

Proposed Revisions to LAC 33:XI Underground Storage Tanks



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Part II

Environmental Protection Agency

40 CFR Parts 280 and 281
Revising Underground Storage Tank Regulations—Revisions to Existing
Requirements and New Requirements for Secondary Containment and
Operator Training; Final Rule

Louisiana UST Regulation Revision Update
June 14, 2018



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Disclaimer

These regulation proposals are subject to change under DEQ rulemaking and EPA State Program Approval processes



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Key Dates

- Final federal rule
 - July 15, 2015
- Final federal rule effective date
 - October 13, 2015
 - Applies to Indian Land and non-SPA States only
- Rule applies in LA upon promulgation of UT018
 - Proposed rule (UT018) noticed on June 20, 2018 in *Louisiana Register*
 - Public hearing July 25, 2018
 - Public comment period ends August 1, 2018

State Program Approval (SPA)

- SPA Application due October 13, 2018
 - State regulations and statutes
 - Program description and operating procedures
 - Demonstrate procedures for adequate enforcement
 - Attorney General's statement
 - Memorandum of Agreement
 - Letter from Governor requesting SPA
- 40 CFR 281 Subpart C - Criteria for No Less Stringent

Required Changes

- Secondary containment and operator training
 - Already in Louisiana UST regulations
- Walkthrough inspections
 - Monthly and annual
- Spill/sump testing and overflow inspection
 - Every 3 years
- Release detection equipment testing
 - Annual
- Fully regulate deferred UST systems
 - Emergency generator tanks, field-constructed tanks, airport hydrant systems
- Other changes and technical clarifications



Operator Training and Secondary Containment Requirements

- New Federal OT and SC regulations apply to Indian Lands and non-SPA states
- Previously promulgated Louisiana LA OT and SC regulations apply in LA

Periodic Operation and Maintenance Walkthrough Inspections (LAC 33:XI.513)



Periodic Operation and Maintenance Walkthrough Inspections (LAC 33:XI.513)

- Periodic Walkthrough Inspections LAC 33:XI.513
 - Every 30 days (513.A.1.a)
 - Check spill prevention equipment (513.A.1.a.i)
 - Check release detection equipment (consoles) and records (513.A.1.a.ii)
 - Must begin in LA within 3 years of effective date of LA regulations (513.A)

Periodic Operation and Maintenance Walkthrough Inspections (LAC 33:XI.513)

- Periodic Walkthrough Inspections LAC 33:XI.513
 - Every 12 months (513.A.1.b)
 - Check containment sumps/areas
 - Installed after 12/20/08 and/or used for IM (513.A.1.b.i)
 - Installed on or before 12/20/08 and no IM (513.A.1.b.ii)
 - STP and under dispenser areas with no sumps (513.A.1.b.iii)
 - Check non-electronic hand held release detection equipment (513.A.1.b.iv)
 - Must begin in LA within 3 years of effective date of LA regulations (513.A)

O&M Walkthrough Inspections

3 Options

- Minimum inspection requirements (513.A.1)
 - Outlined in regulations (and following slides)
- Code of practice (PEI RP900) (513.A.2)
 - If using RP900, must follow all requirements in RP900
- Specific state requirements (513.A.3)
 - No less protective of HH&E than the 2 items listed above
 - None at this time but keeping in case we decide to come up with alternative inspection requirements at a later date that can meet State Program Approval

O&M Walkthrough Inspections

Recordkeeping Requirements

- Maintain the following O&M walkthrough inspection records for 3 years (513.B; 509.B.10)
 - List of each area checked (513.B.1)
 - Whether each area checked was acceptable or needed action taken (513.B.2)
 - Description of actions taken to correct an issue (513.B.3)
 - Must correct the problem
 - Delivery records if spill bucket checked less frequently than every 30 days due to infrequent deliveries (513.B.4)

O&M Walkthrough Inspections

Reporting Requirements for Failed Inspections

- Requirements when spill prevention equipment and IM containment sumps fail inspection (513.C)
 - Repair/replace within 30 days, unless alternative timeframe is granted in writing by DEQ (513.C.1)
 - Conduct repairs according to repair regulations (513.C.2)
 - Must correct the problem

30 Day Inspections (513.A.1.a)



Spill Prevention Equipment (513.A.1.a.i)



Inspect every 30 days

- Or prior to each delivery if deliveries at >30 day intervals (need delivery records to prove)

(a) Open and visually check for any damage



(b) Remove any liquid and debris



(c) Check for and remove obstructions in the fill pipe



(d) Check fill cap to make sure it is secured properly



(e) If DW spill bucket with IM, check for leak in interstitial area



Other Spill Prevention Changes

- Spill buckets shall have liquid-tight sides and bottoms and be maintained free of ~~regulated substances~~ liquid and debris (303.D.3.a.i)
 - Deleted the no >1” product in spill bucket requirement
 - Deleted requirement to cite transfer operator if >1” product found in spill bucket
 - These were added to regulations in 2005 instead of spill bucket inspection and testing requirements

Release Detection Equipment

(513.A.1.a.ii)

- Inspect every 30 days
- Ensure RD equipment is operating with no alarms or other unusual operating conditions present (513.A.1.a.ii(a))
- Ensure RD test records are reviewed and current (513.A.1.a.ii(b))



12 Month Inspections (513.A.1.b)



Containment Sumps Installed >12/20/08 and Containment Sumps Used For IM (513.A.1.b.i)

- Inspect containment sumps annually (every 12 months)
 - Applies to STP, UDC, and transition sumps
- Visual check for sump and equipment damage (513.A.1.b.i(a))
- Visual check for leaks to the containment area (513.A.1.b.i(b))
- Visual check for releases to environment (513.A.1.b.i(c))
- Remove any liquid or debris from sumps (513.A.1.b.i(d))
 - Must repair if necessary
- If secondarily contained sump with IM, must also check interstitial space for releases (513.A.1.b.i(e))

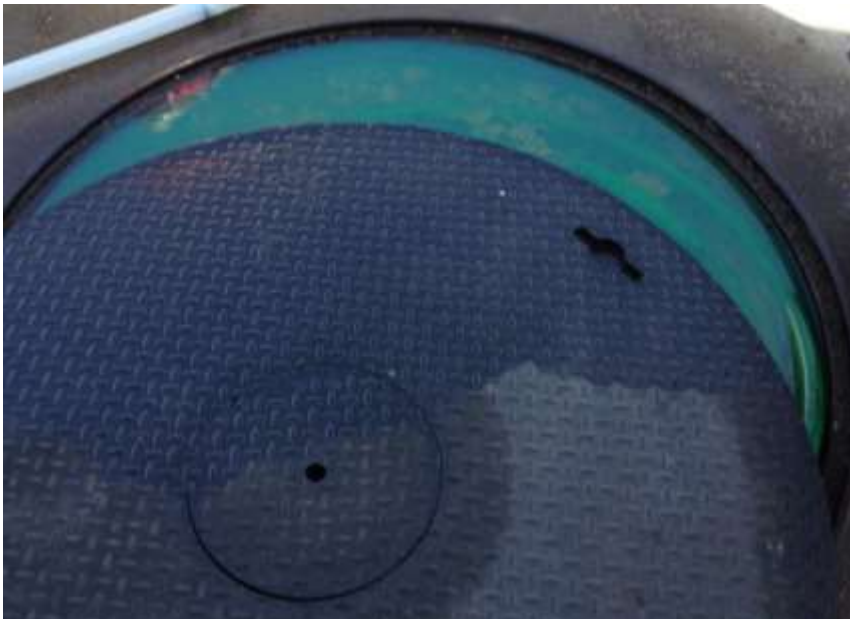
Containment Sumps Installed \leq 12/20/08 and Not Used For IM (513.A.1.b.ii)

- Inspect containment sumps annually (every 12 months)
 - Applies to STP, UDC, and transition sumps
- Visual check for equipment damage (513.A.1.b.ii(a))
- Visual check for releases in containment area and to environment (513.A.1.b.ii(b))
- Visual check for cathodic protection if water is present (513.A.1.b.ii(c))
- Remove any debris from sumps (513.A.1.b.ii(a))
- Water does not have to be removed
- Sump does not have to be repaired

STP and Under Dispenser Areas Without Containment Sumps (513.A.1.b.iii)

- Inspect STP and UD areas annually (every 12 months)
- Visual check for equipment damage (513.A.1.b.iii(a))
- Visual check for releases to environment (513.A.1.b.iii(b))
- Visual check for cathodic protection if water, soil or backfill is present (513.A.1.b.iii(c))
- Remove any debris from area (513.A.1.b.iii(d))

STP Containment Sumps/Areas



UDC Sumps/Areas



Transition Sumps/Areas



To Fix or Not to Fix ≤12/20/08 Sump?

Fix Sump

- Sump repair cost
- Will contain release
 - Can save cost of site check
- Save money on CP
- May have to remove water periodically

Don't Fix Sump

- No repair cost
- Will not contain release
 - Site check if release occurs
- Cost of adding/maintaining CP
- Remove water for LTT/LLD test annually anyway

Hand Held Release Detection Equipment (513.A.1.b.iv)



- Annually (every 12 months)
- Check any non-electronic RD devices (tank gauge sticks or RDD bailers) for operability and serviceability

Periodic Testing of Spill Prevention Equipment and Containment Sumps Used for Interstitial Monitoring and Periodic Inspection of Overfill Prevention Equipment (**LAC 33:XI.511**)



Equipment Testing/Inspection Requirements (511)

- Test/inspect every 3 years
 - Spill prevention equipment
 - Containment sumps used for interstitial monitoring
 - Overfill prevention equipment
- Within 3 years of LA rule effective date for systems installed prior to LA rule effective date, then every 3 years (511.B.1)
- At time of install for installs after LA rule effective date, then every 3 years (511.B.2)

Periodic Test/Inspection Recordkeeping Requirements (511.C)

- Maintain the following testing/inspection records for 3 years of records (511.C; 509.B.9)
 - All test/inspection records (511.C.1)
 - If an interstitially monitored DW spill bucket or DW sump, records of IM in lieu of testing (511.C.2)

Periodic Test/Inspection Requirements (511.D)

- Requirements when spill/overflow equipment and IM containment sumps fail test/inspection
 - Repair/replace within 30 days, unless alternative timeframe is granted in writing by DEQ (511.D.1)
 - Conduct repairs according to repair regulations (511.D.2)
- Added failure to test and failure to repair or replace failed equipment to **LAC 33:XI.403.B.5** [NOPDP letter]

Critical Juncture Changes

LAC 33:XI.1303

- Added the following to “installation-critical juncture”:
 - Installation of containment sumps
 - Installation of spill and overflow prevention devices
 - Tank tightness testers are not required to be IR certified to re-install overflow devices when they are removed to perform a tank tightness test (1301)
- DEQ-certified worker will not be required to perform repairs to spill prevention equipment or containment sumps

Equipment Testing/Inspection

3 Options

- Manufacturer testing requirements (511.A.1.b.i)
 - Must test tightness of equipment (spill prevention and IM sumps)
 - Must measure that overfill device is set to activate at correct level and will activate when product reaches that level
- Code of practice (511.A.1.b.ii)
 - PEI RP1200
- Specific state requirements (511.A.1.b.iii)
 - No less protective of HH&E than the 2 items listed above
 - DEQ will allow sump testing to the level that trips sensor if sensor is set up to shut down the STP/dispenser (DEQ will issue as a policy memo)

Spill Prevention Equipment Testing

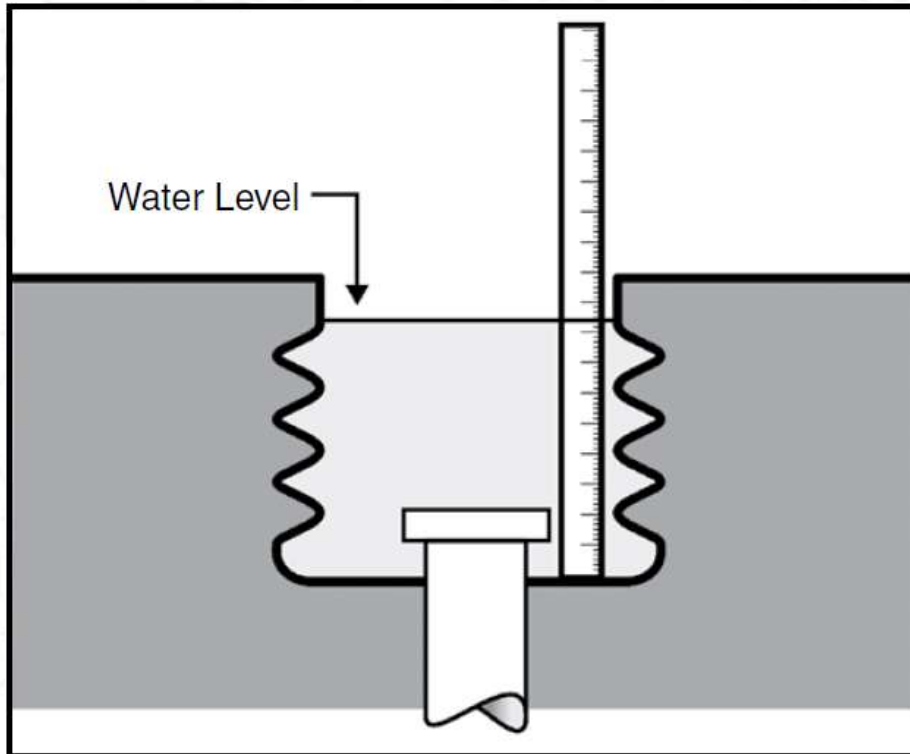
LAC 33:XI.511.A.1



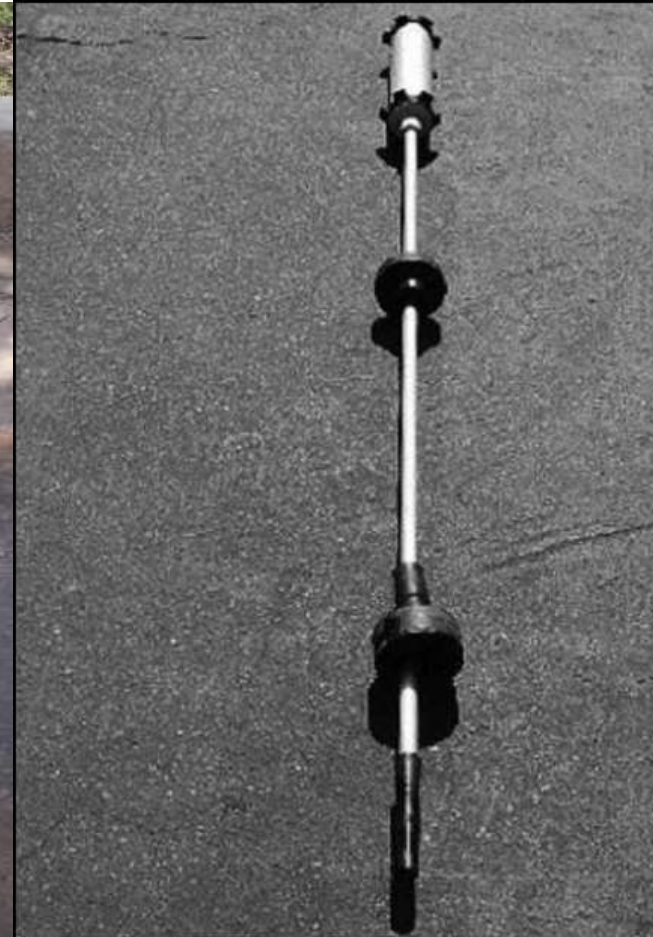
- Test every 3 years to ensure liquid tight (511.A.1.b)
- Vacuum, Pressure, or Liquid Test (511.A.1.b)
- Not required for double-walled spill bucket with periodic interstitial monitoring between the spill bucket walls at least once every 30 days (511.A.1.a)

Spill Prevention Equipment Testing

- Hydrostatic or vacuum spill bucket test methods (PEI RP1200)



Overfill Prevention Equipment Inspection **LAC 33:XI.511.A.3**

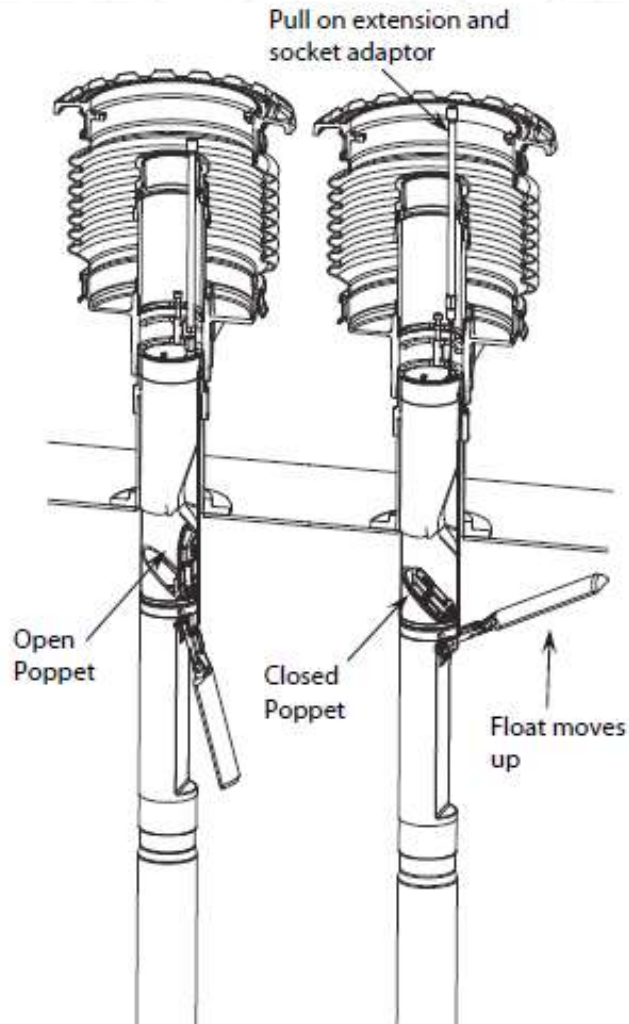


Overfill Prevention Equipment Inspection **LAC 33:XI.511.A.3**



- Inspect every 3 years
- Inspection must ensure that the overfill prevention equipment is set to activate at the correct level (95% for automatic shut off; 90% for flow restrictor or alarm) and will activate when regulated substance reaches that level
- PEI RP 1200 requires removal of device to inspect

Testable Overfill Prevention Valves



- Manufacturer requirements for inspection
 - Acceptable if manufacturer requirement includes a way to verify that equipment is set at correct level and will activate when product reaches that level
 - Known OPV's that are testable w/o removal
 - OPW 71SO-T
 - Franklin Fueling Defender Series OPV

Testable Overfill Prevention Valves

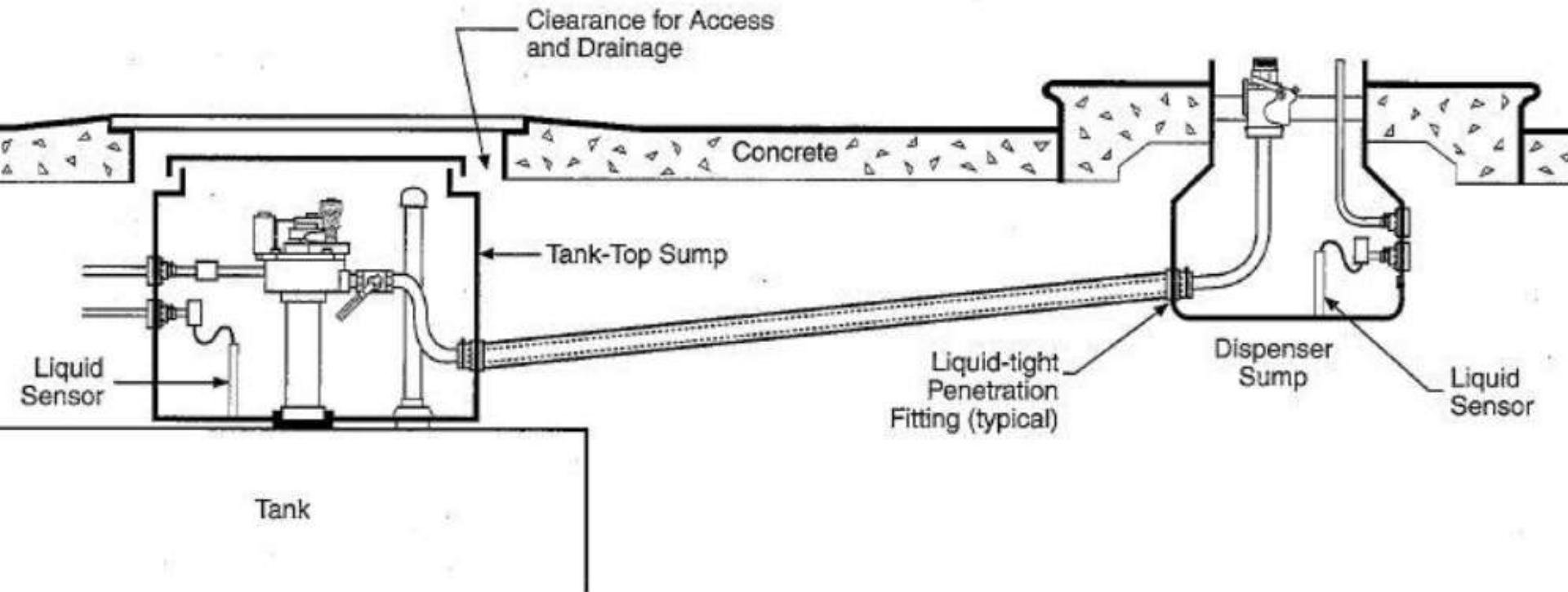
- Allowed for 3 year inspection if manufacturer requirement includes a way to verify that equipment is set at correct level and will activate when product reaches that level
- Overfill prevention devices must be inspected by removal in accordance with LAC 33:XI.511.A.3 and 511.A.1.b.ii (PEI RP 1200) within 7 days of any tank overfill event (501.D)

Elimination of Flow Restrictors in Vent Lines (Ball Floats) **LAC 33:XI.303.D.3.c**

- Ball floats no longer allowed when overfill prevention is installed or replaced after the effective date of the LA regulations
- If fails inspection and cannot be repaired, it must be removed and replaced with another form of overfill
- Must remove entire assembly and install another overfill device



Periodic Testing of Containment Sumps Used for Interstitial Monitoring (511.A.2)



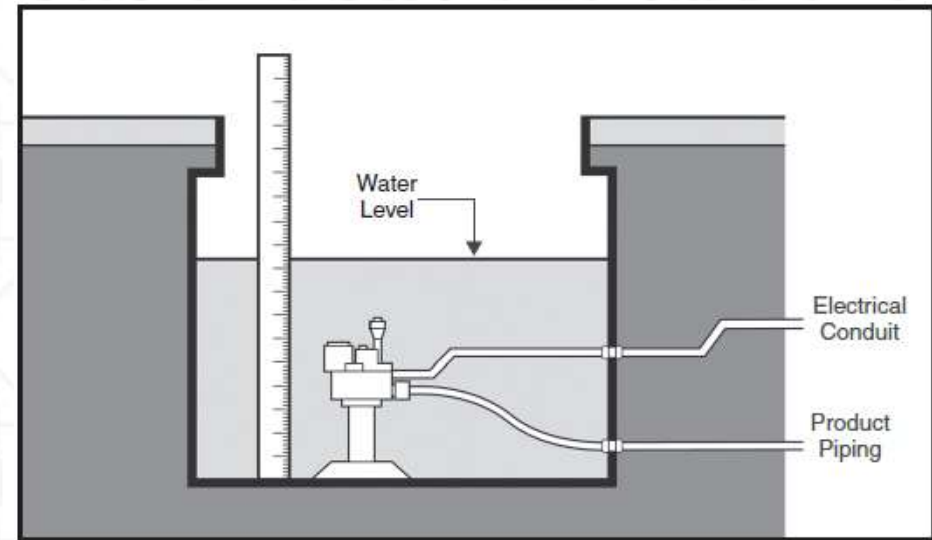
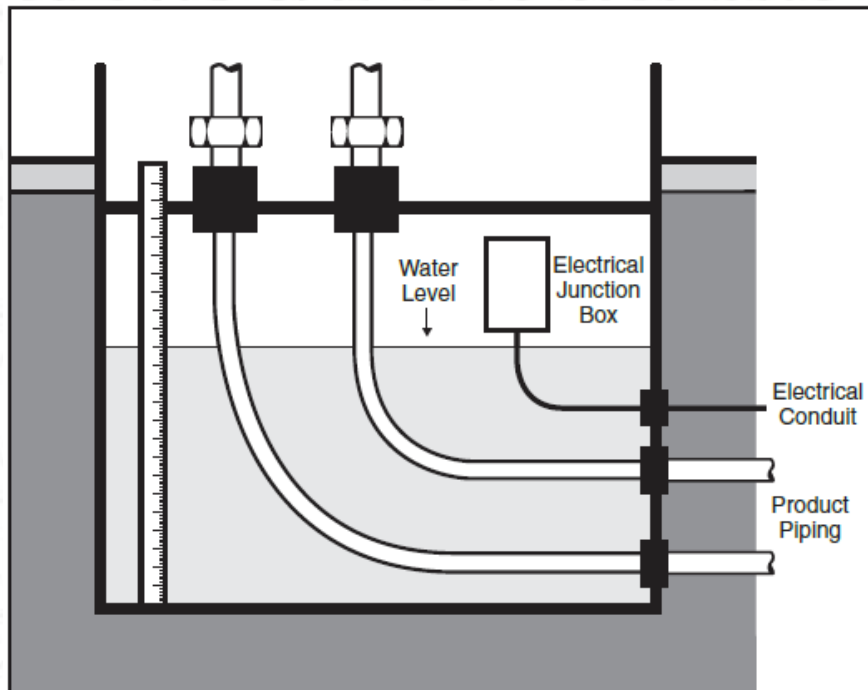
Periodic testing of containment sumps used for interstitial monitoring (511.A.2)



- Test containment sumps used for IM once every 3 years (511.A.2.b)
- Vacuum, pressure, or liquid test (511.A.2.b)
- Applies to tank top (STP), UDC, and transition sumps used as secondary containment for IM
- Excludes DW sumps that have periodic or continuous IM (511.A.2.a)

Secondary Containment Testing

- Containment sump integrity testing (PEI RP 1200)



Secondary Containment Testing

- Containment sump integrity testing (DEQ-approved method) (DEQ USTD will issue a policy memo to allow this alternative method) (511.A.1.b.iii)
 - Liquid level sensor is mounted in the lowest part of the sump and the periodic test is performed by adding liquid to a point that will ensure activation of the sensor
 - Sensor manufacturer must list in writing the minimum amount of liquid that will activate the sensor, and
 - The STP automatically shuts off when the liquid activates the sensor, or
 - The dispenser automatically shuts off when liquid activates the sensor and the facility is always staffed when the pumps are operational

Spill Bucket and Containment Sump Hydrostatic Test Water

- May reuse test water at multiple sites
 - Not a waste as long as reused
- Reclaimed
 - Can be sent off to a fuel recycling facility for recovery
- Disposal
 - HW rules apply and the waste must be characterized and managed appropriately
- Discharged
 - General permit for hydrostatic test water discharge (LAG670000)

Release Detection O&M Requirements (703.A.2.d)

- Electronic and mechanical RD equipment must be tested every 12 months to ensure proper operation
 - Must begin in LA within 3 years of LA regulations effective date (703.A.2.d)
 - Maintain records for 3 years (705.A.4)
 - List the components tested
 - Date of test
 - Whether each component tested meets the results of the criteria in 703.A.2.d or needs to have action taken
 - Description of any action taken to correct an issue

Release Detection Equipment O&M Testing

3 Options (703.A.2.d)

- Manufacturer testing instructions
- Code of practice
 - PEI RP1200
- Specific state requirements
 - No less protective of HH&E than the 2 options listed above
 - None at this time but keeping in regulations in case we decide to come up with alternative testing requirements that meet State Program Approval

Release Detection Equipment O&M Testing

- Tested in accordance with one of the 3 options, plus
- A test of operation must be performed at least every 12 months and, at a minimum, as applicable to the facility, cover the following components and criteria:

ATG and Alarm Consoles (703.A.2.d.ii(a))



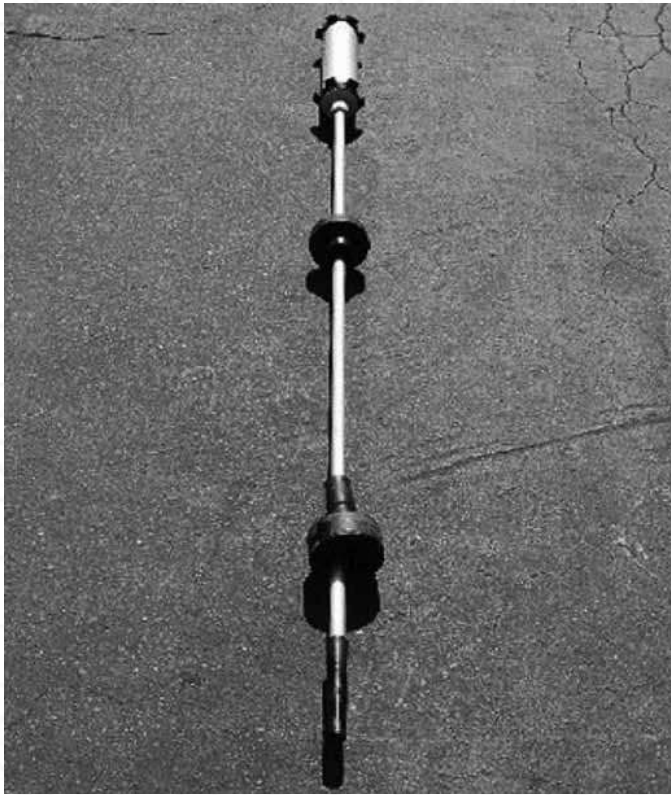
-Test alarm

-Verify system configuration

-Test battery back-up

ATG Probes and Sensors (703.A.2.d.ii(b))

ATG Probes



Sensors



ATG Probes and Sensors (703.A.2.d.ii(b))

- Inspect for residual build-up
- Ensure floats move freely
- Ensure shaft is not damaged
- Ensure cables are free of kinks and breaks
- Test alarm operability and communication with controller

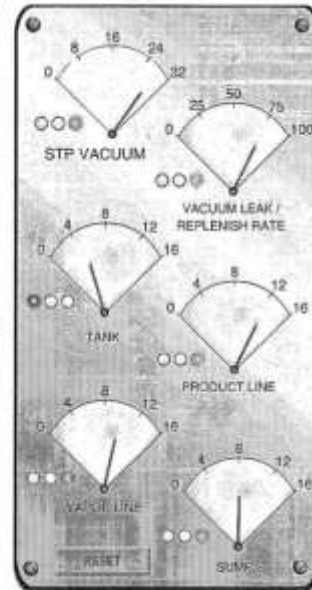
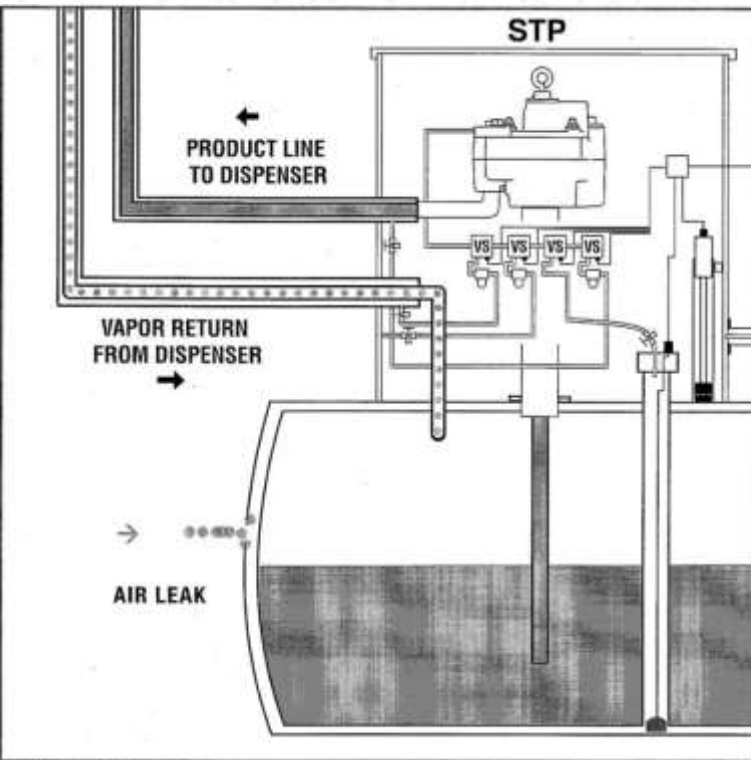
Line Leak Detectors (703.A.2.d.ii(c) and 701.B.1)



Simulate leak which determines capability to detect a leak of 3 gph at 10psi line pressure within 1 hour (703.A.2.d.iii and 701.B.1)

- Added additional requirement that annual test ensures that STP is not continuously running (701.B.1.c)

Vacuum Pumps and Pressure Gauges (703.A.2.d.ii(d))



- Ensure proper communication with sensors and controller

- 1) Containment under vacuum
- 2) An air leak develops into the secondary containment space causing a loss of vacuum
- 3) The vacuum replenish threshold is reached and the STP turns on and the vacuum level is restored
- 4) The replenish cycle repeats as needed and a replenish rate is calculated
- 5) The replenish rate exceeds 85 liters per hour
- 6) A replenish rate alarm is issued by the TLS-350

01 02 03 04 05 06 07

Hand-Held Electronic Sampling Equipment (703.A.2.d.ii(e))



Ensure proper operation

Periodic Inspection of Shear Valves (515)

At Install and Once Every 12 Months



Make sure properly anchored and works (manually trip)

Current NFPA 30A requirement but DEQ will enforce 3 years after promulgation

Shear Valve Test/Inspection Requirements (515)

- Test/inspect shear valves every 12 months (515.A.1)
- Within 3 years of LA rule effective date for systems installed prior to LA rule effective date, then every 12 months (515.B.1)
- At time of install for installs after LA rule effective date, then every 12 months (515.B.2)
- Maintain the shear valve testing/inspection records for 3 years (515.C; 509.B.11)

Shear Valve Test/Inspection Options

(515.A.1)

- Manufacturer testing instructions
- Code of practice
 - PEI RP1200
- Specific state requirements
 - No less protective of HH&E than the 2 options listed above

UST Systems with Field-Constructed Tanks and Airport Hydrant Fuel Distribution Systems (Chapter 8)



AHS and FCT Systems (Chapter 8)

- 2015 federal UST regulation removed the deferral, however given the unique nature of these systems EPA created more specific and appropriate requirements for these systems
 - Exceptions to secondary containment requirement for some FCT & AHS piping (803.A)
 - Unique options for meeting corrosion protection (803.B), walkthrough inspections (803.C), and release detection requirements (803.D)
 - One-time notification by 3 years from effective date of LA rule for previously deferred systems
 - Implementation depends on requirement
 - Partial exclusion of aboveground tanks associated with these systems (101.C)
 - Excluded from all requirements except 305 and 715

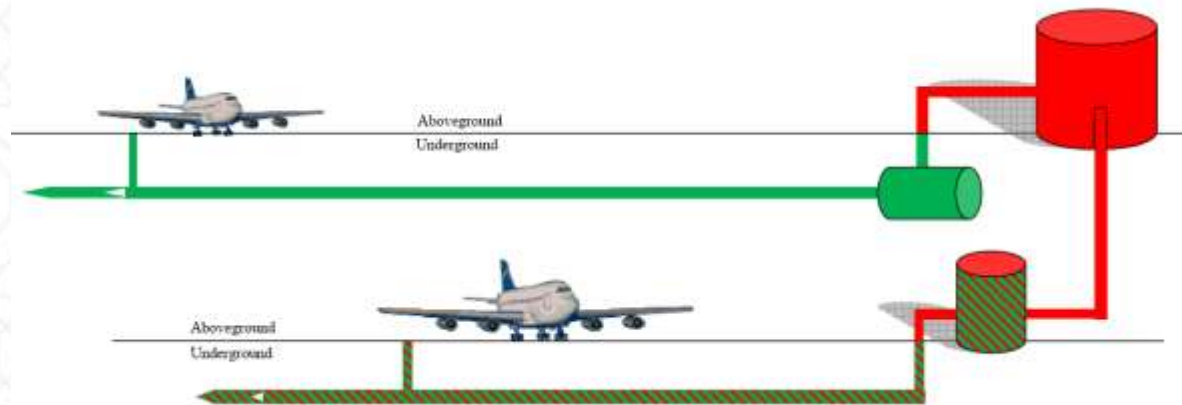
Definition of Field-Constructed Tank (103)



A tank constructed in the field. For example, a tank constructed of concrete that is poured in the field, or a steel or fiberglass tank primarily fabricated in the field is considered field-constructed. Tank-within-a-tank technology tanks are not considered field-constructed tanks.

Definition of Airport Hydrant Fuel Distribution System (103)

Also called airport hydrant system, is a UST system which fuels aircraft and operates under high pressure with large diameter piping that typically terminates into one or more hydrants (fill stands). The airport hydrant system begins where fuel enters one or more tanks from an external source such as a pipeline, barge, rail car, or other motor fuel carrier.



AHS and FCT Sites Existing On or Before LA Rule Effective Date (801.A.1.a)

- Upgrading UST systems, general operating requirements, operator training, release detection
 - Within 3 years of effective date of LA rule
- Release reporting, response and investigation; closure
 - Upon effective date of LA rule
- Notification and financial responsibility
 - Must submit UST-REG within 3 years of effective date of LA rule



AHS and FCT Installed After LA Rule Effective Date (801.A.1.b)

- All requirements take effect upon installation

Other Changes



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Applicability (101)

- Previously deferred UST systems now regulated
 - Airport hydrant distribution systems and field constructed tanks regulated in Chapter 8 (101.A.1.a)
 - Emergency generator tanks installed before 8/9/09 must have release detection within 3 years of effective date of new regs (101.A.1.b)
 - Reminder - Emergency generator tanks installed on or after 8/9/09 must have secondary containment and IM (101.A.1.c)

Applicability (101)

- Reworded the De Minimis exclusion (101.B.5)
 - Any UST system that contains or has never contained more than a *de minimis* concentration, as determined by the department, of regulated substances is excluded from the requirements of these regulations
 - Deleted the *De Minimis* definition
 - Now allows us to determine to regulate/not regulate ahead of time instead of after a release happens

Applicability (101)

- Replaced “Deferrals” with “Partial Exclusions” (101.C)
 - Excluded from all regulations except 305 and 715
 - Applies to:
 - Non-excluded WWT tanks
 - ASTs associated with AHS and FCT
 - Radioactive material USTs regulated under AEA
 - Emergency generator USTs at nuclear power plants

Definitions (103)

- New definitions
 - Airport Hydrant Fuel Distribution System
 - Change-In-Service
 - Containment Sump
 - Dispenser
 - Dispenser System
 - Field-Constructed Tank
 - Registration Certificate
 - Renovation

Definitions (103)

- Revised definitions
 - De Minimis Concentration (deleted)
 - Install or Installation
 - Motor Fuels
 - Operator
 - Permanent Closure
 - Registered Tank
 - Regulated Substance
 - Release Detection
 - Repair
 - Replace or Replacement
 - Secondary Containment
 - Temporary Closure
 - UST

UST-REG Form

- Combination of UST-REG-01 and UST-REG-02 forms
 - Will take effect when regulations are promulgated
- More detailed form
 - All tank, piping, sump, flex hose, dispenser information
- New registration process
 - Built in QA steps to ensure all form and DEQ database info is correct



Registered Tank (103)

- A UST system for which an owner/operator has filed the required current and accurate UST registration forms (UST-REG-01 and 02) with the department. After [date of promulgation], a UST system for which the owner/operator has filed the required registration form (UST-REG) with the department.



Registration Certificate (103)

- An annual certificate provided to the UST system owner by the department after all current annual fees, all unpaid annual fees, and any late payment fees for the UST system are paid. The current registration certificate also serves as documentation of financial assurance for UST owners that elect the LA MFUSTTF as their mechanism for meeting the UST financial assurance requirements of LAC 33:XI.1107.



New Registration Requirements (301)

- Existing systems section (301.A)
 - After effective date, all existing systems comply with 301.C
- New systems (301.B)
 - Applies to installs between July 20, 1990 and effective date
- All UST systems (301.C)
 - All installs after effective date use UST-REG form (301.C.1)
 - Phase-in for all UST systems to use UST-REG (301.C.2-3)



New Registration Requirements (301)

- (301.C.2) All UST owners:
 - Submit updated and accurate UST-REG form within 30 days of any changes on their current forms
 - Updated form filled out completely (except for CW if no CW needed for the change)
 - Owners of multiple sites must submit a separate form for each facility



New Registration Requirements (301)

- All owners to submit updated and accurate UST-REG form within 60 days of first CEI after regs go final or before 3 years of reg effective date, whichever occurs first ([LAC 33:XI.301.C.3](#))
 - Inspectors will help explain new forms to owners during CEIs

New Registration Requirements (301)

- To-scale site diagram showing all tank, product piping, vent piping, and dispenser locations on all new installations and new renovations (301.C.1.c)
- All current and unpaid tank registration fees and all late fees must be paid prior to any owner getting a current registration certificate (301.C.6)
- Current copy of current registration certificate shall be kept on-site or at nearest staffed facility (301.C.8)

New Registration Requirements (301)

- No owner or operator shall allow a regulated substance to be placed into a UST that has not been registered (301.C.9)
- No person shall place a regulated substance into a UST that has not been registered with the department (301.C.10)



New Registration Requirements (301)

- No owner or operator shall allow a regulated substance to be placed into a UST that does not have a current registration certificate (301.C.11) (Act 521, 2016)
- No person shall place a regulated substance into a UST that does not have a current registration certificate (301.C.12) (Act 521, 2016)



New Notification Requirements

- Upon effective date of LA regulations
 - Notify within 30 days if currently storing regulated substance containing >10% ethanol or >20% biodiesel (505.C)
 - Notify at least 30 days prior to switching to a regulated substance containing >10% ethanol or >20% biodiesel (505.C)

New Notification Requirements

- Owners of previously deferred airport hydrant systems and field constructed tank systems must notify within 3 years of effective date of final LA regulations **(801.B)**
- New AHS and FCT systems installed after effective date of LA regulations must notify prior to install **(801.A.1.b)**

Standards for UST Systems (303)

- Clarified that UST systems installed within 50 feet of a water well between 12/22/88 and 12/20/08 had to meet hazardous substance secondary containment requirements (303.B)
 - Made change to clarify. This is not a new requirement.

Standards for UST Systems (303)

- Clarified that all UST systems installed after 12/20/08 must have secondary containment and use interstitial monitoring for tanks and piping (303.C)
 - Made change to clarify. This is not a new requirement.

Standards for UST Systems (303)

- Added new technologies in tank and piping sections
 - Clad and jacketed tanks (303.D.1.c), flex piping (303.D.2.a)
- Prohibit reuse of existing single-walled piping when replacement tank is installed (303.D.2.j and 905.B)

Standards for UST Systems (303)

- Changed “ground or water” to “soil, backfill, or water” in **303.D.2, 303.E.4, 503.A.1**
- Changed “liquid-tight sides and bottoms” to “liquid-tight on its sides, bottoms, and at any penetrations” in **303.D.4.b** and **303.D.5.b**

Standards for UST Systems (303)

- Installation
 - Replaced “tanks and piping” with “UST system, spill and overflow prevention devices, product pumping equipment, and emergency shutoff valves” (303.D.6.a)
 - UST system defined as underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any

Standards for UST Systems (303)

- Installation/Renovation/Upgrade
 - The UST owner and/or certified worker responsible for the installation (303.D.6.d) or upgrade (303.E.7) shall notify the appropriate regional office of the Office of Environmental Assessment by phone, mail, email, fax, or online (when available) seven days prior to commencing the installation and before commencing any *installation-critical juncture*

Standards for UST Systems (303)

- Added two more installation-critical junctures (1303)
 - Installation of containment sumps
 - Installation of spill and overflow prevention devices
- Added definition for *Renovation* (103)
 - To make non-repair changes to a UST system, for example adding new product piping and additional dispensers at an existing site. Renovations are regulated as installations.

Standards for UST Systems (303)

- Removed old upgrade deadlines (303.E)
 - Upgrading systems that never met the 1998 deadline no longer allowed (DEQ can allow on case by case basis)
 - EPA does not expect states to allow upgrading tank that had no CP, but ok allowing install of spill or overfill instead of making owner permanently close system
 - AHTs and FCTs will be allowed to upgrade (801.A.1.a)

Standards for UST Systems (303)

- Permanently close UST if lining inspection fails and cannot be repaired per code of practice (API 1631, NLPA 631, API 1631, NACE RP-02-85, KWA RP) (303.E.3.a.ii)
- Will no longer be able to add impressed current system to lined tank (303.E.3.a.iii)
 - Previously allowed under alternative integrity assessment (LAAP) without inspecting the lining

Standards for UST Systems (303)

- For tanks >10 years old when CP was added, tank tightness test must be conducted every 12 months unless:
 - Current owner has documentation that tank integrity assessment done when CP was added (regardless of who owned tank at the time), or
 - CP and internal liner were installed at same time

(303.E.3.b.vi)



Standards for UST Systems (303)

- Shear Valves on Existing UST systems
 - Installed according to code of practice and manufacturer's instructions (303.E.6)

Installation Requirements for Partially Excluded UST Systems (305)

- Applies to UST systems partially excluded under 101.C.1.a, b, and c
 - Prevent releases due to corrosion
 - Must have CP or be constructed of non-corrodible material
 - Compatible with material stored



Fee Schedule (307)

- Clarified fee names to match statutes and registration form
- The owner of the UST system is responsible for payment of the annual fee, any late payment fees, and all outstanding fees and late payment fees (307.B.3)
 - Made change to address old-owner back fees
- Fee increases adjusted in MM018
- Amended registration fee of \$60 for change of ownership only (307.C)

Delivery Prohibition (Chapter 4)

- Old Name
 - 2005 Federal Underground Storage Tank Compliance Act Mandated Requirements
- New Name
 - Delivery Prohibition

Delivery Prohibition (Chapter 4)

- Increased automatic red tagging (403.A)
 - No RD (deleted “or installation of release detection equipment”) (401.A.3)
 - No CP on tanks and piping (403.A.4)
 - New and existing unregistered tanks (403.A.5)
 - No current registration certificate (403.A.6)
 - No “green tag” to get fuel delivered

Delivery Prohibition (Chapter 4)

- Increase automatic red tagging (403.A)
 - Upon evidence of a below-surface release from an UST system, not conducting a system test within the timeframe established in LAC 33:XI.711.A.1, not taking initial response actions required by LAC 33:XI.715.B.2 and 3, or not conducting the initial abatement measures required by LAC 33:XI.715.C.1.a-d and g (403.A.7)
 - Failed tanks that remain in temporary closure (403.A.8)

Delivery Prohibition (Chapter 4)

- Increase NOPDP (30 day letter) red tagging (403.B)
 - No FR and no FR demonstration (internal process change) (403.B.3)
 - No CP on metal flex hoses and components (403.B.4)
 - Deleted “piping”, added piping to 403.A
 - Not conducting periodic testing of spill/overflow/IM sumps and failure to correct failed equipment (403.B.5)
 - Not conducting periodic O&M walkthroughs and failure to correct failed equipment (403.B.6)

Delivery Prohibition (Chapter 4)

- Increase NOPDP (30 day letter) red tagging (403.B)
 - Storing >10% ethanol or >20% biodiesel without demonstrating UST system compatibility (403.B.7)
 - Upon evidence of a release or a suspected release from a UST system, except for the notification requirements of LAC 33:XI.713 and 715, initiation by the UST owner or operator of release investigation and confirmation steps in accordance with LAC 33:XI.711, cleanup of spills and overfills as required by LAC 33:XI.713, or compliance with the release response and corrective action requirements of LAC 33:XI.715 (403.B.8)



Spill and Overfill Control (501)

- Overfill prevention devices must be inspected by removal in accordance with LAC 33:XI.511.A.3 and 511.A.1.b.ii (PEI RP 1200) within 7 days of any tank overfill event (501.D)
- Tank overfills caused by tank or piping manifolds must not occur
 - If occurs, must with either repair, replace, temporarily close, or permanently close tank (501.E)

Operation and Maintenance of Corrosion Protection (503)

- O/O must comply with CP until UST system is permanently closed or undergoes CIS (503.A)
- CP test every 36 months or another timeframe established by DEQ (503.A.2.a)
- CP testing accordance with the guidelines established by the department (503.A.2.b)
 - DEQ CP testing guidance document will go final when new regs take effect

Compatibility (505)

- Owners storing fuel with >10% ethanol or >20% biodiesel must demonstrate compatibility of UST system (505.D.1)
 - Use equipment/components that are certified or UL listed for use with the fuel stored, or
 - Use equipment/components that are approved by the manufacturer in writing to be compatible with the fuel stored, or
 - Method determined by DEQ as to be protective of HHE as those listed above (nothing developed at this time)
- Maintain records for as long as storing that substance (505.D)

Compatibility (505)

- Compatibility **LAC 33:XI.505** :
 - UST system equipment and components requiring compatibility demonstration:
 - Tank or internal tank lining
 - Piping
 - Containment sumps (UDC, STP, transition)
 - Pumping equipment (STP and components)
 - Release detection equipment
 - Spill and overflow prevention equipment and components

Compatibility (505)

- Owners who purchase a UST system and want to store fuel with >10% ethanol or >20% biodiesel must still demonstrate compatibility of UST system
 - New owners should request all equipment/component information/demonstrations from prior owner
 - If cannot demonstrate compatibility for a product, cannot store that product
 - Added to (403.B.7) (NOPDP)

Repair (103)

- To restore to proper operating condition a tank, pipe, spill and overfill prevention equipment, corrosion protection equipment, release detection equipment, or other UST system component that has caused or threatens to cause a release of product from the UST system or has failed to function properly

Repairs Allowed (507)

- Notification changes (507.A.1):
 - Submit a completed UST-ENF-04 30 days prior to repair (507.A.1.a)
 - For emergency repairs, submit a completed UST-ENF-04 within 30 days after initiation of the repair detailing the nature of the repair (507.A.1.b)
 - Amended UST-REG within 30 days of completion of the repair if any changes of any of the items reflected on the previously submitted forms has changed due to the repair (507.A.1.c)

Repairs Allowed (507)

- Notification changes (507.A.1.d):
 - UST owner and/or certified worker responsible for the repairs shall notify the appropriate regional office by phone, mail, email, fax, or online (when available) 7 days prior to commencing any UST critical junctures

Repairs Allowed (507)

- All UST system components repaired in accordance with codes of practice requirements (507.A.2)
- Containment sumps (507.A.5.a and b) and spill buckets (507.A.8.a and b) repaired according to equipment manufacturer or repair equipment manufacturer requirements and compatible with product stored
 - Certified worker is not required to repair spill buckets and containment sumps

Repairs Allowed (507)

- Added testing requirement for secondary containment areas of tanks and piping and for containment sumps used for piping IM within 30 days after a repair (507.A.5)
 - Non-IM sumps that are repaired do not have to be tested after a repair

Repairs Allowed (507)

- TTT/LTT required after tank/piping repairs (unless DEQ approves another method in writing) (507.A.5)
- Added testing/inspection requirement for spill/overflow equipment within 30 days after a repair (507.A.8)

Repairs Allowed (507)

- If a tank is repaired by addition of an internal liner, the lining has to be inspected within 10 years of lining installation and every 5 years thereafter. If the internal lining is no longer performing in accordance with the original design specifications and cannot be repaired in accordance with a code of practice, then the lined tank shall be permanently closed (507.A.9)

Reporting and Recordkeeping (509)

- Added to reporting
 - UST-REG (301, 303.D.6.b) (509.A.1.2)
 - When assuming ownership (301.C.1) (509.A.1.b)
 - Results of temporary closure site assessment (903.E) (509.A.6)
 - Prior to switching to certain regulated substances (505.C) (509.A.7)
 - Before and after repairs (507.A.1) (509.A.8)

Reporting and Recordkeeping (509)

- Added to recordkeeping
 - Corrosion expert's design documentation for all field-installed CP systems (LAC 33:XI.303.D.1.b.ii and D 2.b.ii) (509.B.1.b)
 - UST-REG and current registration certificate (301.C.7 and 8) (509.B.5.a and b)
 - Compatibility demonstration (505.D) (509.B.8)
 - Spill/overflow/IM sump testing/inspections (511.C) (509.B.9)
 - Periodic walkthrough inspections (513.B) (509.B.10)
 - Shear valve inspections (515.C) (509.B.11)
 - Operator training (611) (509.B.12)

Update Codes of Practice (599)

- New codes, changes to code names, new associations and testing labs, deleted unused codes
 - Not required to use specific version or edition
 - Use code of practice that is in place at the time UST system work is conducted
- Referenced each applicable regulation next to each code
- Following codes of practice now required for installation of UST system, spill and overfill devices, and emergency shutoff valves (shear valves), not just for tanks and piping

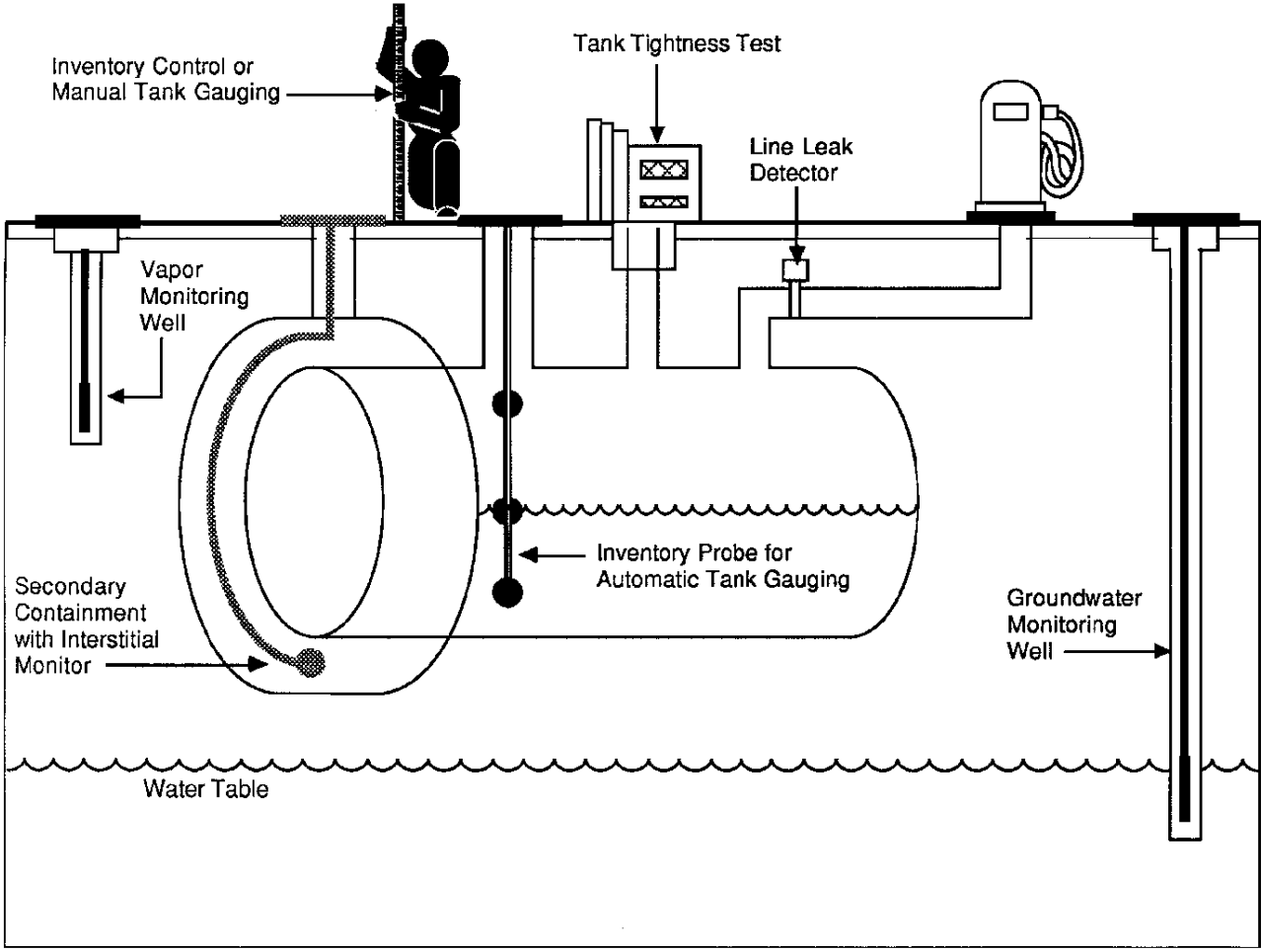


Operator Training (Chapter 6)

- Deleted deferrals to match 101.B and C (601.B)
- Clarified that Class A and B UST operators are not required to be on-site during hours of operation if a class C UST operator is present during hours of operation (603.A.1.c)
- Clarified that Class A and B UST operators are required for all temporarily closed UST facilities (603.A.1.d)
- Added temporary closed sites to list of unmanned sites that do not need on-site operators (603.A.1.e)
- Deleted 607.B.1 and 2 phase-in dates (607.B)



Methods of Release Detection and Release Reporting, Investigation, Confirmation, and Response (Chapter 7)



Manual Tank Gauging (701.A.2)

- Updated UST capacity allowances and testing durations for manual tank gauging (701.A.2) and allow 1000 gal tanks with ≤ 64 " diameter to use MTG as sole method (no periodic TTT and no expiration date) (703.B.1.a.ii)

Nominal tank capacity	Minimum duration of test	Weekly standard (one test)	Monthly standard (four test average)
550 gallons or less	36 hours	10 gallons	5 gallons
551–1,000 gallons (when tank diameter is 64 inches)	44 hours	9 gallons	4 gallons
551–1,000 gallons (when tank diameter is 48 inches)	58 hours	12 gallons	6 gallons
551–1,000 gallons (also requires periodic tank tightness testing)	36 hours	13 gallons	7 gallons
1,001–2,000 gallons (also requires periodic tank tightness testing)	36 hours	26 gallons	13 gallons



Automatic Tank Gauging (701.A.4)

- Clarified ATG and conducting inventory control (IC) issue (701.A.4.a.ii)
 - Conducting IC is not required when using an ATG for RD
 - The ATG must be capable of conducting IC – specifically, the ATG must be able to measure product levels and test for the presence of water as described in the IC regs

Automatic Tank Gauging (701.A.4)

- Added continuous in-tank leak detection (CITLD) as allowable RD method (701.A.4.a.iii(b))
 - Added CITLD under the ATG section
 - Operating on uninterrupted basis or within a process that allows the system to gather incremental measurements to determine the leak status of the tank at least once every 30 days
 - CSLD, SCALD, CITLD
 - Previously allowed under “Other” RD methods

Vapor and Groundwater Monitoring as Release Detection Methods



External Release Detection Devices (701.A.5)

- Allow owner to request variance to RDD construction requirements (701.A.5.a.vi)

Liquid Monitoring (701.A.5.c)

- When an RDD is installed in the tank hold backfill, there shall be water present in the RDD during measurement at least once every 30 days in order to use liquid monitoring. When an RDD is installed in native soil, the distance to the water table shall never be more than 20 feet from the ground surface and shall be present in the RDD during measurement at least once every 30 days, and the hydraulic conductivity of the soil(s) between the UST system and the RDD shall not be less than 0.01 centimeters per second (e.g., the soil should consist of gravels, coarse-to-medium sands, coarse silts, or other permeable materials) in order to use liquid monitoring (701.A.5.c.ii)

GWM and VM Release Detection Recordkeeping (705.A.1)

- O/O has to have a record of “site assessment” for as long as using GWM or VM for release detection
- Record of “site assessment” needed within 3 years of effective date of LA regulations
- Site assessment conducted after effective date signed by PE, PG, or equivalent licensed professional, or other relevant technical discipline acceptable to agency
 - DEQ will issue guidance on this later

GWM and VM Release Detection Recordkeeping (705.A.1.a)

- DEQ can waive site assessment requirement if using GWM or VM prior to effective date if DEQ approved the method during CEI based on our knowledge of backfill type, well construction, well locations, known contamination (via GWM, VM, in remediation or not), etc.
- DEQ will provide waiver in writing to facility

Interstitial Monitoring (Tank) (701.A.6)

- Method used must be capable of detecting a ~~release~~ leak
- Measure for the presence of a ~~regulated substance~~ liquid in the interstitial space

Statistical Inventory Reconciliation (SIR)

(701.A.7)

- RD methods based on the application of statistical principles to inventory data similar to those described in 701.A.1 shall meet the following requirements (701.A.7.a)
 - Report quantitative result with calculated leak rate
 - Meet current performance standards (0.2gph or 150 gal within a 30-day period)
 - Use a threshold that does not exceed $\frac{1}{2}$ the MDL rate
- Must obtain result within the 30 day monitoring period (701.A.7.b)

Applicable Tank Methods for Piping

(701.B.3)

- Clarified that LTT conducted under normal line pressure (ATG with PLLDs or SIR) must meet a 0.08 gph leak rate in order to count as an annual LTT

Interstitial Monitoring for Piping (701.B.4)

- Measure for the presence of a ~~regulated substance~~ liquid in the interstitial space
- Clarified that interstitial space must be maintained free of liquid, debris or anything that could interfere with leak detection capabilities applies to containment sumps that are used for IM (701.B.4.b)
- Sump sensors that are used for piping IM shall be installed at the lowest part of the containment sump and in a vertical position, unless otherwise specified by the sensor manufacturer (701.B.4.c)

Requirements for Use of RD Methods (703)

- The release detection system shall meet the performance requirements in LAC 33:XI.701.A, B, or Chapter 8, as applicable, with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer, or in accordance with the third party evaluations, unless otherwise approved by the department (703.A.2.c)

Requirements for Use of RD Methods (703)

- RD system installed and calibrated in accordance with manufacturer requirements (703.A.2.b)
 - Removed RD O&M
 - RD O&M added in 703.A.2.d
- Clarified that if multiple RD methods used, need to follow 707 if any of the methods indicates a release may have occurred that cannot be overruled by one of the other methods currently in use (703.A.3)

Requirements for Use of RD Methods (703)

- Deleted RD performance standards and RD phase-in schedule tables (703.A.2.c and 703.A.4)
- Conclusive RD result required at least once every 30 days (703.A.4)
 - Inconclusive does not require reporting and is not a suspected release
 - If no conclusive result in 30 days, use a back-up RD method for that month or do a tightness test within 7 days to stay in compliance

Requirements for Use of RD Methods (703)

- Additional Requirements for Petroleum and Motor Fuel UST Systems (703.B)
- Clarified that 703.B.1.a applies to tanks installed $\leq 12/20/08$ (703.B.1.a)
- IC/TTT and MTG/TTT no longer allowed after 12/20/2018 (703.B.1.a.i)
- Clarified that tanks of ≤ 550 gallons and tanks 551-1000 gallons that meet diameter requirements in 701.A.2 can use MTG (703.B.1.a.ii)
- Tanks installed after 12/20/08 must use IM (703.B.1.b)

Requirements for Use of RD Methods (703)

- Clarified that 703.B.2.a applies to piping installed $\leq 12/20/08$ (703.B.2.a)
- Piping installed after 12/20/08 must use IM (703.B.2.b)
- Updated hazardous substance UST section (703.C)
 - Must have secondary containment and IM for tanks and piping (all were required to have secondary containment by 12/22/98)
 - Hazardous substance USTs installed <effective date can use other RD methods but must demonstrate effectiveness, must provide corrective action information, and must obtain approval to use it (703.C.5)

Release Detection Recordkeeping (705)

- GWM and VM site assessment mentioned earlier (705.A.1)
- Results of annual operation tests of RD equipment (703.A.2.d) maintained for 3 years and include (705.A.4):
 - Each component tested and date tested
 - If meets criteria in 703.A.2.d or needs corrective action
 - Description of any action taken to correct the issue
- Added minimum recordkeeping requirements for each RD method (705.A.2)

Inventory Control (705.A.2.a)

- Tank identifier
- Month and year of the report
- Date of monthly water check and measured water level in inches
- Daily start stick inventory (inches and gallons), gallons delivered, gallons pumped, end stick inventory (inches and gallons), over or short measurements, and initials of the person conducting the measurements
- Total gallons pumped for the month
- Cumulative over or short calculation for the month
- Monthly leak check amount
- Monthly leak check amount plus 130
- Monthly leak check result of pass/fail or yes/no.

Manual Tank Gauging (705.A.2.b)

- Tank identifier
- Month, day and time of the initial test
- First, second and average initial readings
- Initial test gallons
- Month, day and time of the end test
- First, second and average end readings
- End test gallons
- Change in tank volume calculated weekly and monthly
- Whether the tank test passes or not weekly and monthly.

Tank Tightness Testing (705.A.2.c)

- Test date
- Tank identifier
- Qualitative result statement
- Calculated leak rate
- Any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used
- Raw data generated for each TTT provided upon request

Automatic Tank Gauging (705.A.2.d)

- Time, date, or period covered of the test
- Tank identifier
- Qualitative result of pass, fail, inconclusive, or alarm code where applicable
- Quantitative result with a calculated leak rate
- Any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used

RDD Vapor Monitoring (705.A.2.e)

- Date the analysis was conducted
- Well identifiers
- Concentration (ppm) measured in each well
- Statement or signifier if any of the measured concentration represents a suspected release (any significant increase in concentration above background)
- Any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used

RDD Liquid Monitoring (705.A.2.f)

- Date the wells are checked
- Well identifiers
- Whether product was discovered in each well
- Amount of product measured in each well
- Depth to the water surface in each well
- Any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used

Interstitial Monitoring (Tank) (705.A.2.g)

- Test date
- Tank identifier
- Qualitative result statement (i.e. pass or fail, liquid, product or water detected, sensor normal message, dry space, alarm code when applicable, etc.)
- Quantitative result (when applicable)
- Any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used

Statistical Inventory Reconciliation (SIR)

(705.A.2.h)

- Month and year of test
- Name of the SIR provider/vender/software
- Name and version of the SIR method used for analysis
- Name and address of the facility
- Description of the UST system
- Quantitative statement of the leak threshold, the minimum detectable leak rate, and the indicated leak rate
- Qualitative statement of pass, fail, or inconclusive
- Any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used
- Monthly raw data upon request



Other RD Method (705.A.2.i)

- Any specific records required by the department upon approval of the method
- Any records needed to demonstrate that the method meets the performance requirements outlined in LAC 33:XI.701.A.8.a
- Any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used

Line Leak Detector (705.A.2.j)

- Test date
- Tank identifier
- Qualitative result statement
- Calculated leak rate
- Qualitative statement regarding whether the submersible turbine pump is continuously running or not
- Any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used
- Raw data provided upon request

Line Tightness Test (705.A.2.k)

- Test date
- Line identifier
- Qualitative result statement
- Calculated leak rate
- Any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used
- Raw data provided upon request

Interstitial Monitoring (Piping) (705.A.2.I)

- Test date
- Line identifier
- Qualitative result statement (i.e. pass or fail, liquid, product or water detected, sensor normal message, dry space, alarm code when applicable, etc.)
- Quantitative result (when applicable), and any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used

Reporting of Suspected Releases (707)



Reporting of Suspected Releases (707)

- Who has to report?
- Regulation states “All owners, operators, employees, agents, contractors, or assigns...”
 - DEQ Legal interpretation – UST owner or anyone working for the owner

Reporting of Suspected Releases (707)

Product or vapors found at the site or surrounding area (soil, UST system backfill, basement, sewer or utility lines, nearby surface water) (707.A.1)



Reporting of Suspected Releases (707)

- Unusual operating conditions (707.A.2)
 - Erratic behavior of product dispensing equipment indicated by LLD restricting product flow
 - Sudden loss of product from UST system
 - Unexplained water in the tank
 - Liquid (product or water) in the interstitial space of secondarily contained system
- Notify for any of these within 24 hours unless:



Reporting of Suspected Releases (707)

- System or component is not releasing product (707.A.2.a)
- Defective equipment is immediately repaired/replaced (707.A.2.b)
- For secondarily contained systems with IM (707.A.2.c)
 - Any water in interstitial space is immediately removed, or
 - Verified within 24 hours that water is from surface water intrusion
 - Water must be removed before next RD monitoring event is due (30 days or less)

Reporting of Suspected Releases (707)

- RD monitoring result of fail or any alarm (707.A.3), unless:
 - Defective RD equipment is immediately repaired/replaced and get pass result within 24 hours (707.A.3.a)
 - Leak is contained in secondary containment (707.A.3.b)
 - Product from dispenser leaks/spills immediately removed
 - Any water in interstitial space immediately removed, or
 - Verify that water is from surface water intrusion
 - Water must be removed before next RD monitoring event is due (30 days or less)
 - 2nd month of IC (IC expires on 12/20/2018) (707.A.3.c)
 - Alarm investigated and determined to be non-release event (power surge, dispensing/filling during ATG test, etc.) (707.A.3.d)

Reporting of Suspected Releases (707)

- Deleted current 707.A.4:
- ~~707.A .4. monitoring results from the SIR method allowed under LAC 33:XI.701.A.7 indicate:~~
 - ~~— a. — a UST system analysis report result of "fail" ; or~~
 - ~~— b. — a UST system analysis report result of "inconclusive~~
- SIR failure covered in new 707.A.3
- SIR inconclusive no longer requires reporting

Release Investigation and Confirmation Steps (711)

- Conduct system test within 7 days of knowledge of condition that requires reporting under 707 (or other timeframe approved by DEQ in writing)
(711.A.1)
 - Tank/line tightness test (711.A.1.a.i(a))
 - For UST systems with secondary containment, the integrity of the interstitial space must be tested (as described in 507.A.5 - new repair regs) to determine if a breach in the interstitial space occurred (711.A.1.a.i(b))

Release Investigation and Confirmation Steps (711)

- If system test confirms a leak into interstitial space or a release (711.A.1.a.ii)
 - Repair, replace, upgrade, or permanently close
 - Begin corrective action under 715 if a release exists
 - Temporary closure allowed under certain conditions

Release Investigation and Confirmation Steps (711)

- Temporary closure allowed if all of the following are met (711.A.1.a.ii(a) – (f))
 - Failed tank in same tank hold as active tank(s)
 - Site check or corrective action must be conducted
 - All product and sludge is removed and tank is cleaned
 - Fill port locked
 - Product piping disconnected
 - Tank will be red tagged

Release Investigation and Confirmation Steps (711)

- If primary and/or secondary system tests pass and no environmental contamination is present
(711.A.1.a.iii)
 - Nothing further required

Release Investigation and Confirmation Steps (711)

- If primary and secondary system tests pass but environmental contamination is present
(711.A.1.a.iv)
 - Conduct site check (711.A.2) or begin corrective action (715)

Release Investigation and Confirmation Steps (711)

- Site check results due within 20 days after suspected release notification or another period of time determined by DEQ in writing (711.A.2)
 - Begin corrective action (715) if not clean (711.A.2.a)
 - Nothing else required if clean (711.A.2.b)

Reporting and Cleanup of Spills and Overfills (713)

- Owners and operators of UST systems shall immediately stop ongoing aboveground releases and shall contain and immediately clean up all spills and overfills (713.A)
- Any spill or overfill of petroleum or motor fuel (713.A.1)
- Petroleum or motor fuel spill/overfill <25 gal or hazardous substance spill/overfill <RQ not cleaned up within 24 hours, have to notify and begin corrective action under 715 (713.C)



Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances (715)

- Rename section title to:
 - Release Response and Corrective Action for UST Systems Containing Petroleum, Motor Fuels, or Hazardous Substances
- Applicability. Owners and operators of petroleum, motor fuel, or hazardous substance UST systems...
(715.A)



Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances (715)

- If the UST system will not be permanently closed, the system test requirements outlined in LAC 33:XI.711.A.1 shall still be met (715.C.1.g)
 - Added because 711 allows going straight to 715 without a system test

Temporary Closure (903)

- Split up temporary closure CP and RD regs
 - CP (903.A)
 - RD (903.B)
- The CP requirements of this section apply to all tanks, piping, metal flexible hoses, and submersible turbine pumps (903.A)
- Added 303 to the CP requirement (903.A)
 - Clarifies that the internal lining inspections must still take place

Temporary Closure (903)

- Added in all specific CP requirements
 - IC running continuously and IC tested every 3 years (903.A.1)
 - IC rectifier inspected every 60 days (903.A.2)
 - Galvanic anodes tested every 3 years (903.A.3)
 - Internal lining inspected 10 years after install and every 5 years thereafter (903.A.4)
 - CP records maintained for 3 years (903.A.5)

Temporary Closure (903)

- If IC inactive 6 months or not repaired within 9 months of failing a test: (903.A.1.a)
 - Have IC system repaired, retested, and recommissioned by a CP expert within 90 days, or
 - Permanently close the UST system

Temporary Closure (903)

- If galvanic system not tested within 1 year of test due date or not repaired within 1 year of failed CP test: (903.A.3.a)
 - Permanently close UST system

Temporary Closure (903)

- If internal liner not performing as designed and cannot be repaired, or if internal liner not inspected within 1 year of inspection due date: (903.A.4.a)
 - Permanently close UST system

Temporary Closure (903)

- Temporarily closed UST systems that are empty do not have to perform the walkthrough, RD O&M, or spill/overflow/sump test requirements (903.B)
- Tank, line, and leak detector testing required within 5 days of putting temporarily closed UST systems back into service (903.F)
- Updated UST-REG form required within 30 days of placing tank back into service (903.G)
- RD O&M and spill/overflow/sump tests due within 30 days of putting system back in service or within the required timeframe of the last test, whichever is later (903.H)



Temporary Closure (903)

- Changes to 24 month temporary closure site assessment requirement (903.E)
 - 24 months starts after all UST systems in the same tank hold are temporarily closed (903.E)
 - If DEQ orders a TC assessment but the facility is placed back into service, no TC assessment required if passes tank and line tightness test (903.E.1)
 - TC assessment not required if tank contains product and has release detection entire time in TC. 24 month clock starts when RD ceases (903.E.2)

Temporary Closure (903)

- Changes to 24 month temporary closure site assessment requirement (continued) (903.E)
 - Can request 2 year extension to 24 month TC assessment in writing, must explain why requesting and provide all CP test records (903.E.3)
 - » If put back into service prior to 2 year extension timeframe, DEQ can waive TC assessment if passes tank and lines tightness test (903.E.3.a)
 - TC assessment samples can be used as closure samples if tank empty from time of assessment to time of closure (903.E.4)

Permanent Closure and Changes-in-Service (905)

- UST owner and/or certified worker notifies regional office 7 days prior to implementing closure/CIS and prior to commencing any closure critical juncture (905.A.1.b)
- Tanks permanently taken out of service must be: (905.B)
 - Removed from the ground
 - Filled in place with inert solid material
 - Closed-in-place in a manner approved by DEQ (to allow new tank within a tank technologies)
 - » Tank within a tank technology regulated under new tank standards, not as a field-constructed tank

Permanent Closure and Changes-in-Service (905)

- Piping permanently taken out of service must be: (905.B)
 - Removed from the ground
 - Filled in place with inert solid material
 - Rendered inoperable
 - Closed-in-place in a manner approved by DEQ
- Single-walled piping that was attached to a tank that is undergoing permanent closure or a change-in-service cannot be re-used to store regulated substances (905.B)

Assessing the Site at Closure and Change-in-Service (907)

- Within 60 days following closure, must submit:
 - Completed UST closure assessment form (UST-SURV-02) (907.A.1)
 - Results of closure assessment (907.A.2)
 - » Assessment must include all info list in guidance document (907.A.2.a)
 - Site diagram including location where samples were collected
 - Lab analytical results table
 - Lab analytical report and chain of custody
 - Manifests
 - Conveyance notice (if applicable)

Financial Responsibility (Chapter 11)

- FR required for petroleum and motor fuel tanks
 - Added throughout **Chapter 11**
- Removed the historical compliance dates **(1103)**
- Previously deferred tanks need FR according to schedule in 801 **(1103.A)**
- Changes some organization titles

Financial Responsibility (Chapter 11)

- Amended definition of “accidental release” in **1105.A**. It matches definition described in the preamble to the 1988 UST Regulation for FR requirements
 - Clarified that owners/operators are required to have FR for releases arising from operating USTs
 - This includes releases due to overfilling USTs and releases occurring at dispensers
 - If not covered by Trust Fund, O/Os will need additional FR
 - Waiting on final determination from TF Section



Financial Responsibility (Chapter 11)

- Deleted **1111.A.1** and Alternative I in **1111.D**
 - These were put in to allow \$90,000 financial test of self-insurance for FR for trust fund deductible
 - Removing FR for trust fund deductible requirement in **1121**

Financial Responsibility (Chapter 11)

- Use of Motor Fuels Underground Storage Tank Trust Fund (1121)
 - Deleted “partially”
 - Eligible O/O may use MFUSTTF to fulfill FR requirement
 - Removed FR requirement for trust fund deductible

Financial Responsibility (Chapter 11)

- Deleted “substantial compliance” definition in **1121.A.**
 - Holdover from old statutes
- Deleted historical TF deductible amounts in **1121.B.1**
 - Replaced with MFUSTTF participants shall pay amounts required by R.S. 30:2195.9(A)(1-4).
- Deleted **1121.B.3** to match changes in **1121**
 - ~~Eligible participants must demonstrate financial responsibility for the established amounts by the allowable mechanisms described in LAC 33:XI.1111-1119 and LAC 33:XI.1123-1125.~~

Financial Responsibility (Chapter 11)

- Replaced “groundwater or subsurface soils” with “surface water, groundwater or soils” in **1121.C**
 - Changed to match statutes
- Deleted regulation that said that the TF can pay up to 25% of double-walled system if manufactured in LA (**1121.C.1.c.ii**)
 - Removed from statutes several years ago

Financial Responsibility (Chapter 11)

- The monies expended from the MFUSTTF for any of the above approved costs shall be spent only up to such sum as that which is necessary to satisfy petroleum UST financial responsibility requirements specified in LAC 33:XI.1107 or one million five hundred thousand dollars, whichever is greater. This amount shall include any third-party claim arising from the release of motor fuels from a motor fuels underground storage tank. (1121.C.1.c.ii)
 - Updated to match statutes



Financial Responsibility (Chapter 11)

- Nothing contained herein shall be construed as authorizing the expenditure from the MFUSTTF on behalf of any owner or operator of a UST system who is not an eligible participant ~~on the last anniversary date of the MFUSTTF~~ at the time of the release for any third-party liability. (1121.C.2)
- Replaced “in substantial compliance” with “an eligible participant” (1121.C.2 and 3)
- Rewrote 1121.D.3 and 4 (1121.D.3)
 - How to deal with same site with multiple releases, owners, and RACs



Financial Responsibility (Chapter 11)

- FR for local governments
 - 40 CFR 280.104-107
 - No Chapter 11 equivalent
 - Local governments are covered under LAMFUSTTF
- Deleted recordkeeping requirement for FR for deductible. Clarified that a copy of current registration certificate is documentation of FR for MFUSTTF participants (1133.B.5)
- Replaced “properly closed” with “permanently closed or undergoes a change-in-service” (1137.A)

Lender Liability

40 CFR 280.200-230

- No LAC equivalent
- La. R.S. 2277 (4) and (5)
 - Not in UST statutes but is used in place of specific Lender Liability regulations
- No proposed changes at this time

Requirements for Response Action Contractors Who Assess and Remediate Motor Fuel Contaminated Eligible Sites for Cost Reimbursement in Accordance with the Motor Fuels Underground Storage Tank Trust Fund (MFUSTTF) (Chapter 12)

- No proposed changes other than minor edits

Certification Requirements for Persons Who Install, Repair, or Close Underground Storage Tank Systems (Chapter 13)

- Definition of *closure-critical juncture* (1303)
 - Allow RAC to perform/oversee closure sampling
- Updated definition of *installation* (1303)
 - To include process of renovating an existing site
- Added to definition of *installation-critical juncture* (1303)
 - Installation of containment sumps
 - Installation of spill and overflow prevention devices

Certification Requirements for Persons Who Install, Repair, or Close Underground Storage Tank Systems (Chapter 13)

- Added environmental engineering degree (1305.B)
- Updates to UST Certification Board composition (1313.A), function (1313.B), tenure (1313.C), and meetings (1313.D)
 - Used on an ad hoc basis as determined by DEQ

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