



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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THIS LETTER CONTAINS IMPORTANT INFORMATION ABOUT THE MASSACHUSETTS  
UNDERGROUND STORAGE TANK PROGRAM

June 16, 2009

Dear Underground Storage Tank Owner/Operator:

Please be advised that, effective July 1, 2009, responsibility for administering the tank registration and compliance inspection provisions of the Massachusetts Underground Storage Tank Program (527 CMR 9.00) will be transferred from the Massachusetts Department of Fire Services (DFS) to the Department of Environmental Protection (MassDEP). In addition, the Department of Environmental Protection will assume responsibility for the Commonwealth's inventory control of underground storage tanks (established by 527 CMR 5.06). These provisions were designed to prevent groundwater pollution from leaking underground storage tanks and to meet federal requirements established in Subtitle I of the U.S. Solid Waste Disposal Act, as amended by the U.S. Energy Policy Act of 2005.

The Department of Fire Services will continue to implement other parts of the Massachusetts Underground Storage Tank Program, which focus on fire prevention and other safety considerations, such as proper installation and decommissioning of tanks.

As the owner of an existing registered tank, the primary change that you will notice as of July 1, 2009 is that you will need to send your annual Third Party UST Inspection Form (DFS Form FP-289) to MassDEP instead of to DFS. Other requirements will remain largely unchanged:

- You will not need to re-register your tank(s) with MassDEP;
- The schedule for submittal of your annual Third Party UST Inspection Form will remain unchanged. All third party inspections must be completed by August 8, 2010;
- If you install a new tank or remove a tank, you must obtain the required permits and approvals from your local Fire Department;
- Requirements for decommissioning a tank will also remain unchanged, with the exception that a "Notification for Removal or Closure of In-Place USTs Regulated Under 527 CMR 9.00" (DFS Form FP-290R) will need to be mailed to MassDEP rather than DFS; and
- You should continue to report leaking tanks to MassDEP's Bureau of Waste Site Cleanup in accordance with the Massachusetts Contingency Plan (310 CMR 40.0000).

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 1-866-539-7622 or 1-617-574-6868.

MassDEP on the World Wide Web: <http://www.mass.gov/dep>

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Enclosed for your information are two documents that explain how this transition will affect submittals and compliance obligations under the Massachusetts Underground Storage Tank Program:

- Massachusetts Underground Storage Tank (UST) Program – Transition Fact Sheet

This fact sheet provides UST owners and operators with key program compliance information applicable when MassDEP assumes responsibility for the UST Program, effective July 1, 2009

- FAQs About the Massachusetts Underground Storage Tank Program's move from DFS to MassDEP

This document answers a range of questions that have been asked of MassDEP and DFS concerning the transition of the UST Program to from DFS to MassDEP.

In assuming responsibility for the groundwater protection aspects of the Massachusetts Underground Storage Tank Program, MassDEP plans to assist UST owners and operators to operate and maintain their underground storage tanks in compliance with these requirements. This program is an important component of our work to ensure that Massachusetts water is clean. If you have questions that are not answered by the above public information materials, please call the MassDEP UST Program staff at (617) 556-1035 Ext #2.

We will revise the Frequently Asked Program Transition Questions as questions are raised. Updates will be available on the MassDEP web site: [www.mass.gov/dep/toxics/ust](http://www.mass.gov/dep/toxics/ust).

Sincerely,

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

James C. Colman  
Assistant Commissioner  
Bureau of Waste Prevention