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Underground Storage Tank Open Bermed Containment Systems/Retail Fueling Facilities: ASTSWMO Adopts Revised Policy Position

11/18/2021

The Association of State and Territorial Solid Waste Management Officials ("ASTSWMO") adopted on October 27th a revised policy position paper titled:

Underground Storage Tank Open Bermed Containment Systems at Retail Fueling Facilities ("Policy Position")

The *Policy Position* addresses open bermed containment systems ("BCS") at commercial retail facilities that are used to meet spill prevention and equipment requirements for underground storage tanks ("USTs") outlined in 40 CFR 280.20(c) (a component of the federal UST regulations).

BCS are described by the *Policy Position* as being configured with:

... with small concrete berms or curbing that surround the fill riser(s) for a UST system and are typically used at high volume facilities.

The BCS floor is stated to be generally constructed of concrete. Most systems have a drain diverting any spilled liquid, rainwater, or melted snow, to an oil/water separator. Some have spill pipes extending above grade with fill hoses permanently affixed to the pipe that remain open at the end.

Owners and operators of regulated airport hydrant and UST systems with field-constructed tanks are allowed by 40 CFR 280.251(d) to use the military construction criteria found in:

Unified Facilities Criteria (UFC) 3-460-01, *Petroleum Fuel Facilities*

This is described by the *Policy Position* as a Department of Defense issued standard code for design, installation and testing for such systems. It is also potentially part of a spill prevention, control, and countermeasure (i.e., SPCC plan). Nevertheless, it is noted that retail facilities are typically not constructed to such standard nor encompassed by the SPCC rules.

The *Policy Position* notes that the federal UST regulations provide a spill containment basin (i.e., spill bucket) as an example of spill prevention equipment that will prevent the release of product to the environment when the transfer hose is detached from the pipe. It also notes in part:

Spill buckets are universally accepted as meeting the spill prevention equipment requirement. In determining if an open berm containment system is acceptable, it would be held to the same requirement, where it must prevent a release when the transfer hose is detached from the fill pipe and be

designed and installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory.

ASTSWMO states that it is the *Policy Position* of the organization that:

. . . open bermed containment systems are less protective of human health and the environment and may not prevent a release when the transfer hose is disconnected from the fill pipe for the following reasons:

- Spilled product may not drain to the oil/water separator and may remain exposed in the bermed containment system. The exposed product presents a public health and safety issue with vapors being released to the environment and it is a fire hazard.
- Spill buckets are constructed of an impermeable barrier, such as high-density polyethylene (HDPE), while the bermed containment systems at retail facilities are not typically constructed to a standard code of practice, and are constructed of concrete, which if not designed and constructed properly raises concerns regarding porosity and permeability.
- The underground piping between the bermed containment system and the oil/water separator are not routinely monitored. The release of product may go undetected indefinitely if the piping is compromised.
- Currently there is no testing protocol outlined by the Petroleum Equipment Institute (PEI) or the National Work Group on Leak Detection Evaluations (NWGLDE) that tests this type of bermed containment system. Testing of these systems was required to be completed by October 13, 2018.
- Tank and piping installation codes of practice developed by a nationally recognized association or independent testing laboratory do not address open bermed containment systems.

This *Policy Position* was adopted by the ASTSWMO Board of Directors.

A copy of the revised *Policy Position* can be downloaded [here](#).