



# NEW TANKS RULES

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## New Regulations Are Coming!

The Underground Storage Tank (UST) Program was created by the Solid Waste Disposal Act. The Energy Policy Act of 2005 amended the Solid Waste Disposal Act in ways that significantly affects federal and state UST programs. It will require major program changes and is aimed at reducing UST releases to our environment.

Missouri has already implemented several provisions of the Energy Policy Act including the fuel delivery prohibition, new reporting requirements and inspection of facilities every three years. Missouri is working to implement the remaining provisions including operator training and secondary containment system requirements.

While the department believes our existing state program, which requires financial responsibility for UST installers and manufacturers, meets the requirements of the 2005 Energy Policy Act, the U.S. Environmental Protection Agency (EPA) does not. Because of this, the department is moving forward to publish state regulations requiring secondary containment for new UST systems.

EPA is expected to release its new UST regulations next summer.

## Improving Our Regulations

Often, the best way to learn how new regulation changes are working is to try them. Since enacting new regulations in 2011, we have received feedback indicating areas to improve.

This newsletter will cover regulation changes we must enact to satisfy federal requirements, changes we believe will better protect the environment and simply clarify what we expect. Federal mandates are not very flexible for interpretation and re-writing, but many of these proposed changes may be changed, enhanced or even withdrawn.

## What We Need Is You!

We need your experience, knowledge and willingness to provide input of these proposed regulations. We want to make these regulations work for the Missouri UST community.





### New Tank Installations

Several of the changes being considered will directly affect new tank installations. These include:

- Reducing the new tank installation notice from 30 days to 14 days in an effort to schedule new installation inspections more efficiently.
- Requiring new tanks be tied down. The installer will have to use manufacturer-approved straps and anchoring equipment.
- Prohibiting installation of USTs at new facilities to be within 300 feet of an existing drinking water well.
- Requiring testing of post-installation tank and line tightness to be conducted by a third party. The testing method must be approved by the National Work Group on Leak Detection Evaluations and conducted in accordance with approved testing protocol.

### Interior Linings and Old Steel Systems

Interior linings are a critical part of the UST system and must be inspected. Interior linings have been installed to:

- Upgrade a steel tank.
- Repair a problem in a tank.
- Make the tank compatible with the product stored (e.g., an old fiberglass tank storing E-85).



The following lining requirements are being considered:

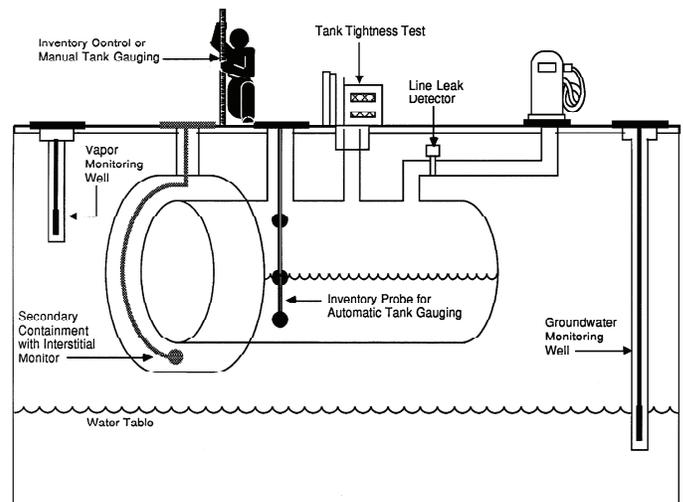
- Lining inspections must include video or photo documentation.
- Lining technicians must be certified by NACE International or the International Code Council (ICC).
- Include the new UL 1856 standard for internal retrofit systems.
- Allow double-walled linings to be interstitially monitored in lieu of the 5 year inspection.

### Detecting Releases

Release detection equipment has improved by leaps and bounds since the original 1988 regulations. Electronic monitoring has become the norm and testing is more accurate. In light of these improvements, the following changes to release detection requirements are being considered:

- Prohibit groundwater monitoring after Jan. 1, 2016.
- Prohibit vapor monitoring (except chemical marker testing) after Jan. 1, 2016.
- Limit the use of statistical inventory reconciliation to sites where the throughput is less than twice the throughput third party testing has verified.
- Require automatic tank gauge owners to back-up data to a computer or maintain a battery back-up system.

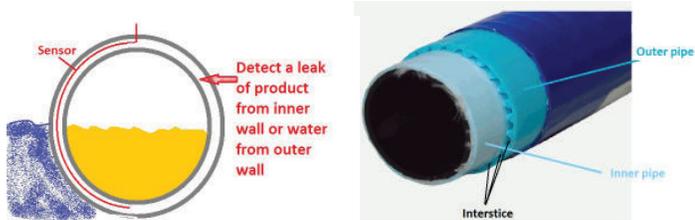
EPA's proposed regulations may also include routine release detection equipment testing.



## Secondary Containment or Double-Walled Systems

After July 1, 2017, all new UST systems must be completely double-walled with monitoring between the walls. This includes:

- Double-walled tanks.
- Double-walled piping.
- Containment sumps at the tank tops, beneath dispensers and piping transitions (already required in Missouri).
- Monitoring the area between the walls of the tanks and piping, as well as inside the sumps.



After July 1, 2017, double-walled tanks and piping will be required, as well as monitoring the interstice.

## Operator Training and Testing

EPA now requires states to develop an operator training program. Some states require operators to pay for training and require them to attend training at a specified location. The Missouri Petroleum Storage Tank Insurance Fund is working to make an online operator training program available for free to Missouri operators.

As an alternative, Missouri is proposing to allow knowledgeable operators to skip the training if they pass a free online test. The fund hopes to have this program available in 2014.

Missouri will also be looking to establish the following operator training regulations:

- Qualified Class A/B Operator for all in-use facilities by Jan. 1, 2016.
- Class C Operators must be trained or pass a test by Jan. 1, 2016.
- Accept operator certifications from adjacent states.



Walk through inspections will require regular checks of release detection equipment, spill basins, containment sumps and more.

## Self-Check: Walk-Through Inspection

The proposed federal requirements include mandatory self-inspections. These regular site checks must be documented and include:

- Dispenser checks.
- Tank top containment sump checks.
- Removal of water or liquid.
- Identification of leaks.
- Automatic tank gauge checks (or other method of release detection).
- Cathodic protection system checks (rectifiers, if appropriate).

Note: The frequency of these will be announced in the final version of the EPA regulations.

## Federal Regulation Changes - The Rest of the Story

EPA also proposed regulating some USTs that have not been regulated under our authority before:

- Field constructed (concrete) tanks.
- Airport fueling tanks.
- Oil/water separators.



## Spill Basin and Containment Sump Testing

Testing your spill basin and containment sumps may be done with electronic equipment, vacuums and even monitoring between any equipment that is double-walled. The Petroleum Equipment Institute's (PEI) Recommended Practice (RP) 1200 outlines protocols for testing spill, overflow, release detection and secondary containment equipment. The proposed federal regulations include testing requirements for all of this equipment.

Note: these regulations are draft and are subject to change.

Outlined below are a few of the steps. (Note: this is not a complete edition of the RP and may not be used as the protocol):

- Check the liquid level in the backfill.
- Close boots and remove sensors.
- Fill sump or spill basin.
- Test time is one hour.
- If the water level change is less than 1/8", the equipment passes.



*The new federal regulations require testing of spill basins, overflow prevention equipment and containment sumps.*

## Other Changes Being Considered

Since enacting the 2011 rule package, we have noticed some "glitches," unclear language and other problems. Here is a list of some other items we are considering:

- Banning re-repair of a spill basin. Banning the use of epoxies and "spot fixes" and allow only manufacturer-approved retrofit or upgrade options are also being considered.
- Establish PEI RP 1000 as the requirements for new marinas.
- Require metal piping be removed or replaced if not adequately protected from corrosion for 90 days.
- Revisit "tank within a tank" to determine how and if it can fit into the definition and requirements for new tank systems. The proposal would outline the requirements for these systems.
- Federal regulations proposed routine testing of overflow prevention equipment. PEI RP 1200 outlines protocols for testing ball float valves (flow restrictors), flapper valves (auto shutoffs) and overflow alarms. In addition, many manufacturers established protocols for verifying the operability of their equipment.

All of the changes discussed in this newsletter are simply changes being considered. Some are based on EPA's proposed regulations, but are not final and are subject to change. We encourage your input and look forward to working with you to make the UST regulations work for all of us!

# NEW TANKS RULES

If you would like to receive e-mail updates on these regulations changes, contact Heather Peters at [heather.peters@dnr.mo.gov](mailto:heather.peters@dnr.mo.gov) to be added!

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