



July 2015

Major Expansion of EPA Rules for Underground Storage Tanks

In the first significant revisions to regulations adopted in 1988, the Environmental Protection Agency (EPA) recently finalized revisions to its rules for underground storage tank (UST) systems that store petroleum or hazardous substances.

The final revisions are lengthy and detailed but focus on several areas in particular:

- expanded **secondary containment** requirements for new UST systems or existing system components being replaced
- expanded operation and maintenance requirements, particularly **periodic inspections and testing** of UST system components
- expanded requirements to confirm compatibility and notify EPA before **switching a UST system to store newer fuels such as ethanol blends and biodiesel**
- **operator training** requirements for site owners, managers, and employees

Beyond these broad areas, other revisions in the final regulations are particularly noteworthy. These include enhanced triggers for release reporting and ending prior deferrals from release detection requirements for UST systems that store fuel for emergency power generators.

The compliance deadlines for the new requirements vary. Some requirements, such as those regarding ethanol blends/biodiesel compatibility, must be met immediately upon the effective date of the rules (90 days from publication in the *Federal Register*, which is expected shortly). Secondary containment requirements for new UST systems or dispenser systems take effect within 180 days after publication. Other requirements, such as inspections, testing, and training, will typically take effect three years after the rule's publication.

In states that have already incorporated such standards into their own regulations for UST systems, some of the revisions (for example, training) will not be new. The federal revisions, however, should be reviewed carefully to confirm this or to identify any additions, gaps, or inconsistencies.

For a state whose UST regulations were previously approved by EPA as equivalent to the original federal regulations, the state has three years to revise its regulations and get them approved by EPA as

equivalent to the revised federal regulations. In a state that does not have EPA-approved regulations, UST system owners and operators must now comply with the revised federal regulations, as well as with any separate state regulations.

These revisions make detailed changes to an already-detailed program. Close review of the complete set of revisions is warranted. To assist UST system owners and operators in understanding the revised regulations, EPA has posted several summaries and “plain English” guidance documents along with a prepublication version of the revisions on the [EPA website](#).

If you have any questions or would like to discuss this update further, please contact one of the following lawyers or any other lawyers in the [Environmental + Utilities Group](#).

[Earl W. Phillips](#) | [Brian C. Freeman](#) | [Christopher Foster](#)

For insights on legal issues affecting various industries, please visit our [Thought Leadership](#) page and subscribe to any of our newsletters or blogs.

Boston | Hartford | New York | Providence | Stamford | Albany | Los Angeles | Miami | New London | rc.com

© 2015 Robinson & Cole LLP. All rights reserved. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without prior written permission. This document should not be considered legal advice and does not create an attorney-client relationship between Robinson+Cole and you. Consult your attorney before acting on anything contained herein. The views expressed herein are those of the authors and not necessarily those of Robinson+Cole or any other individual attorney of Robinson+Cole. The contents of this communication may contain attorney advertising under the laws of various states. Prior results do not guarantee a similar outcome.