



Department of Environmental Protection

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

July 27, 2016

Dear Single Wall Steel Tank Owner,

The Massachusetts Department of Environmental Protection (“MassDEP”) promulgated underground storage tank (UST) regulations on January 2, 2015 that replaced the Massachusetts Department of Fire Service (“DFS”) regulations at 527 CMR 9.00. MassDEP records indicate that you are the owner of one or more single-walled steel tanks at:

Facility Name
123 Main Street
Town, MA 00000

MassDEP wants to remind you of several important upcoming deadlines. MassDEP’s UST regulation (310 CMR 80.15) **requires that all single-walled steel tanks must be removed or permanently closed-in-place by August 7, 2017¹**. This requirement was carried over from the DFS regulation at 527 CMR 9.05(G)(10), and has been in effect since March 21, 2008.

MassDEP’s UST Regulation allows tanks to be permanently closed-in-place only if they cannot be removed from the ground without removing a building, or the removal would endanger the structural integrity of another UST, structure, underground piping or underground utilities.

In addition, the following requirements have to be completed by UST systems by **January 2, 2017**:

- All **spill buckets** have to be tested and, if necessary, repaired or replaced in accordance with 310 CMR 80.21(1)(a) and 28(2)(g);
- All **turbine, intermediate and dispenser sumps** have to be tested and, if necessary, repaired in accordance with 310 CMR 80.27(7) and (8);
- All **Stage II vapor recovery systems** have to be decommissioned in accordance with 310 CMR 7.24(6)(l), if applicable; and
- New **Stage I** vapor recovery requirements have to be met in accordance with 310 CMR 7.26(3)(b), if applicable.

If you remove your single-walled steel tank or permanently close it in place before January 2, 2017, you will not need to comply with requirements for testing spill buckets and sumps (and repairing or replacing them if they do not pass the tests). If a single-walled steel tank supports a Stage II system that has not yet been decommissioned, the Stage II system can be decommissioned when the tank is removed, and there would be no need to implement Stage I requirements for the single-walled steel tank.

¹ The following types of tanks are exempt from this requirement: consumptive use tanks, tanks relined prior to August 8, 2007 in accordance with applicable requirements, and “wrapped” tanks (fiberglass, carbon fiber or plastic compounds).

MassDEP has established three alternatives in which you can meet the removal/permanent closure-in-place requirement for a SWS tank:

1. Pass the tests required for spill buckets and sumps by January 2, 2017 and remove or close-in-place your SWS USTs by August 7, 2017.
2. Take your single-walled steel tanks "Temporarily Out-of-Service" (TOS) in accordance with 310 CMR 80.42 by January 2, 2017, and permanently close in place or remove the tank(s) by August 7, 2017. If you take your single-walled steel tanks TOS before January 2, 2017, MassDEP will not require you to:
 - Test the spill buckets or sumps that support the UST system,
 - Operate and maintain cathodic protection,
 - Perform third-party inspections,
 - Submit compliance certifications.
3. Pass the requirements for spill bucket and sump testing by January 2, 2017, take the tanks TOS by August 7, 2017, notify MassDEP that you have done that before August 7, 2017, and remove or permanently close-in-place the tank(s) by a specific date, but no later than July 1, 2018. With the notification of taking the tank TOS, the Owner or Operator would submit a signed contract to MassDEP specifying the date on which the tank would be removed or closed-in-place. If your tank supports a Stage II system, that system would be decommissioned when the tank is removed; the January 2, 2017 deadline for this action would be waived.

Please note:

- You must maintain Financial Responsibility (310 CMR 80.51 et. seq.) for your single-walled steel tank until it is removed or closed-in-place.
- If you take your single-walled steel tanks TOS, these tanks will not be allowed to be brought back into service.
- If your single-walled steel tanks support a Stage II system, the Stage II system must be decommissioned when the single-walled steel tanks are permanently closed or removed (if the Stage II system has not been decommissioned by that time).
- If you are installing a new UST or above-ground storage tank (AST) to replace the single-walled steel tank, the new Stage I requirements must be implemented when the new UST or AST is installed.

MassDEP encourages you to make arrangements to remove your single-walled steel tanks, permanently close them in place, or meet the testing and Stage II decommissioning requirements described above as soon as possible. As the testing, decommissioning and permanent closure deadlines get closer, it may be difficult to find an available contractor, as their services will be in high demand.

For additional UST and Stage I/II information and requirements go to:

- UST Home Page: <http://www.mass.gov/eea/agencies/massdep/toxics/ust/>
- Stage I/II Vapor Recovery Home Page: <http://www.mass.gov/eea/agencies/massdep/air/programs/stage-ii-vapor-recovery.html>

Please contact the UST Help Line at (617) 556-1035 ext. 2, or email us at dep.ust@state.ma.us if you have questions, or if you need to correct MassDEP's information about your single-walled tank.

Sincerely,



Greg Cooper, Director
Division of Business Compliance & Recycling