Executive Summary

In this report, find out which tanks and substances are regulated under EPA’s Underground Storage Tank (UST) program at 40 CFR Part 280. Plus, find out what will change for tank owners and operators in October this year, when US EPA rescinds a few widely-used exclusions to its UST requirements.
Underground Storage Tank (UST) Compliance Basics

In 1984, the Federal government created a program to regulate USTs containing petroleum and hazardous chemicals. Four years later, EPA officially announced underground storage tank regulations that are largely still in force today.

Today, owners and operators are preparing for major changes to the UST program set to take effect in October 2018.

Read on to learn what you should know to identify regulated tanks and find out what’s changing in 2018.

1. Why do Underground Storage Tank rules exist?
2. What is an Underground Storage Tank?
3. EPA’s major UST program areas
4. What substances are regulated?
5. What’s changing this year for UST owners and operators?
6. More resources to help with new UST rules

What Led EPA to Create Special Underground Storage Tank Requirements?

Until the mid-1980s, most underground storage tanks were constructed of steel. This lead to heavy corrosion due to the elements and a widespread problem with leaking USTs in the USA.
What Is an Underground Storage Tank (UST)?

EPA defines a “tank” as follows:

“A stationary device designed to contain an accumulation of regulated substances constructed of non-earthen materials (concrete, steel, plastic, etc.) that provide structural support.”

An “underground storage tank” is:

“any one or combination of tanks including any underground pipes connected to the tanks used to accumulate a regulated substance(s), and the volume of which (including the volume of pipes connected thereto) is 10% or more is beneath the surface of the ground”.

(40 CFR 280.12)

So, only 10% of the tank or the piping must be underground to be considered a UST.

In other words, a tank that sits 90% above ground could be considered an underground storage tank, subject to the EPA rules for USTs.
UST Major Programs Areas

EPA’s UST program focuses on the prevention of releases to the environment as result of spills, overfills, and leaks.

Major areas covered by regulations include:

- Design requirements for USTs;
- Method for detecting spills and leaks from USTs;
- Corrective measures following a UST leak; and
- Financial liability and closure costs associated with UST systems.

What Substances Are Regulated?

Now that we know how EPA defines an “Underground Storage Tank,” let’s talk about what kind of substances are “regulated” for the purpose of UST compliance.

EPA regulates two categories of substances under its UST regulations:

1. Any hazardous substance regulated under the Comprehensive Environmental Response, Compensation, and Liability Act or CERCLA. The list of substances regulated under CERCLA can be found at 40 CFR 302.4, except for substances regulated as wastes under RCRA.

2. Petroleum and petroleum-based substances like motor fuels, distillate fuel oils, lubricants, petroleum solvents, and used oils (see 40 CFR 280.12).
**Exclusions from EPA’s UST Rules**

There are two kinds of exclusions to the Underground Storage Tank Rules.

Several types of underground storage tanks are **fully excluded** from the definition of UST and are therefore not subject to the UST regulations.

**Exclusions include, but are not limited to:**

- Certain fuel and heating oil tanks, and septic tanks;
- Tanks that are part of a storm water or wastewater collection systems;
- Storage tanks in an underground area like a basement, tunnel, or cellar when situated upon or above the floor;
- Tanks regulated under other EPA programs, like USTs that contain hazardous waste regulated under RCRA;
- Tanks with smaller capacity or that contain a *de minimis* concentration of regulated substance(s); and
- USTs only used for emergency spills or overflow containment

Other types of tanks are **partially** excluded from the rules.

For these USTs—such as some wastewater treatment systems, USTs containing radioactive materials regulated under the Atomic Energy Act of 1954, and others—only the UST rules applicable to Release Response and Corrective Action rules, Financial Responsibilities rules, and Lender Liability apply.

**What’s Changing NOW for Owners and Operators?**

A 2015 rule change expanded the applicability of EPA’s Underground Storage Tank rules.

**On October 13, 2018,** three types of UST’s previously excluded from all or part of the 40 CFR Part 280 standards will now be included.
New! Underground Storage Tanks Online Training.

The new Underground Storage Tanks Online Course at Lion.com guides environmental professionals and consultants through EPA’s latest requirements for USTs.

Understand which tanks containing which substances are regulated under current EPA UST rules at 40 CFR Part 280 and learn what you need to know to maintain compliance with UST rule changes that take effect in October 2018.

Learn the keys to effective UST compliance: From design and maintenance criteria, performance standards, and operating requirements to inspections, release detection and reporting, EPA notifications, closure requirements, financial liability, and more.

Learn more about the online course or SIGN UP NOW.
Building Confident Compliance Teams

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