

MassDEP

**Proposed Underground
Storage Tank Regulations
Public Hearing Presentation**

March 2014

Why is MassDEP proposing new UST regulations?

- DFS's regulation: standards for tanks construction, installation, O&M, decommissioning and financial responsibility for closing UST systems and cleaning up releases.
- 2009: the Legislature transferred the UST program from DFS to MassDEP.
- Changes to DFS's regulation are needed to:
 - be consistent with US EPA's requirements
 - integrate requirements into MassDEP's regulatory framework for compliance and enforcement

MassDEP's Vision for an Updated UST Program



Owners' and Operators' Responsibilities

- Proper installation
- Proper operation
- Proper maintenance
- Ensure that 3rd party inspections are done every three years
- Report to MassDEP on compliance every three years (18 months after each TPI inspection)
- Meet financial responsibility requirements



Enhanced TPI Program

- Must pass a MassDEP exam (which may include a field component) before conducting inspections
- New TPI candidates: must have 5 yrs field experience (a college degree could for substitute 2 years) before taking the exam and becoming certified
- Annual MassDEP training to maintain certification
- Avoid conflicts of interest



MassDEP's Responsibilities

- Establish standards and requirements for UST systems (i.e., these regulations) to ensure they are properly installed, operated & maintained
- Inspect UST facilities to ensure that they are complying with regulations
- Audit TPI inspections
- Respond to complaints and questions
- Provide compliance assistance
- Enforce against non-compliance



Proposed Significant Changes in Requirements (new 310 CMR 80.00)

3 major categories:

- Enhance release prevention measures
- Enhance leak detection measures
- Upgrade financial responsibility requirements

Proposed Enhanced Release Prevention Measures

- Require turbine sumps for all UST systems with submersible pumps
- Increase minimum spill bucket capacity from 3 to 5 gallons at new UST facilities and when replacing smaller spill buckets
- Risk-based inspection/testing schedule for sumps
- Monthly inspections of spill buckets
- Spill bucket testing: 2 years after regulation takes effect + every five years after that + after repairs
- Phase out use of ball floats as primary overflow prevention tool

Proposed Enhanced Release Prevention Measures (con't)

- Monthly visual inspections
 - Verify that electronic monitoring equipment is on and operating
 - Check condition of spill buckets
 - Check grade-level covers: properly color-coded?
- Delivery prohibition:
 - Require delivery prohibition where certain equipment has not been installed
 - Allow delivery prohibition when equipment is not operating properly, when no financial assurance is provided, or where there is a significant threat to public health, safety, or the environment
 - **Notify MassDEP when violations have been corrected**
 - **MassDEP will unlock UST system within 24-hours of receiving correction notice. If not, TPI can unlock** after certifying that deficiencies have been addressed

Proposed Enhanced Leak Detection Measures

- Leak detection for USTs serving emergency generators & emergency engine-driven pumps
- Automatic Line Leak Detection required for pressurized piping
- No daily inventory monitoring required for double-walled tanks with continuous monitoring

Proposed Changes for Financial Responsibility

- Require financial assurance for UST systems holding non-petroleum hazardous materials
- Bring full text of EPA's financial responsibility requirements into MassDEP regulation (adds length but allows some customization for Massachusetts)

Other Proposed Related Regulation Amendments

- Incorporate Operator Training Requirements into 310 CMR 80.00 (no substantive changes)
- Amend 310 CMR 30.000 (Hazardous Waste Regulation) to remove references to 527 CMR 9.00 and requirements that aren't needed any more
- Amend 310 CMR 70.00 (Environmental Results Program) to add UST system to requirements for periodic certifications and for use of standard certification language



Send written comments to:

- bwp.regulations@state.ma.us; or
- Department of Environmental Protection
Bureau of Waste Prevention
One Winter Street, 7th Floor
Boston, MA 02108
Attn: Veronica Wancho O'Donnell

Comments are due by 5pm on March 31, 2014