

**Congress of the United States**  
**Washington, DC 20515**

June 7, 2018

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Pruitt:

In 2015, the Environmental Protection Agency (EPA) established updated regulations for the operation and maintenance of underground storage tanks (UST's). Proper UST operations are vital to preventing fuel releases into the environment. Unfortunately, portions of the 2015 regulations, specifically 40 CFR 280.35, impose an overwhelming financial and strategic burden on fuel retailers, particularly small businesses, by requiring excessive labor and infrastructure investments over a short period of time. Therefore, we request that the EPA extend its previously established compliance deadline of October 13, 2018 to October 13, 2024.

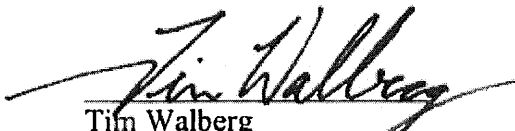
Notwithstanding the compliance flexibility provided through consensus industry standards, we consider that extending the deadline for initial testing in 40 CFR 280.35 is warranted. First, we have been informed that much of the equipment used in existing UST systems was not designed, manufactured, and installed to be tested in the manner in which these EPA regulations require (vacuum, pressure, or liquid testing). We understand that fuel retailers operating UST's require a longer period of time in order to make the necessary adjustments and equipment upgrades in preparation for the testing and inspection protocol. Additionally, as the October 2018 deadline approaches, we are concerned that many operators may have difficulty in finding enough qualified contractors to prepare the equipment to be tested and inspectors to perform the required testing. Therefore, we believe these challenges will make it problematic for owners and operators to achieve timely compliance.

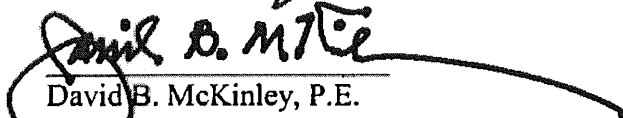
We also understand the EPA's new periodic inspection mandate for overfill prevention equipment is also concerning. For the majority of overfill prevention devices, there are no recommended manufacturer inspection methods that currently exist, and the one available code of practice requires the removal of the overfill prevention device to facilitate the inspection. Removal of existing overfill prevention equipment that has not been previously removed or tested is likely to damage the previously functioning device beyond repair. While we appreciate that Section 9005(c) of the Solid Waste Disposal Act requires inspections of UST systems every three years, the Administrator retains some discretion about the specifics of those inspections. Extending the compliance deadline for this specific area to October 2024 allows small businesses, acting in good faith, more time to get this equipment removed

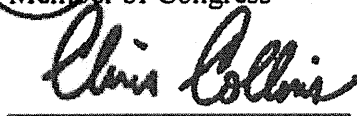
and replaced. After this time, small business owners will have the option to install new, and recently commercially available, overfill prevention equipment capable of being tested in place.

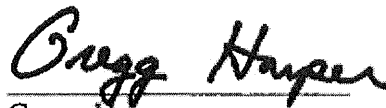
I am sure we can all agree that regulations should be designed to protect the environment through reasonable requirements, not consist of infeasible rules that pile up violations and increase fine collections. By delaying the testing and inspection requirements until October 13, 2024, we can provide these small businesses with the proper time they need to meet the new EPA requirements

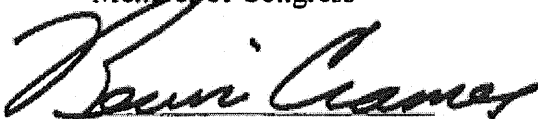
Sincerely,

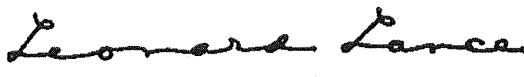
  
Tim Walberg  
Member of Congress

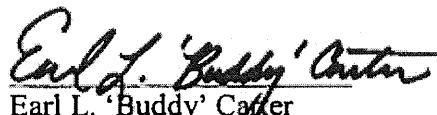
  
David B. McKinley, P.E.  
Member of Congress


  
Chris Collins  
Member of Congress

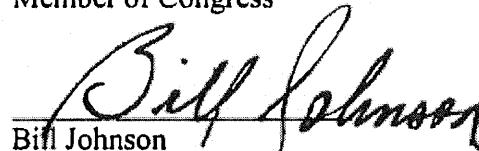
  
Gregg Harper  
Member of Congress

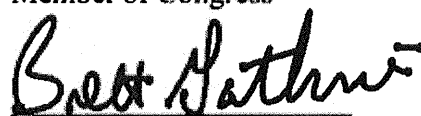
  
Kevin Cramer  
Member of Congress


  
Leonard Lance  
Member of Congress

  
Earl L. 'Buddy' Carter  
Member of Congress

  
Cathy McMorris Rodgers  
Member of Congress

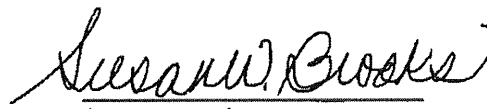
  
Bill Johnson  
Member of Congress

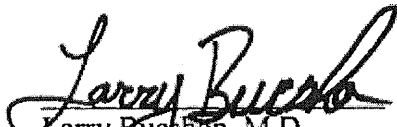
  
Brett Guthrie  
Member of Congress

  
Jeff Duncan  
Member of Congress

  
Bill Flores  
Member of Congress

  
Robert E. Latta  
Member of Congress


  
Susan Brooks  
Member of Congress

  
Larry Buchson, M.D.

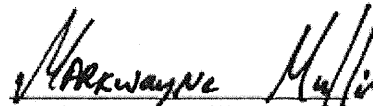
Member of Congress

  
Pete Olson


Member of Congress

  
Richard Hudson

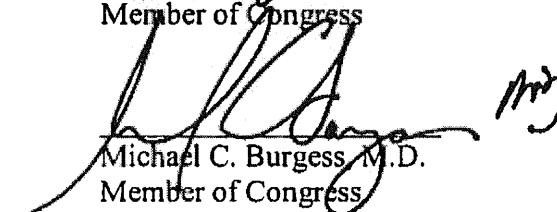
Member of congress

  
Markwayne Mullin

Member of Congress

  
Lynn Jenkins, CPA

Member of Congress

  
Michael C. Burgess, M.D.

Member of Congress

# United States Senate

WASHINGTON, DC 20510

June 8, 2018

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Pruitt:

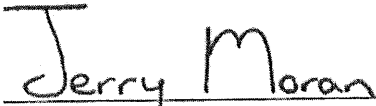
In 2015, the Environmental Protection Agency (EPA) established updated regulations for the operation and maintenance of underground storage tanks (USTs). The compliance deadline for these regulations is October 13, 2018. Unfortunately, portions of the 2015 regulations, specifically 40 CFR 280.35, impose an overwhelming financial burden on small business petroleum marketers nationwide. These costly regulations require significant capital investments and additional operating expenses on small business retailers over a short period of time. In order to reduce the financial burden on small business retailers and their customers, we request that the EPA extend the compliance deadline to October 13, 2024.

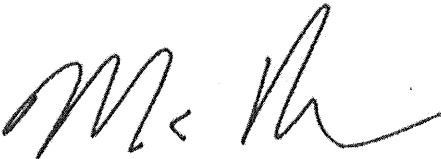
We believe that extending the integrity testing deadline for spill buckets, tank sumps and under dispenser containment equipment, along with operability testing for overfill prevention equipment is warranted. This equipment was not designed to undergo the type of testing the EPA requires without costly modification or replacement. Moreover, much of the equipment already in the ground has not reached the end of its useful operational life. Requiring the replacement or modification of existing equipment would significantly and unnecessarily drive up consumer and business costs by forcing marketers to modify or replace completely functional equipment. A deadline extension would not only provide small business retailers the opportunity to spread compliance costs out over a longer period of time, but also prevent significant cost increases from being passed along to consumers.

The EPA's 1988 UST system upgrade regulations provided a full ten years for the regulated community to comply. By comparison, the 2015 upgrade requirements provide only three years for small business petroleum marketers to comply. By delaying the testing and inspection requirements until October 13, 2024, we can provide these small businesses with the proper time they need to meet the new EPA requirements without increasing environmental risk.

Thank you for your consideration of this request.

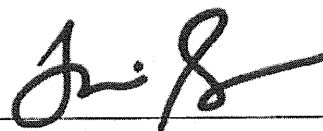
Sincerely,

  
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Jerry Moran  
United States Senator

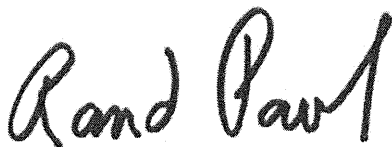
  
\_\_\_\_\_  
Marco Rubio  
United States Senator



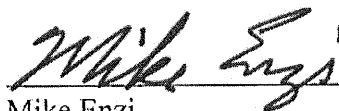
Lindsey O. Graham  
United States Senator



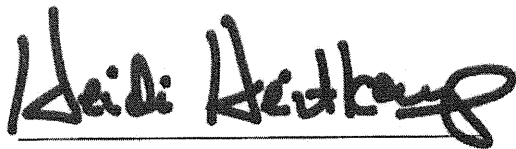
Tim Scott  
United States Senator



Rand Paul, M.D.  
United States Senator



Mike Enzi  
United States Senator



Heidi Heitkamp  
United States Senator



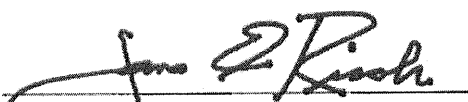
Mike Crapo  
United States Senator



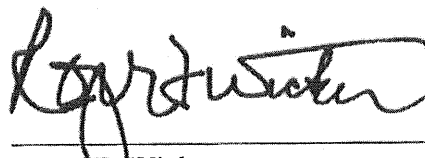
Shelley Moore Capito  
United States Senator



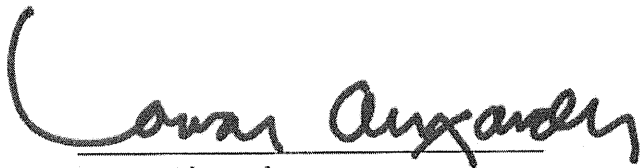
Thom Tillis  
United States Senator



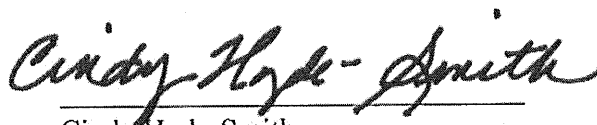
James E. Risch  
United States Senator



Roger F. Wicker  
United States Senator



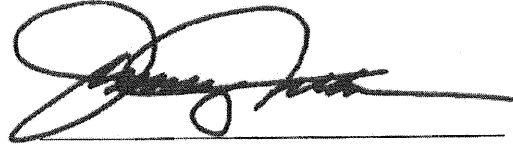
Lamar Alexander  
United States Senator



Cindy Hyde-Smith  
United States Senator



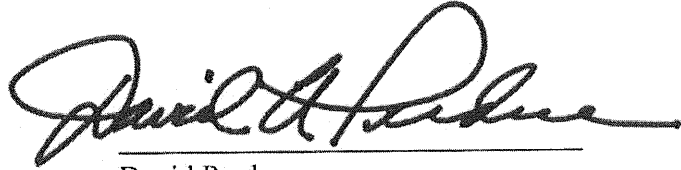
Tom Cotton  
United States Senator



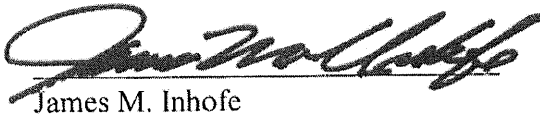
Johnny Isakson  
United States Senator



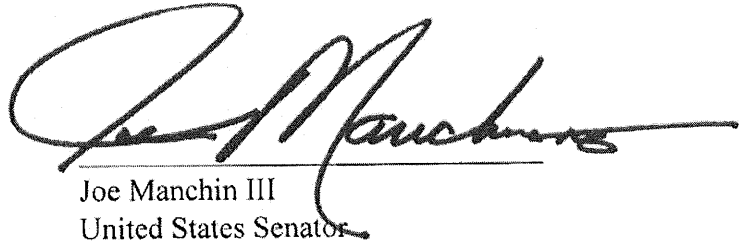
Pat Roberts  
United States Senator



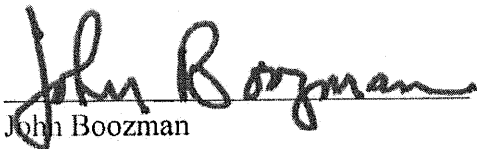
David Perdue  
United States Senator



James M. Inhofe  
United States Senator



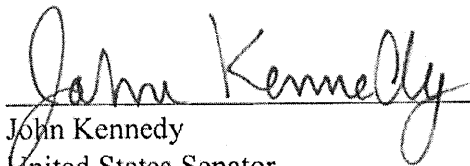
Joe Manchin III  
United States Senator



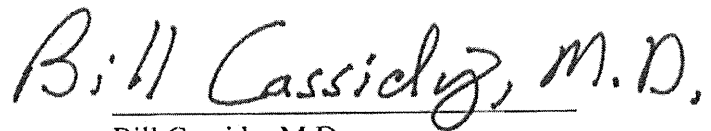
John Boozman  
United States Senator



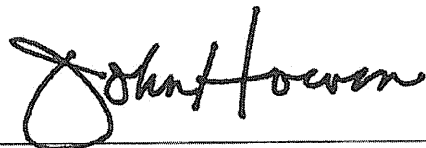
Steve Daines  
United States Senator



John Kennedy  
United States Senator



Bill Cassidy, M.D.  
United States Senator



John Hoeven  
United States Senator