

# Independent Oil Marketers Association of New England

MassDEP

## UST Containment / Spill Bucket Fluids

The current Massachusetts Department of Environmental Protection (MassDEP) Underground Storage Tank (UST) Regulations (“UST Regulations”) require the periodic testing of spill buckets and containments to insure their integrity in the event of a release of regulated product to a containment area. These requirements result in the production of large quantities of testing fluids per site that can cost UST system owners hundreds to thousands of dollars to dispose of at a water treatment facility.

The MassDEP UST Regulations do not specify that the testing fluids can be transported to other UST facilities for re-use as testing fluids. MassDEP has previously stated that liquids found in spill buckets and containment need to be managed under MassDEP Hazardous Waste Regulations (310 CMR 30.000) either as a hazardous waste or as a non-hazardous industrial wastewater (“Management of Petroleum-Contaminated Waters at Petroleum UST Facilities” draft fact sheet, 2011). Absent specific guidance or regulation that states the testing fluids can be re-used at multiple sites, the industry believes MassDEP expects testing fluids to be managed the same as the fluids found in spill buckets and containment sumps during routine inspections / maintenance (i.e. under Hazardous Waste Regulations that do not allow the re-use).

The Petroleum Marketers Association of America (PMAA) recently requested clarification from the United States Environmental Protection Agency (USEPA) with respect to ability to transport and re-use testing fluids when conducting integrity testing at multiple locations. The USEPA responded that the 2015 UST regulations they recently adopted does not prohibit vendors from reusing testing liquids and transporting the testing fluids to different sites, and the pre-amble to the regulation discusses this as a practice done by some vendors.

Not allowing the re-use of containment testing fluids between sites is a financial burden to the regulated community, is inconsistent with USEPA expectation of testing and provides no benefit to the environment. The UST or Hazardous Waste regulations should be amended to specify that the transport and use of testing fluids between sites is allowable if the following criteria is met: 1) the testing containments are free of fluids prior to introduction of testing fluids; and 2) upon completion of the use of the fluids as a testing fluid, they shall be properly disposed of in accordance with applicable regulations.

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