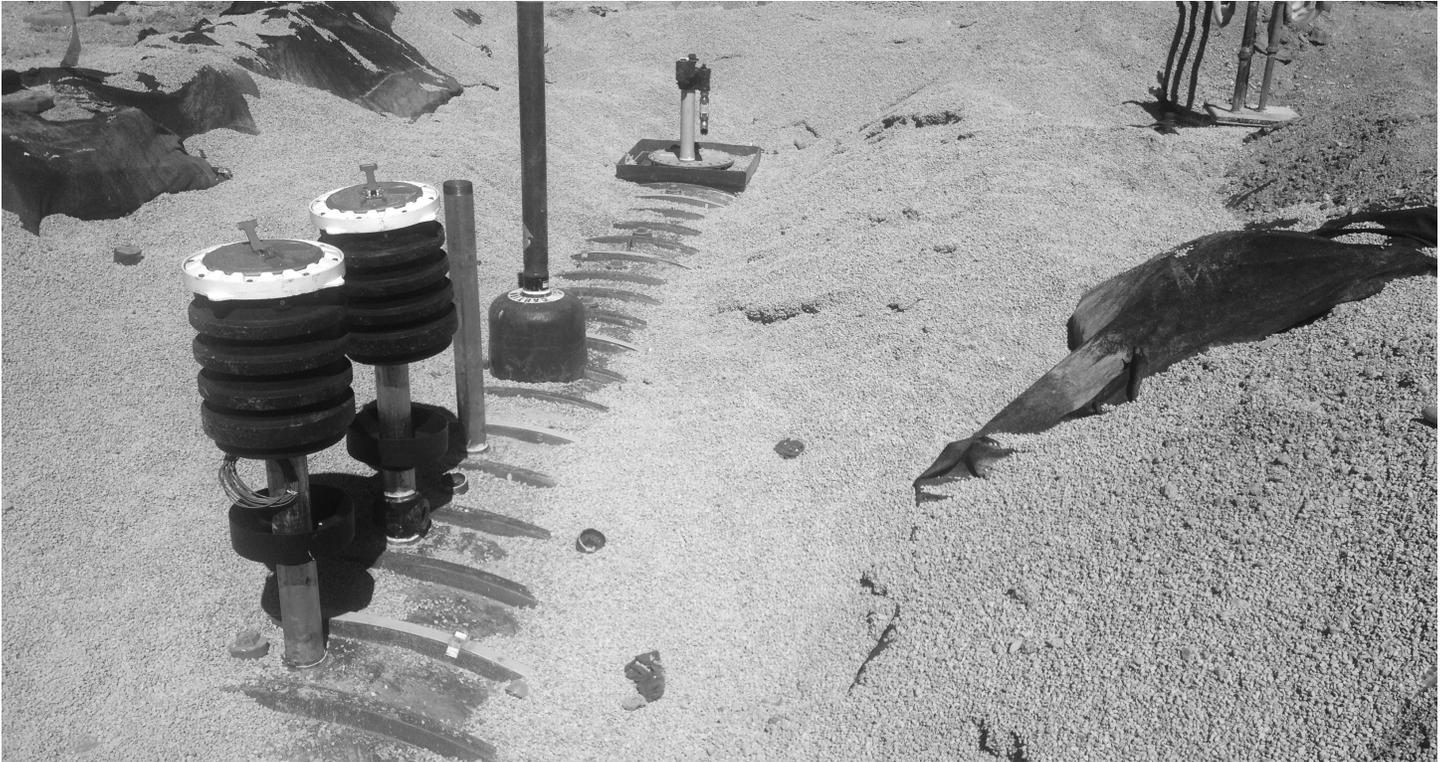
Owners/operators in states that have an approved [SPA UST program](#) do not have to deal with multiple sets of statutes and regulations (federal and state) that may conflict. Once their programs are approved, states have the lead role in the enforcement of UST programs. In states without an approved SPA, the EPA will work with state officials in coordinating UST-enforcement actions.

Which states currently do and don't have SPA?

The 38 states that currently have SPA are Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington and West Virginia, along with the District of Columbia, Commonwealth of Puerto Rico, the territory of the U.S. Virgin Islands and the Commonwealth of the Northern Mariana Islands.

There are 12 states that do not currently have SPA: Alaska, Arizona, California, Florida, Illinois, Kentucky, Michigan, New Jersey, New York, Ohio, Wisconsin and Wyoming, along with the U.S. territories of Guam and Samoa.





What is the Operator Training component of the new regulation?

This piece of the new regulation, which is known as the [“ABC” Operator Program](#), was actually part of the Energy Policy Act of 2005, but its enforcement will become stricter under the new regulations. The program is designed to verify that a significant number of employees at a retail-fueling site have completed some level of state or third-party training and have been certified to work at a location that features USTs for retail-fueling storage and dispensing.

What are the specific certification levels of the “ABC” Operator Program?

Based on the level of training that has been completed, the employees will be approved at one of three (3) [certification levels](#):

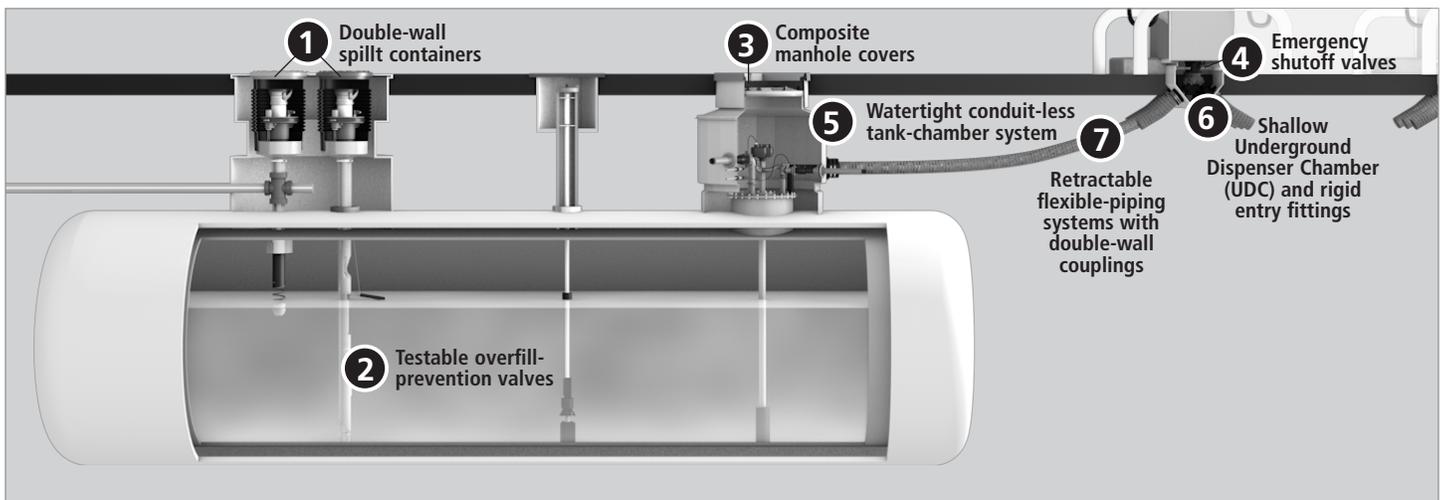
- **Class A:** Have primary responsibility to operate and maintain the UST system and typically manage resources and personnel to achieve and maintain compliance. Training for Class A operators should give the operator the ability to make informed decisions regarding compliance with regulatory requirements.

- **Class B:** Have daily responsibility for on-site operation and maintenance of UST systems. Training for Class B operators should provide an in-depth understanding of the operation and maintenance aspects of the UST system.
- **Class C:** Daily on-site employees who are generally the first line of response to events that may be emergency conditions. Training should allow the Class C operator to take appropriate action in response to UST-related emergencies or alarms that are caused by spills or releases from a UST system.

What are the penalties for non-compliance with the new EPA regulations?

According to [Page 41681](#) of the *Federal Register*, Vol. 80, No. 135 of July 15, 2015, which governs the new regulation: “Civil penalties for failure to comply with any state requirements or standards for existing or new tank systems must be capable of being assessed for each instance of violation, up to \$5,000 or more for each tank for each day of violation. If the violation is continuous, civil penalties shall be capable of being assessed up to \$5,000 or more for each day of violation.”

7 Ways Your Underground Fueling System Can Save You Money



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Aside from the actual brick-and-mortar building, the largest site expense for petroleum retailers is the fueling system that will be used to store and dispense the motor fuels for sale. However, despite their expense and importance, fueling systems – because the majority of their components are located underground – can become an “out of sight, out of mind” concern for fuel retailers after they have been installed.

There are, though, ways that retailers can improve the performance of their underground fueling systems, whether in new or existing installations. One way is for retailers to consider equipment upgrades that can take system performance to a higher level of efficiency, reliability, environmental protection, cost-effectiveness and safety.

In fact, we have identified seven ways how optimized underground fueling-system components can achieve optimum levels of performance while simultaneously saving fuel-site retailers money:

1 Double-wall spill containers

Double-wall spill containers install easily in the same space as traditional single-wall models, but double the protection against product leaks or spills. The thick-walled polyethylene spill buckets are roto-molded for long life and durability.

A top-mounted test port allows for vacuum testing versus hydrostatic testing, which significantly simplifies and reduces testing costs. Optional sealable covers provide an added layer of protection against water intrusion. All of these features help lower maintenance costs.

Additionally, something for Canadian fuel retailers to be mindful of is that in October of this year new regulations from the U.S. Environmental Protection Agency (EPA) regarding the annual testing of spill containers will go into effect. In many instances over the years, Canadian regulations have piggybacked on new EPA legislation, so spill-container testing requirements may be making their way north of the border in the future.

2 Testable overfill-prevention valves

These valves prevent the overfill of underground storage tanks (USTs) by providing positive shutoff during product delivery if an overfill incident appears imminent. Halting spills before they can occur will save costs related to cleanup, repair and remediation. The true innovation of next-generation overfill valves, however, is the ability to test the valve from the UST’s surface without requiring removal from the tank. This means that rather than taking 60 minutes to pull a valve from the tank and test it, with modern testable valves this process can take as little as 60 seconds.

Again, the new U.S. EPA regulations now require the testing of overfill-prevention valves, so similar requirements may be coming to Canada.

3 Composite manhole covers

Composite manhole covers have been engineered to provide the same level of reliability and protection as steel covers, but their lighter weight makes them easier to handle and maneuver, while a slip-resistant tread pattern helps prevent slip-and-fall incidents. The result is increased safety for site personnel with a corresponding reduction in the likelihood of personal injury. The composite covers will also not rust or corrode, and are available in a wide range of colors that can meet the aesthetic needs of the fueling site.

4 Emergency shutoff valves

A double-poppet valve, utilizing a special fuel-capturing bladder covering over the shear groove, ensures that undetected leaks in the shear-groove, which are caused by low-impact incidents, driveaways or dislodged dispensers, will not result in fuel leaking into sumps. This capability ultimately shuts off the flow of fuel to reduce the risk of fire, explosion, personal injury, property damage, environmental contamination, product loss, cleanup and remediation – along with the prohibitive costs that usually accompany these occurrences.

5 Watertight conduit-less tank-chamber system

These are drill-free fiberglass tank chamber sump systems that ship to the fueling site with factory-installed conduit ports and electrical wiring box. This means that there is no need to drill or cut holes in the sump during installation to help eliminate potential tank-sump leak points. A watertight lid also prevents water and other outside contaminants from entering the system.

6 Shallow Underground Dispenser Chamber (UDC) and rigid entry fittings

A shallow design eliminates the need for slope when the UDC is installed, which lowers the cost of excavation and reduces the amount of backfill that is needed to cover the UDC. The shallow design also makes it easier to access the UDC for testing and maintenance, which allows for cost-effective use of site personnel and minimizes downtime. The UDC can be combined with next-generation rigid entry fittings that have a hard-shell exterior and minimal exposed rubber in order to better handle the abuse that occurs in an underground environment, while still possessing the flexibility that enables them to accommodate ground movement. Redundant sealing throughout the fitting provides maximum product containment and improved protection from water intrusion.

7 Retractable flexible-piping systems with double-wall couplings

Retractable flexible piping systems feature a dual-layer access pipe or conduit that allows piping to be replaced or repaired with no costly excavation. The flexible pipe system can be combined with stainless-steel double-wall couplings. This design eliminates the need for rubber test boots, which simplifies installation and provides a permanent test port for future testing, which greatly reduces costs.

You may remember the old oil-filter commercial that concluded with the tagline: “You can pay me now, or pay me later.” The same advice can pertain to outfitting an underground fueling system, which comes with an undoubtedly significant expense. But the lifetime costs of the system can be mitigated if the best, most cost-effective components are chosen to equip it. The seven listed above can eliminate some of the strain on the fuel-site operator’s bottom line while also improving the safety of the site for employees, customers and the environment.

For more information on UST equipment that will help you meet the October 2018 EPA compliance requirements or to learn more about innovative UST equipment to prevent water intrusion and save you money, please contact your local, authorized OPW Distributor or call [OPW Customer Service at 1-800-422-2525](tel:1-800-422-2525).