



Department of
**Environment &
Conservation**

Underground Storage Tank Proposed Rulemaking

Underground Storage Tanks and
Solid Waste Disposal Control Board
October 7, 2020

Summary

- All fund eligible releases will be entitled to reimbursement from the fund; however, an owner or operator's compliance history will now determine the amount of the fund deductible.
- Annual tank fees will be suspended from July 1, 2021 through June 30, 2026.
- General cleanup revisions to Rules 0400-18-01-.09 and .10 and modification of Rule 0400-18-01-.07(1)(a) to properly reflect EPA's interpretation of the similar, federal language.

Fund Eligibility

- Under the current rules:
 - All the tanks at a site must be registered prior to the release occurring.
 - Fund eligibility application must be submitted within 60/90 days depending on whether it was a suspected release or a confirmed release.
- Proposed rules:
 - These requirements remain the same.

Fund Coverage

- Under the current rules:
 - Fund coverage for a fund eligible release is dependent upon an owner or operator's compliance history with certain rules.
 - Deductible = \$20,000
- Proposed rules – page 10:
 - An owner or operator's compliance history will now determine the amount of the fund deductible.
 - Deductible = \$5,000
 - Increased to \$10,000, \$20,000, or \$30,000 depending on compliance history

Annual Tank Fees

- Under the current rules:
 - \$125 per tank compartment / per year
- Proposed rules – page 30:
 - July 1, 2021 to June 30, 2026 = fees suspended
 - July 1, 2026 forward = \$125 per tank compartment / per year

TOS Tanks

- Question regarding spill and overfill for temporarily out-of-service (TOS) tanks
- EPA stated that TOS tanks must have operable spill and overfill equipment
 - But owners and/or operators are not required to test and inspect that equipment if the TOS tank is empty
- Rule was modified to more accurately reflect EPA's interpretation – page 3

Questions?

