



US Army Corps
of Engineers

Underground Storage Tank Compliance Act of 2005

Contained within the Energy Policy Act



US Army Corps
of Engineers

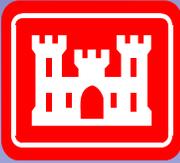
Applicability

Facilities operating regulated underground storage tanks.

A regulated UST is a tank, including connected piping, with 10% or more of the volume beneath the surface of the ground which contains petroleum or hazardous substances.

Does not include:

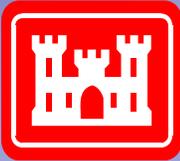
- heating oil tanks***
- hazardous waste tanks***



US Army Corps
of Engineers

The Energy Policy Act of 2005

- ***This is Public Law 109-58, Sections 1521-1533***
- ***Signed by the President on 8 August 2005***
 - ***Reference date for the compliance dates***
- ***Includes amendments to the Solid Waste Disposal Act***
 - ***Under Subtitle B-Underground Storage Tank Compliance***
- ***Also known as the Underground Storage Tank Compliance Act***



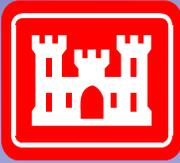
US Army Corps
of Engineers

Summary

The amendments address Trust Fund distributions to EPA and States and related actions to be taken by EPA and funded states with respect to USTs.

They also specifically address Federal Facilities.

- ***Inspections –By 8/8/2007 EPA or funded States required to conduct compliance inspections for all USTs which have not been inspected since December 22, 1998***
- ***After completion of these inspections, all regulated USTs must be periodically inspected at least once every three years***

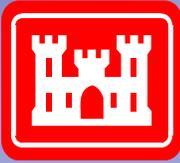


US Army Corps
of Engineers

Summary

Training – By 8/8/2007 EPA is required to establish training guidelines for:

- *Persons having primary responsibility for operation and maintenance of UST*
- *Persons having daily responsibility for operation and maintenance of UST systems*
- *daily, on-site employees having primary responsibility for emergency releases from UST systems*
- *States are required to develop State-specific training requirements consistent with the EPA guidelines within two years of publishing of the EPA guidelines*
- *UST operators must then be trained in accordance with the State requirement*
- *Additional training is required if tanks are found to be out of compliance*

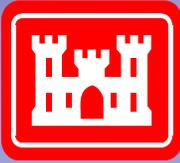


US Army Corps
of Engineers

Summary

Report of Government-Owned Tanks – By 8/8/2007:

- ***Funded states must report to EPA USTs owned or operated by the Federal, State, or local government***
- ***Information to be reported includes:***
 - ***location***
 - ***owner***
 - ***date of last inspection***
 - ***actions to ensure compliance***

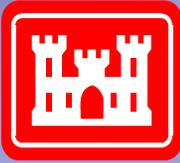


US Army Corps
of Engineers

Summary

Public Record of USTs:

- ***Funded States must maintain and annually update State UST records including:***
 - ***the number, sources, and causes of UST releases in the state***
 - ***compliance records***
 - ***number of UST equipment failures in the state***

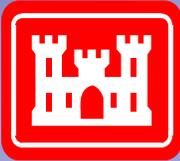


US Army Corps
of Engineers

Summary

Delivery Prohibitions - By 8/8/2006

- ***EPA shall publish guidelines for determining USTs ineligible for receiving regulated substances***
- ***On 8/8/2007 it will become unlawful to deliver a regulated substance to an "ineligible" UST***

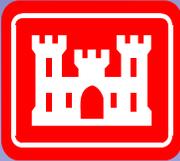


US Army Corps
of Engineers

Summary

Federal Facilities:

- ***Requires payment of reasonable, non-discriminatory service charges including fees for permits and inspections***
- ***Sovereign immunity is waived and payment is required for civil and administrative penalties, regardless of whether such penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations***
- ***Agents, employees, and officers of the United States are not personally liable for any civil penalty concerning USTs when acting within the scope of their official duties, however may be subject to any criminal sanctions***

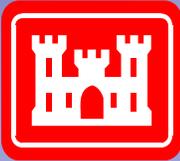


US Army Corps
of Engineers

Summary

Federal Compliance Strategy Reporting - By 8/8/2006

- ***Each Federal agency must submit a compliance strategy report to EPA which includes:***
 - *the location*
 - *owner of each UST*
 - *identification of all non-compliant tanks owned or operated by the Agency*
 - *the date of last state or Federal inspection,*
 - *list of each violation*
 - *description of training provided to persons with UST responsibilities*
 - *actions taken to ensure compliance*

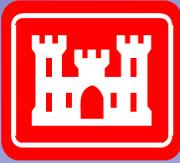


US Army Corps
of Engineers

Summary

Groundwater Protection:

- ***Groundwater protection is provided for UST related sources within 1,000 feet of a community water system or existing potable drinking water system***
- ***New USTs and associated piping and replacement of existing USTs and piping must have secondary containment***
- ***New motor fuel dispensers must have under-dispenser spill containment***

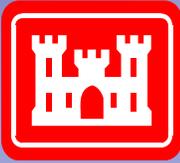


US Army Corps
of Engineers

Summary

Installer Certification - By 2/8/2007:

- **EPA and funded states must stipulate qualifications for persons installing UST systems**



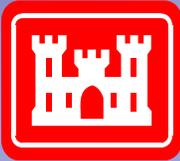
US Army Corps
of Engineers

Questions

Will new motor fuel dispensers need to have under-dispenser spill containment at CW marinas?

The requirement is found in Section 1530(a)(i)(1)(D) and is for:

- **New motor fuel dispenser systems**
- **Installed after 8 February, 2007**
- **If within 1,000 ft of any existing community water system or any potable drinking water well**
- **If so, then yes, Secondary containment is required.**
- **Does USACE “own” or “operate” the marina?**



US Army Corps
of Engineers

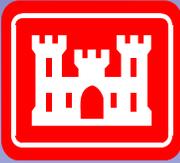
Questions

CW Marinas: Would USTs on out granted Federal Lands (i.e. marinas) be subject to Federal Compliance Strategy Reporting?

The jurisdiction goes back to the Solid Waste Disposal Act, Subchapter IX; definitions are found in 42 subsection 6991:

- **“Owner” means any person who owns and underground storage tank used for the storage , use, or dispensing of regulated substances**
- **“Operator” means any person in control of, or having responsibility for, the daily operation of the underground storage tank**

USACE does not meet the definition of an owner / operator for out granted tanks, therefore, the tanks would not be included



US Army Corps
of Engineers

Look for a Data Call From HQ -USACE

- *Does USACE have USTs that are regulated tanks?*