UST Rule
Updates for Marketers

February 26, 2019

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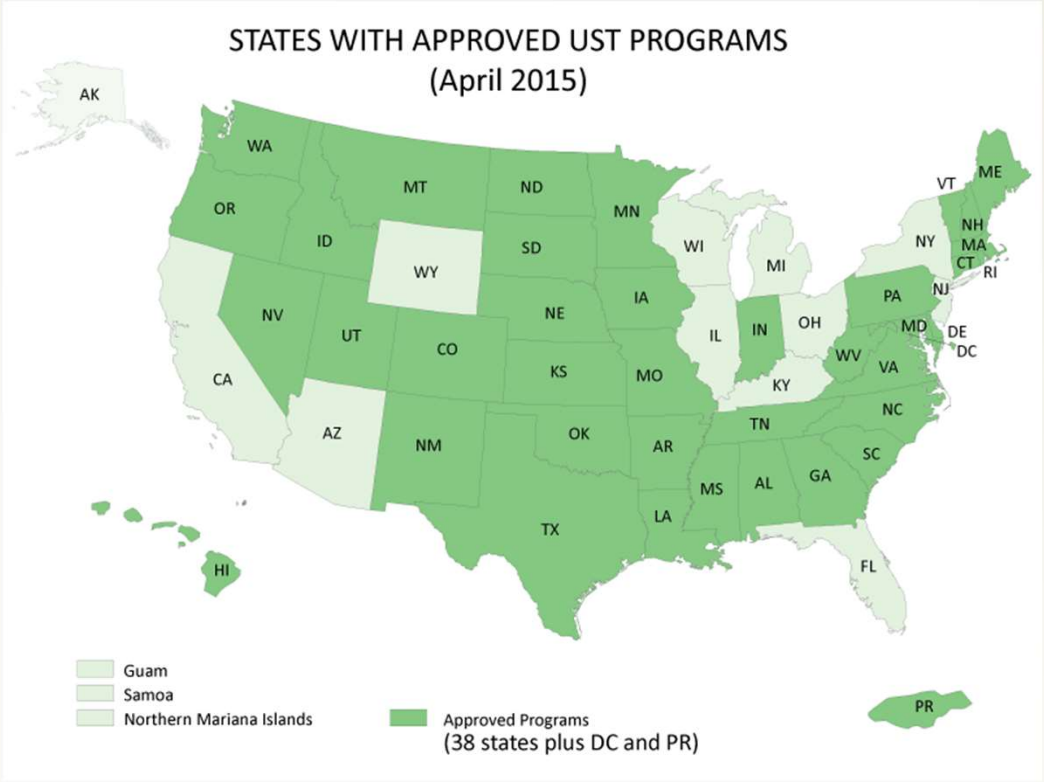
UST O/Os in Arizona must follow both federal and state regulations



Two Rule Sets to Follow

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Rule Revision Concepts

- Meeting - May 14, 2018
- Principles Document – July 2018

Low Level Sump Testing Guidance

- Workshop - June 15, 2018
- Guidance Document – October 2018

Draft Rule Review

- First Draft Rule Released – January 2019
- Workshop - February 7, 2019
- Second Draft Rule – April 2019?
- Final Rule - ???

End Goal: Arizona's UST rules will align with federal regulations

Arizona Rulemaking Underway

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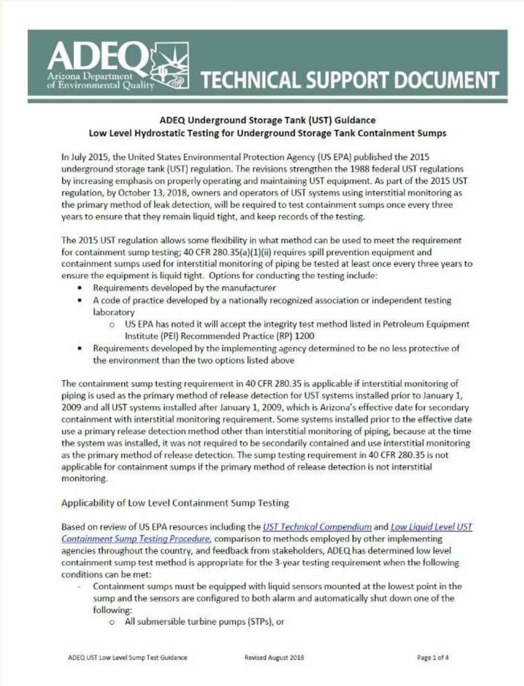


ADEQ Arizona Department of Environmental Quality TECHNICAL SUPPORT DOCUMENT

ADEQ Underground Storage Tank (UST) Guidance
Low Level Hydrostatic Testing for Underground Storage Tank Containment Sumps

In July 2015, the United States Environmental Protection Agency (US EPA) published the 2015 underground storage tank (UST) regulation. The revisions strengthen the 1988 federal UST regulations by increasing emphasis on properly operating and maintaining UST equipment. As part of the 2015 UST regulation, by October 13, 2018, owners and operators of UST systems using interstitial monitoring as the primary method of leak detection, will be required to test containment sumps once every three years to ensure that they remain liquid tight, and keep records of the testing.

The 2015 UST regulation allows some flexibility in what method can be used to meet the requirement for containment sump testing; 40 CFR 280.35(a)(1)(ii) requires spill prevention equipment and containment sumps used for interstitial monitoring of piping be tested at least once every three years to ensure the equipment is liquid tight. Options for conducting the testing include:

- Requirements developed by the manufacturer
- A code of practice developed by a nationally recognized association or independent testing laboratory
    - US EPA has noted it will accept the integrity test method listed in Petroleum Equipment Institute (PEI) Recommended Practice (RP) 1200
- Requirements developed by the implementing agency determined to be no less protective of the environment than the two options listed above

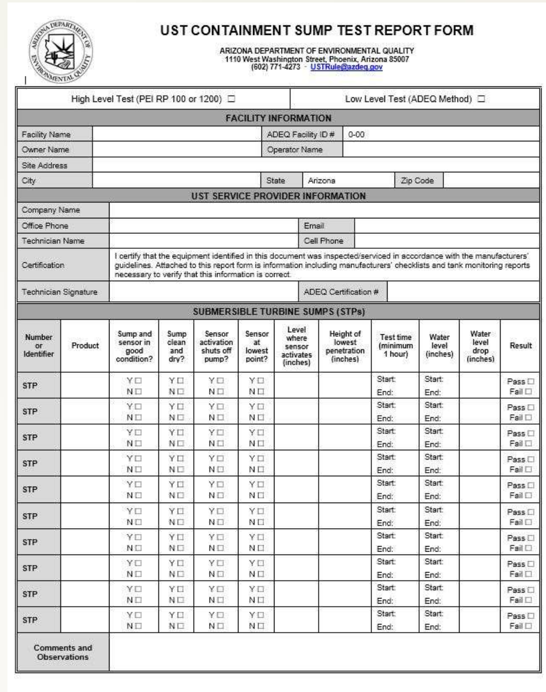
The containment sump testing requirement in 40 CFR 280.35 is applicable if interstitial monitoring of piping is used as the primary method of release detection for UST systems installed prior to January 1, 2009 and all UST systems installed after January 1, 2009, which is Arizona's effective date for secondary containment with interstitial monitoring requirement. Some systems installed prior to the effective date use a primary release detection method other than interstitial monitoring of piping, because at the time the system was installed, it was not required to be secondarily contained and use interstitial monitoring as the primary method of release detection. The sump testing requirement in 40 CFR 280.35 is not applicable for containment sumps if the primary method of release detection is not interstitial monitoring.

Applicability of Low Level Containment Sump Testing

Based on review of US EPA resources including the *UST Technical Compendium* and *Low Liquid Level UST Containment Sump Testing Procedure*, comparison to methods employed by other implementing agencies throughout the country, and feedback from stakeholders, ADEQ has determined low level containment sump test method is appropriate for the 3-year testing requirement when the following conditions can be met:

- Containment sumps must be equipped with liquid sensors mounted at the lowest point in the sump and the sensors are configured to both alarm and automatically shut down one of the following:
    - All submersible turbine pumps (STPs), or

ADEQ UST Low Level Sump Test Guidance   Revised August 2018   Page 1 of 4



UST CONTAINMENT SUMP TEST REPORT FORM

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
1110 West Washington Street, Phoenix, Arizona 85007
(602) 771-4273 - USTRule@azdeq.gov

High Level Test (PEI RP 100 or 1200) ☐	Low Level Test (ADEQ Method) ☐

FACILITY INFORMATION			
Facility Name		ADEQ Facility ID #	0-00
Owner Name		Operator Name	
Site Address			
City		State	Arizona	Zip Code	

UST SERVICE PROVIDER INFORMATION			
Company Name			
Office Phone		Email	
Technician Name		Cell Phone	
Certification	I certify that the equipment identified in this document was inspected/serviced in accordance with the manufacturers' guidelines. Attached to this report form is information including manufacturers' checklists and tank monitoring reports necessary to verify that this information is correct.		
Technician Signature		ADEQ Certification #	

SUBMERSIBLE TURBINE SUMPS (STPs)

Number or Identifier	Product	Sump and sensor in good condition?	Sump clean and dry?	Sensor activation shuts off pump?	Sensor at lowest point?	Level where sensor activates (inches)	Height of lowest penetration (inches)	Test time (minimum 1 hour)	Water level (inches)	Water level drop (inches)	Result
STP		Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐			Start: End:	Start: End:		Pass ☐ Fail ☐
STP		Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐			Start: End:	Start: End:		Pass ☐ Fail ☐
STP		Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐			Start: End:	Start: End:		Pass ☐ Fail ☐
STP		Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐			Start: End:	Start: End:		Pass ☐ Fail ☐
STP		Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐			Start: End:	Start: End:		Pass ☐ Fail ☐
STP		Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐			Start: End:	Start: End:		Pass ☐ Fail ☐
STP		Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐			Start: End:	Start: End:		Pass ☐ Fail ☐
STP		Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐			Start: End:	Start: End:		Pass ☐ Fail ☐
STP		Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐			Start: End:	Start: End:		Pass ☐ Fail ☐
STP		Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐	Y ☐ N ☐			Start: End:	Start: End:		Pass ☐ Fail ☐
Comments and Observations											

Low Level Sump Testing Guidance

What's New in the 2015 Federal Regulations?

- Every 30 day walkthrough inspections
- Annual walkthrough inspection of containment sumps
- Annual release detection equipment operability testing
- Every 3 year testing of spill buckets and containment sumps used for piping interstitial monitoring
- Every 3 year inspections of overfill prevention equipment
- **Recordkeeping for all of the above**

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- **Walkthrough inspections**
  - Check your spill prevention equipment for damage and remove liquid or debris.
  - Check for and remove obstructions in the fill pipe.
  - Check the fill cap to ensure it is securely on the fill pipe.
  - For double-walled spill prevention equipment with interstitial monitoring, check for a leak in the interstitial area.
  - Check your release detection equipment to ensure it is operating with no alarms or unusual operating conditions present.
  - Review your release detection records and ensure they are current.

  Exception: if your UST system receives deliveries at intervals greater than 30 days, you may check your spill prevention equipment prior to each delivery.

- **Recordkeeping for inspection**

Sample Walkthrough Inspection Checklist

Date Of Inspection							
Required Every 30 Days (exception: if your UST system receives deliveries at intervals greater than 30 days, you may check your spill prevention equipment prior to each delivery.							
Visually check spill prevention equipment for damage. Remove liquid or debris.							
Check for and remove obstructions in fill pipe.							
Check fill cap to ensure it is securely on fill pipe.							
For double-walled spill prevention equipment with interstitial monitoring, check for a leak in the interstitial area.							
Check release detection equipment to ensure it is operating with no alarms or unusual operating conditions present.							
Review and keep current release detection records.							
Required Annually							
Visually check containment sumps for damage and leaks to the containment area or releases to the environment.							
Remove liquid in contained sumps or debris.							
For double-walled containment sumps with interstitial monitoring, check for leaks in the interstitial area.							
Check hand-held release detection equipment, such as groundwater bailers and tank gauge sticks, for operability and serviceability.							
Recommended Activities							
Fill and monitoring ports: Inspect all fill or monitoring ports and other access points to make sure that the covers and caps are tightly sealed and locked.							
Spill and overfill response supplies: Inventory and inspect the emergency spill response supplies. If the supplies are low, restock the supplies. Inspect supplies for deterioration and improper functioning.							
Containment sump areas: Look for significant corrosion on the UST equipment.							
Dispenser hoses, nozzles, and breakaways: Inspect for loose fittings, deterioration, obvious signs of leaks, and improper functioning.							

Your initials in each box below the date of the inspection indicate the device or system was inspected and satisfactory on that date.

In the following table, explain actions taken to fix issues.

Date	Action Taken

What's New – Every 30 Days

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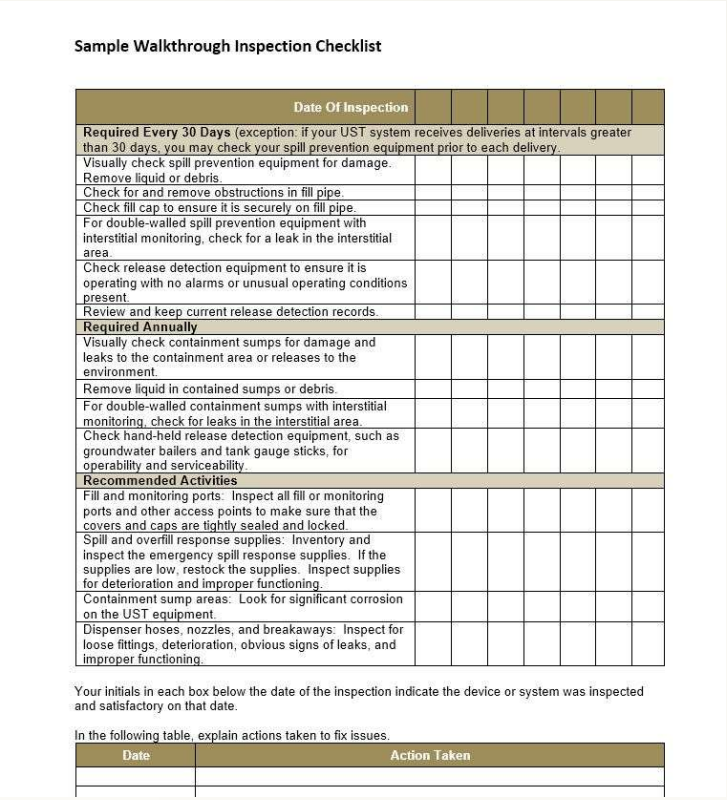

Sample Walkthrough Inspection Checklist

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Check for and remove obstructions in fill pipe.							
Check fill cap to ensure it is securely on fill pipe.							
For double-walled spill prevention equipment with interstitial monitoring, check for a leak in the interstitial area.							
Check release detection equipment to ensure it is operating with no alarms or unusual operating conditions present.							
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Spill and overfill response supplies: Inventory and inspect the emergency spill response supplies. If the supplies are low, restock the supplies. Inspect supplies for deterioration and improper functioning.							
Containment sump areas: Look for significant corrosion on the UST equipment.							
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Your initials in each box below the date of the inspection indicate the device or system was inspected and satisfactory on that date.

In the following table, explain actions taken to fix issues.

Date	Action Taken

What's New - Annually

- **Walkthrough inspection of containment sumps**
  - Check your containment sumps for damage and leaks to the containment area or releases to the environment.
  - Remove liquid in contained sumps or debris.
  - For double-walled containment sumps with interstitial monitoring, check for leaks in the interstitial area.
  - Check your hand-held release detection equipment, such as groundwater bailers and tank gauge sticks, for operability and serviceability.

- **Recordkeeping for inspection**

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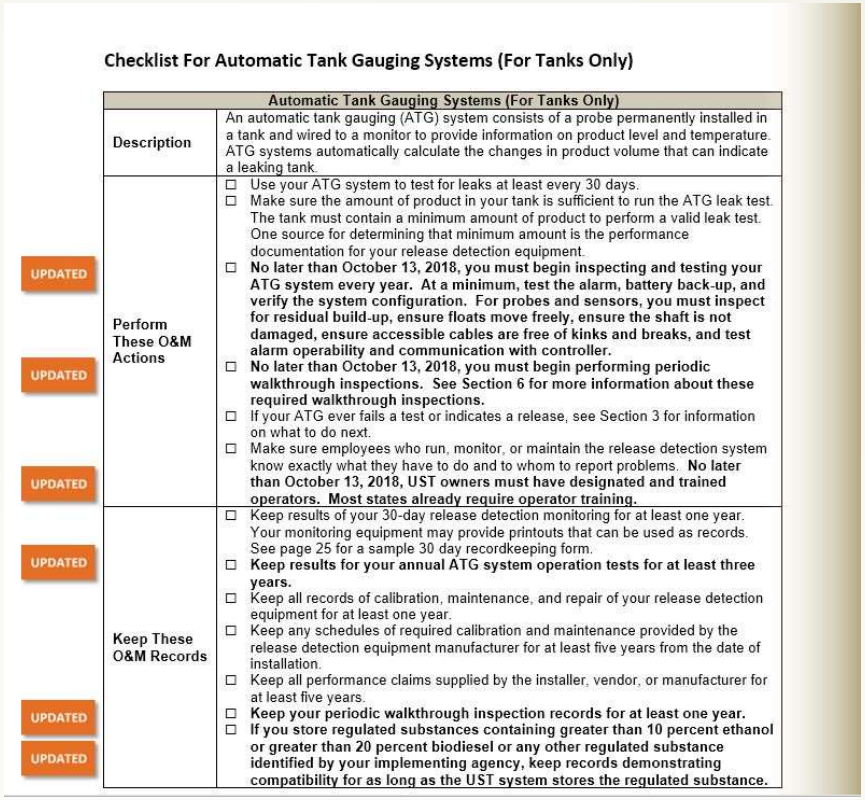

Checklist For Automatic Tank Gauging Systems (For Tanks Only)

Automatic Tank Gauging Systems (For Tanks Only)	
Description	An automatic tank gauging (ATG) system consists of a probe permanently installed in a tank and wired to a monitor to provide information on product level and temperature. ATG systems automatically calculate the changes in product volume that can indicate a leaking tank.
Perform These O&M Actions	☐ Use your ATG system to test for leaks at least every 30 days. ☐ Make sure the amount of product in your tank is sufficient to run the ATG leak test. The tank must contain a minimum amount of product to perform a valid leak test. One source for determining that minimum amount is the performance documentation for your release detection equipment. ☐ **No later than October 13, 2018, you must begin inspecting and testing your ATG system every year. At a minimum, test the alarm, battery back-up, and verify the system configuration. For probes and sensors, you must inspect for residual build-up, ensure floats move freely, ensure the shaft is not damaged, ensure accessible cables are free of kinks and breaks, and test alarm operability and communication with controller.** ☐ **No later than October 13, 2018, you must begin performing periodic walkthrough inspections. See Section 6 for more information about these required walkthrough inspections.** ☐ If your ATG ever fails a test or indicates a release, see Section 3 for information on what to do next. ☐ Make sure employees who run, monitor, or maintain the release detection system know exactly what they have to do and to whom to report problems. **No later than October 13, 2018, UST owners must have designated and trained operators. Most states already require operator training.**
Keep These O&M Records	☐ Keep results of your 30-day release detection monitoring for at least one year. Your monitoring equipment may provide printouts that can be used as records. See page 25 for a sample 30 day recordkeeping form. ☐ **Keep results for your annual ATG system operation tests for at least three years.** ☐ Keep all records of calibration, maintenance, and repair of your release detection equipment for at least one year. ☐ Keep any schedules of required calibration and maintenance provided by the release detection equipment manufacturer for at least five years from the date of installation. ☐ Keep all performance claims supplied by the installer, vendor, or manufacturer for at least five years. ☐ **Keep your periodic walkthrough inspection records for at least one year.** ☐ **If you store regulated substances containing greater than 10 percent ethanol or greater than 20 percent biodiesel or any other regulated substance identified by your implementing agency, keep records demonstrating compatibility for as long as the UST system stores the regulated substance.**

UPDATED

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What's New - Annually

- **Release detection equipment operability testing**
  - The testing must be conducted according to one of the following: manufacturer's instructions; a code of practice developed by a nationally recognized association or independent testing laboratory; or requirements your implementing agency determines are no less protective of human health and the environment than the other two options.
- **Recordkeeping**

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- **Testing of spill buckets and containment sumps used for piping interstitial monitoring**
  - The test must be conducted according to a code of practice, manufacturer's instructions, or requirements developed by the implementing agency.
  - ADEQ Low Level Hydrostatic Sump Testing Procedure
- If you repair your spill or overfill prevention equipment, you must test or inspect, as appropriate, the equipment within 30 days after the repair.

- **Recordkeeping**

Sample Recordkeeping Form For Liquid Tightness Tests For Spill Buckets And Containment Sumps (For Use By A Qualified Tester)

Test Date: ____/____/____ Facility Name/ID: _____

Tank number					
Product stored					
Spill bucket/containment sump ID					
Spill bucket/containment sump manufacturer					
Liquid or debris removed from bucket/sump?* (circle one)	Yes / No	Yes / No	Yes / No	Yes / No	Yes / No
Visual inspection (no cracks, loose parts, or separation) (circle one)	Pass / Fail	Pass / Fail	Pass / Fail	Pass / Fail	Pass / Fail
Starting water or vacuum level					
Test start time					
Ending water or vacuum level					
Test end time					
Test duration					
Water or vacuum level change					
Test results (circle one)**	Pass / Fail	Pass / Fail	Pass / Fail	Pass / Fail	Pass / Fail
Comments					

* All liquids and debris must be disposed of properly.
** Pass or fail criteria are based on the method used for testing. For example, EPA allows the Petroleum Equipment Institute's Recommended Practice 1200 to be used for this testing. This code of practice contains information about the pass or fail criteria.

Notes:

What's New – Every 3 Years

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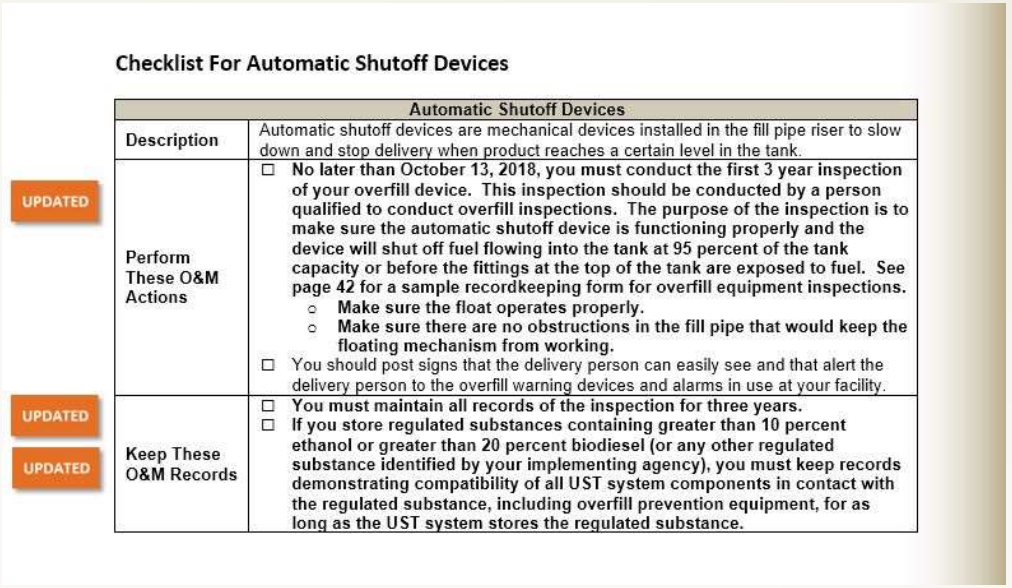
- **Inspections of overfill prevention equipment**
  - The test must be conducted according to a code of practice, manufacturer's instructions, or requirements developed by the implementing agency.
- If you repair your spill or overfill prevention equipment, you must test or inspect, as appropriate, the equipment within 30 days after the repair.
- Note that ball float valves may not be installed or replaced for use as overfill protection after October 13, 2015.

- **Recordkeeping for all of the above**



Checklist For Automatic Shutoff Devices

Automatic Shutoff Devices	
Description	Automatic shutoff devices are mechanical devices installed in the fill pipe riser to slow down and stop delivery when product reaches a certain level in the tank.
UPDATED Perform These O&M Actions	☐ **No later than October 13, 2018, you must conduct the first 3 year inspection of your overfill device. This inspection should be conducted by a person qualified to conduct overfill inspections. The purpose of the inspection is to make sure the automatic shutoff device is functioning properly and the device will shut off fuel flowing into the tank at 95 percent of the tank capacity or before the fittings at the top of the tank are exposed to fuel. See page 42 for a sample recordkeeping form for overfill equipment inspections.** ○ **Make sure the float operates properly.** ○ **Make sure there are no obstructions in the fill pipe that would keep the floating mechanism from working.** ☐ You should post signs that the delivery person can easily see and that alert the delivery person to the overfill warning devices and alarms in use at your facility.
UPDATED UPDATED Keep These O&M Records	☐ **You must maintain all records of the inspection for three years.** ☐ **If you store regulated substances containing greater than 10 percent ethanol or greater than 20 percent biodiesel (or any other regulated substance identified by your implementing agency), you must keep records demonstrating compatibility of all UST system components in contact with the regulated substance, including overfill prevention equipment, for as long as the UST system stores the regulated substance.**

What's New – Every 3 Years

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Legislative Updates for Fuel Marketers in Arizona

UST Reforms Bill

- Increases TSIP eligibility caps:
  - Total of $300,000 per site
  - Tank upgrades $200,000
  - Tank removal $25,000 per tank plus $15,000 for over excavation
  - Suspected release confirmation $20,000
  - Baseline assessment $40,000
- Reimbursement for corrective action "adjacent" costs
- State lead corrective action lien settlement authority
- Instructs ADEQ to create expedited preapproval process for time sensitive situations
- Permits reimbursement for costs incurred outside of preapproval in certain scenarios (including costs incurred in 2016-2019 if submitted by 12/31/19)
- Clarifies that costs accumulated by state lead prior to 2016 are chargeable to time barred claims rather than eligibility for new UST RF Program if clean up is ongoing
- Extends the penny per gallon UST Tax to 2042 and allows transfer of $11 Million per year from UST RF to WQARF

2019 Legislative Session

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Bills APMA Is Tracking in 2019

- UST Revolving Fund Program Reforms
- State Highway Rest Area Continuation
- Alternative Fuel Vehicle VLT Repeal or Delay
- Fuel Tax Increase of 25 cpg, phased in over five years
- Electronic Smoking Device Restrictions and Regulations
- Family Leave entitlement to 12 weeks of leave each year
- Repeal of plastic bag ban preemption or mandatory single use container fee
- State Liquor Board expansion to include city representative
- Weights and Measures licensing periods
- Tobacco 21 statewide

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Thank you!

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apma4u.org

Resources:

- EPA Publications about 2015 UST Regulations https://www.epa.gov/ust/publications-about-2015-ust-regulation
  - O&M Practical Help and Checklists https://www.epa.gov/ust/operating-and-maintaining-underground-storage-tank-systems-practical-help-and-checklists
  - Musts for USTs https://www.epa.gov/ust/musts-usts

- ADEQ UST Compliance https://azdeq.gov/UST/Compliance
  - ADEQ UST Operator Training https://azdeq.gov/node/3604
  - ADEQ UST Rulemaking https://azdeq.gov/node/4838

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