

Underground Storage Tank Regulation: U.S. Environmental Protection Agency Issues March 2019 Compliance Advisory



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The United States Environmental Protection Agency (“EPA”) Office of Land and Emergency Management issued an Underground Storage Tank (“UST”) Regulation Compliance Advisory (“Compliance Advisory”) addressing issues associated with the testing and inspection requirements in 40 C.F.R. Part 280.35.

Thanks to Jeff Leiter of the Washington, D.C., law firm of Bassman, Mitchell, Alfano & Leiter who passed along this recently published EPA Compliance Advisory.

Jeff’s law firm serves as General Counsel to the Petroleum Marketers Association of America.

40 C.F.R. 280.35 states:

Periodic testing spill prevention equipment and containment sumps used for interstitial monitoring of piping and periodic inspection of overfill prevention equipment.

The federal petroleum UST regulations have prescribed since the late 1980s installation, design, operational, release reporting, financial assurance, closure, and related standards for this equipment. Such standards are applicable to the owners and operators of USTs. Arkansas obtained delegation of the UST regulatory program many years ago.

The federal UST regulations were the subject of significant revisions in 2015. These were the first significant revisions since the original promulgation of the regulations.

EPA states that the Compliance Advisory that in “implementing the 2015 UST regulation, we observed the following compliance concerns at some UST facilities. . .”.

The compliance concerns are identified as:

- Failure to complete required sump testing on time.
- Failure to complete required spill prevention equipment testing on time.
- Failure to complete required overfill inspection on time.

A copy of the Compliance Advisory can be found [here](#).