Tribal Lands Forum
USTs for Us

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Introductions

• Eight Northern Indian Pueblos Council (ENIPC)
• Office of Environmental Technical Assistance (OETA)
• Funded by EPA
• Thank you to ITEP, ITEC, ITCA
Agenda

• Intro - 2 m
• UST Systems - 7 m
• Regs and paperwork - 3 m
• Binders – 3 m
• Activity – 15 m
• New EPA Regs – 5m
• UST Jeopardy – 8 m
• Q & A – 2 m
Underground Storage Tanks

Sovereignty

Trust Responsibility
Consultation
Funding

2005 Energy Policy Act

EPA Tribal Strategy

Enforcement

Credentials

Indian Lands
Water
Culture

Economic Development
Training
Compliance
Underground Storage Tanks

Impact soil and groundwater quality
Getting To Know Your System

Safety First!

Protecting yourself at work is important.

The most common accidents at UST sites are from employees getting hit by cars!

The use of vests, cones, gloves and good sense.. can help keep you safe!!

Good example of safety around the dispensers
Getting to Know Your System

Tanks
Out of sight…out of mind?
- Submersible pump sumps
- Line leak detector
• Lines, Dispensers and Sumps
Dispenser - Piping in contact with soil
• Spill buckets and overfill protection
Automatic Tank Gauge (ATG)

ATGs monitor product level, inventory, perform leak detection...

An approved leak detection method.

Regulation: One passing test per tank every 30 days
Regulations and Paperwork

• 40 CFR 280
Highlights:

✓ Registration
✓ Installation Records
✓ Financial Responsibility
✓ Tank Leak Tests
✓ Line Leak Tests
✓ Line Leak Detector Functionality Test
✓ Cathodic Protection
✓ Facility Monitoring
✓ Maintenance Records
✓ Training Certificates (2012)
Class Activity

• Tanks tests: One passing test per tank every 30 days for the last 12 months
• Line Tests: Annual Test
• Proof of UST Financial Responsibility
• Installation Records
• Corrosion Protection
• Repair Records
• Facility Monitoring
New EPA Regulations
• EPA Technical Standards
• Corrective Action Requirements
• Financial Responsibility Requirements

FOR

• Owners and Operators of Underground Storage Tanks Containing Petroleum products
2005 Energy Policy Act
Implications of Act for Indian Country

• 1. Conduct on-site inspections at all USTs in Indian Country at least once every three years.

• 2. EPA is exploring the development of regulations for;
  • Operator Training,
  • Delivery Prohibition
  • Secondary Containment.
Current Outlook from OUST

Below is the current list of issues we plan to continue to move through the EPA regulatory process. This list may change further as we navigate the regulatory process. In the winter 2010, we hope to publish a proposed rule in the federal register for public comment.

- Legislation Requires Changes To The Underground Storage Tank Program - This short overview provides a summary of the underground storage tank provisions of legislation and a link to the legislation's full text.
- EPA Update-Implementing UST Provisions Of The Energy Policy Act Of 2005 - This update provides information about EPA's ongoing work to implement key areas of the legislation.
- Full Text Of The Legislation (Public Law 109-058, August 8, 2005) (PDF) (551 pp. 315K, About PDF) (go to Title XV - Ethanol And Motor Fuels, Subtitle B - Underground Storage Tank Compliance, on pages 500-513 of the PDF file for the UST/LUST provisions.)
  - Technical corrections to the legislation above (Public Law 109-168, Jan. 10, 2006) (PDF) (1 pg. 30K, About PDF)
- Grant Guidelines, Tribal Strategy, And Indian Country USTs Report To Congress - EPA received and considered public comments on the draft grant guidelines and draft tribal strategy and developed final guidelines and a final strategy. EPA also released an Indian Country report to Congress. Choose a subject below to view the documents.
  - Report To Congress On Implementing And Enforcing The Underground Storage Tank Program In Indian Country - EPA provided the report to Congress on August 8, 2007.
  - Inspection - EPA issued the inspection grant guidelines on April 24, 2007.
  - State Compliance Reports On Government Underground Storage Tanks - EPA issued the grant guidelines for the state compliance reports on government USTs on April 24, 2007.
From recommendations received from the GAO, the Administrator and states shall conduct on site inspections of all USTs every 3 years. Within 2 years (August 8, 2007) all USTs that have previously been un-inspected since 1998 shall have an on site inspection conducted.
9003 (1530 Energy Act)
Measures to Protect Groundwater

(1) Tank and piping secondary containment. Each new **UST or piping** connected to any such new tank, installed after the effective date (August 8, 2005) or any **existing tank or piping replaced after the effective date**, shall be secondarily contained and monitored for leaks if the new UST system is within **1000 feet of any existing community water system or potable drinking water well**.
Beginning 2 years after enactment of this section, (August 8, 2007) it shall be unlawful to deliver to, deposit into, or accept a regulated substance into an UST at a facility which has been identified by the Administrator or a State to be ineligible for such delivery, deposit, or acceptance.
In cooperation with the States, training requirements for persons having primary responsibility (A) for operation and maintenance (O&M) of USTs, persons having daily on-site responsibility (B) for O&M of USTs, and daily on-site employees having responsibility (C) for addressing emergencies presented by a spill or release.
Why change?

• 1. The UST program is currently working with laws passed over 22 years ago.
• 2. Focus of new legislation is on preventing releases.
RELEASE PREVENTION

Operation and Maintenance (O&M) – includes overfill functionality testing, walk through checks, spill bucket testing and integrity testing for interstitial areas.
Ball Floats - Eliminate flow restrictors in vent lines as overfill device on new systems and when overfill is replaced.

Why? Hard to check functionality.
Change Repair Regulations

• Address Repairs
  – Repairs and secondary containment - If fix primary or secondary wall, must verify structural integrity of the interstitial space before returning tank/piping to service
Non-Release Repairs

– Revise repairs section to include non-release repairs and include requirements/testing. This will also require re-evaluating repair definition and disassociating repair from release.
Future Fuels

- Address alternative fuels and compatibility. Any new system requires document of compatibility for life of the system
Unreliable Monitoring Wells

Phase out groundwater and vapor monitoring as leak detection methods
These Guys Care
GAME TIME!
Any Questions?