

Fuel Tank Management:
PBS,
USTs
and the
Energy Policy Act of 2005

Petroleum Bulk Storage
6NYCRR Part 612 – 614

EPA Underground Storage
Tanks

40 CFR Part 280

PBS Program Overview

PART 612 - Registration

PART 613 - Standards for the Handling & Storage of Petroleum

PART 614 - Standards for New or Substantially Modified Facilities

Applicability

- Petroleum means any petroleum based oil of any kind which is liquid at 20°C under atmospheric pressure and has been refined, re-refined, or otherwise processed for the purpose of being burned as a **fuel to produce heat or usable energy**, or which is **suitable for use as a motor fuel or lubricant** in the operation or maintenance of an engine.

Applicability

- Facility means one or more stationary tanks (both underground and aboveground) which has a combined storage capacity of over 1,100 gallons of petroleum at the same site.
- Do not include on-site heating oil tank system less than 1,100 gallons in the calculation of the site capacity. If site needs to be registered, all tanks are included.
- Include all used oil tanks (regardless of size)

Applicability

- Include all used oil tanks (regardless of size)
 - tanks storing used oil that is burned are considered storing a product and pay a registration fee
 - tanks that store used oil that is pumped out and hauled away do not pay a registration fee
 - tanks less than 1,100 gallons storing used oil for burning, do not count toward the facility capacity however, have to be registered regardless of facility capacity

Overview of PBS Regulations

- Registration (every 5 years or within 30 days of owner change)
- USTs installed pre-12/27/1986
 - Leak Detection – inventory monitoring/tank testing
 - Upgrade requirements – color code/shear valve
- USTs installed post-12/27/1986
 - Standards
 - Corrosion resistant tank and piping
 - Secondary containment on tank
 - Leak monitoring
 - Overfill prevention
 - As-built plans
 - Tank labels
 - Monitoring
 - Inventory monitoring & leak detection system
 - Cathodic protection

Overview of PBS Regulations

- ASTs installed pre-12/27/1986
 - Inspection – monthly & 10 year
 - Upgrade requirements (valves, gauges, sec. cont.)
- ASTs installed post-12/27/1986
 - Standards
 - Welded steel
 - Corrosion resistant shell and bottom
 - Impermeable barrier
 - Leak monitoring
 - Secondary Containment
 - Inspection - monthly
- Closure requirements for USTs and ASTs
- Spill Reporting

Compliance Strategy

- Outreach
- Desktop Inspections/Application Review
- Field Inspections
- Enforcement

Federal Underground Storage Tank

40 CFR Part 280

Applicability

- Regulated substance means CERCLA chemical or petroleum (crude oil and any fraction thereof that is liquid at standard conditions)
- USTs means a tank larger than 110 gallons that is 10% or more underground **except for**
 - Tanks storing heating oil
 - Farm or residential tank of 1,100 gallons or less storing motor fuel for non-commercial purposes

Overview of Regulations

- USTs installed pre-1988
 - Leak detection
 - Upgraded by 12/98 (corrosion resistance, spill and overfill prevention devices, leak detection)
- USTs installed post-1988
 - Corrosion resistant, spill and overfill prevention devices, leak detection
- Financial Responsibility

Energy Policy Act of 2005

Energy Policy Act of 2005

- Signed into law August 8, 2005
- Title XV Subtitle B
- Underground Storage Tank Compliance Act (USTCA)

USTCA

- Additional measures to protect groundwater
 - States to require either:
 - New tank system within 1000 ft of water systems/potable wells to have secondary containment (tank/piping/dispenser); OR
 - Financial Responsibility for equipment manufacturer/installer plus installation certified
 - Required for all new installations or replacements of parts of UST system after February 8, 2007
 - NY yet to revise regulations

USTCA

- Inspections
 - Complete first round by August 8, 2007
 - Every 3 years thereafter
 - Conducted by State, EPA or contractor for EPA
 - Assessing compliance with all significant aspects of 40 CFR Part 280 (spill/overflow, corrosion protection, leak detection, spill reporting and financial responsibility)

USTCA

- Delivery Prohibition (Red Tag)
 - Illegal to deliver or accept delivery into tank identified by State or EPA as ineligible
 - Tanks ineligible include those that have spill/overflow, leak detection or corrosion protection equipment violations
 - To be implemented by August 2007

USTCA

- Release Prevention, Compliance and Enforcement
 - States to submit compliance report on Federal, State and Local Government owned/operated tanks
 - Report due to EPA by August 8, 2007

USTCA

- Release Prevention, Compliance and Enforcement
 - Requires UST records for all facilities be made available to public including
 - Number, sources and causes of UST releases;
 - Number of UST equipment failures
 - Record of compliance
 - Records to be made available no later than December 2008

USTCA

- Operator Training
 - 3 levels of training
 - People with primary responsibility, daily responsibility and employees
 - Must include an evaluation of operator knowledge
 - Single time unless tank is in non-compliance at time of inspection or as specified by regulation
 - EPA Guidance by August 2007
 - State to adopt by August 2009
 - Training to be completed by August 2012

USTCA Implementation

- EPA
 - Workgroups developing guidance to implement provisions
 - Region 2 partnering with NY on completing inspections of facilities with Fed USTs
- New York
 - Working on statutory changes
 - Completing inspection of facilities with Fed USTs

For More Information

- DEC Website: www.dec.ny.gov/chemical/287.html
- Phone (518) 402-9543 or -9553
- Regional contact list on the website
- EPA Website: www.epa.gov/oust

