

UST & STAGE I PROGRAM ANNOUNCEMENTS

Effective 10/1/2021

I. 310 CMR 80.00 Underground Storage Tank Systems Regulation Amendments Finalized

1. Definitions. (310 CMR 80.03)
2. Revised UST System installation requirements. (310 CMR 80.16)
3. Revised annual leak detection system inspection and testing requirements and monthly inspection/testing record keeping requirement. (310 CMR 80.26)
4. New leak detection requirements for UST systems used to supply fuel to emergency engines, installed before January 2, 2015, that use manual tank gauging for leak detection **Note:** System upgrade deadline for subject UST Systems is 10/13/2022. (310 CMR 80.26)
5. Revised inspection and testing requirements of sumps. **Note:** Sump compliance testing deadline is 10/13/2022. (310 CMR 80.27)
6. Revised inspection and testing requirements of spill buckets. **Note:** Spill bucket compliance testing deadline is 10/13/2022. (310 CMR 80.28)
7. New Compatibility requirements for UST systems and the regulated substance they contain. (310 CMR 80.30)
8. Revised requirements for periodic inspection of UST components. (310 CMR 80.35)
9. Revised requirements for the third-party inspection program to allow more individuals to be eligible to become third-party inspectors, but slightly enhancing the requirements for maintaining the certification. (310 CMR 80.49)
10. New requirements for airport hydrant systems. **Note:** New requirement deadlines are 10/1/2021 for certain requirements and 10/13/2022 for certain other requirements. (310 CMR 80.64)

A final amended copy of 310 CMR 80.00 and Response To Comments document are available at:

<https://www.mass.gov/guides/massdep-underground-storage-tank-ust-program#-news-&-updates->

II. Stage I Program Enforcement Discretion Directive Issued Extending 1/2/2022 Stage I EVR Upgrade Deadline to 1/2/2023

Distribution of Motor Vehicle Fuel Stage I Requirements Enforcement Discretion Directive – 310 CMR 7.24(3)(b)2.b. and 310 CMR 7.24(3)(d)4.

1. MassDEP is exercising enforcement discretion on the requirement in 310 CMR 7.24(3)(b)2.b., that any owner/operator of a motor vehicle fuel dispensing facility equipped with Stage I vapor control systems installed prior to January 2, 2015, must install a Stage I California

Air Resources Board (CARB) certified Enhanced Vapor Recovery (EVR) System or a Stage I Component EVR System on or before January 2, 2022.

310 CMR 7.24(3)(b)2.b. states:

On or before seven years from January 2, 2015 install:

- i. A Stage I CARB EVR System in accordance with any one of the Executive Orders listed in 310 CMR 7.24(3)(c)1.: *Table 1*, except in accordance with 310 CMR 7.24(3)(d)4.; or
- ii. A Stage I Component EVR System in accordance with the applicable Executive Orders listed in 310 CMR 7.24(3)(c)1.: *Table 1*. and manufacturers' guidance, except in accordance with 310 CMR 7.24(3)(d)4.

Please note: "Stage I CARB EVR System"¹ and "Stage I Component EVR System"² requirements are applicable to underground storage tank systems and aboveground storage tank systems.

Due to supply chain and contractor availability limitations attributable to the Covid-19 pandemic, MassDEP will not enforce the January 2, 2022 deadline. The new deadline is January 2, 2023.

2. MassDEP is exercising enforcement discretion on the requirement in 310 CMR 7.24(3)(d)4., that any owner/operator of a motor vehicle fuel dispensing facility currently equipped with non-EVR "slip-on" spill buckets, may repair (including replace) such spill buckets until January 2, 2022 and may be used after January 2, 2022 until they need to be repaired or replaced.

310 CMR 7.24(3)(d)4. states:

Any replacement of an incorrectly installed, non-functioning or broken Stage I components shall be with a CARB EVR component and shall be installed in accordance with the applicable Executive Orders and manufacturers' guidance, except that an existing non-EVR "slip-on" spill bucket may be repaired (including replaced) until seven

¹ STAGE I CARB ENHANCED VAPOR RECOVERY (EVR) SYSTEM as used in 310 CMR 7.24(3), means a vapor balance system certified by CARB pursuant to a Phase I Executive Order to prevent discharge to the atmosphere of at least 98% by weight of vapors displaced during the transfer of motor vehicle fuel from a tank truck to a motor vehicle fuel storage tank.

² "STAGE I COMPONENT ENHANCED VAPOR RECOVERY (EVR) SYSTEM as used in 310 CMR 7.24(3), means: (a) for an underground storage tank, a vapor balance system constructed from components identified in any one of the Phase I Executive Orders listed in 310 CMR 7.24(3)(c).1.: *Table 1*. including, but not be limited to, the following components: spill containment buckets, drain valves, dust caps, rotatable product adaptors, riser adaptors, drop tubes, rotatable vapor adaptors, tank gauge ports, and pressure/vacuum vent valves; and (b) for aboveground storage tanks, a vapor balance system constructed from components identified in any of the Phase I Executive Orders and applicable Standing Loss Control Executive Orders listed in 310 CMR 7.24(3)(c).1.: *Table 2*."

years from January 2, 2015 and may be used after seven years from January 2, 2015 until it needs to be repaired or replaced.

Due to supply chain and contractor availability limitations attributable to the Covid-19 pandemic, MassDEP will not enforce the January 2, 2022 deadline. The new deadline is January 2, 2023 and non-EVR “slip-on” spill buckets may continue to be used after January 2, 2023 until they need to be repaired or replaced.

This document does not constitute “final agency action,” and is not “regulation” as that term is used in M.G.L. c. 30A. It may not be relied upon to create rights, duties, obligations, or defenses, implied or otherwise, enforceable by any party in any administrative proceeding with the Commonwealth. In addition, this enforcement discretion directive does not exempt any person from complying with the other requirements in 310 CMR 7.24(3) or any other applicable local, state or federal law.

If you have any questions concerning this Directive, please call the MassDEP Stage I Hotline at: 617-556-1035 ext. 1 or email the Stage I Staff at: aq.Stage2@mass.gov.

A copy of Stage I Program Enforcement Discretion Directive is available at:

<https://www.mass.gov/guides/massdep-stage-i-ii-vapor-recovery-program#-news-&-updates->

If you have any questions concerning these announcements, please call:

- The UST Program Hotline at: 617-556-1035 ext. 2 or email the UST Program staff at: DEP.UST@mass.gov
- The Stage I Program Hotline at: 617-556-1035 ext. 1 or email the Stage I Staff at: aq.Stage2@mass.gov.