



UNDERGROUND STORAGE TANK PROPOSED REGULATION REVISIONS/RULEMAKING

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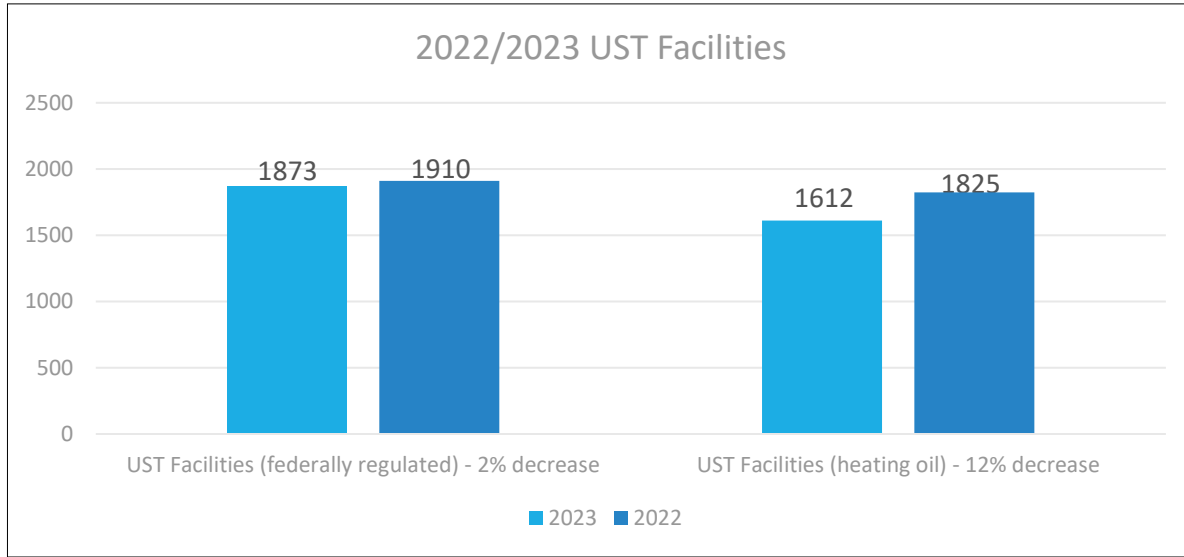


OUTLINE

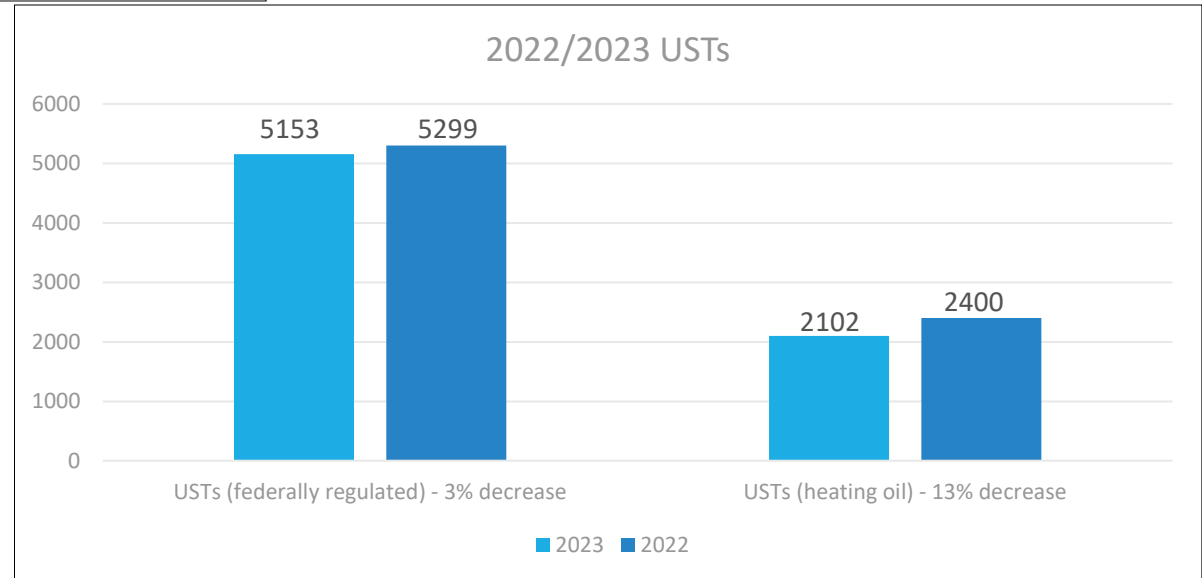
- **Background and Purpose of Regulations**
- **Regulatory Changes**
- **Timeline**



UST SYSTEM UNIVERSE



3 Underground Storage Tanks





PURPOSE OF THE PROPOSED REGULATIONS

7/24/2024

Intended to modernize and update UST requirements:

- clarify certain requirements which have proven to be confusing
- add additional flexibility to certain requirements, including life expectancy
- consistent with current technologies
- eliminate outdated standards
- streamline recordkeeping requirements into one section



SCOPE / EXISTING REGULATIONS IMPACTED

RCSA 22a-449(d)-1 (State Only)

Applicability:

- Heating oil for onsite consumption at commercial buildings
- Certain motor fuel USTs at farms

RCSA 22a-449(d)-101 to 113 (Federally regulated)

Applicability:

- Motor fuel USTs, including emergency generator USTs
- Certain kerosene, hazardous substances, waste oil, and other petroleum products as regulated by US EPA

Note: Proposed regulation package also includes changes to RCSA 22a-6(b)-8(c).



Technical Updates to 22a-449(d)-1 – State only Heating Oil Tanks

i. Eliminating Outdated References

ii. Proposing to Clarify:

- ✓ closure requirements
- ✓ tank exemptions
- ✓ definitions
- ✓ notification requirements
- ✓ recordkeeping requirements

iii. Proposing to Add:

- ✓ flexibility for lower cost options to comply with and extend life expectancy (30 or 45 yrs)
- ✓ secondary containment, including UDCs and piping containment sumps, again for consistency
- ✓ if applicable, requirement for breakaway devices and shear valves on dispensers
- ✓ documentation requirement for compatibility between substance & UST construction material (e.g., >10% ethanol and >20% biodiesel certification)

Technical Updates to 22a-449(d)-101 through 113 – Fed. Regulated

- i. Streamlining and clarifying clean-up process for leaking UST systems;**
- ii. Deleting outdated standards, including references to codes of practice;**
 - ✓ Added flexibility with nationally recognized codes of practice and eliminated NFPA 30
- iii. Proposing to Clarify:**
 - ✓ Definitions – UST System, hazardous substances, CERCLA
 - ✓ Who must conduct monthly inspections
 - ✓ A, B, C Operator obligations and training requirements
 - ✓ What repairs are allowed for certain UST system components
 - ✓ Temporary closure compliance requirements (certain release detection and inspection requirements)
 - ✓ Release detection requirements for double-walled USTs
- iv. Proposing to Add:**
 - ✓ Flexibility for lower cost options to comply with and extend life expectancy (30, 40 vs 45)
 - ✓ More stringent secondary containment requirements for tanks containing hazardous substances
 - ✓ Requirements for 3rd party annual inspections
 - ✓ Consolidate in one section to make easier to find notification and recordkeeping reqts. in new section (114)
 - ✓ Streamline and provide clarity to section 106
 - ✓ Fees added for cleanups that are not completed in a timely manner – up to \$12,000
 - ✓ Additional options to secure Financial Responsibility

LIFE EXPECTANCY, DETAILED

RCSA 22a-449(d)-111(b)	Details	Life Expectancy (years)
Category 1	(1) For a tank or piping constructed of <u>cathodically protected steel, or a flex connector made of steel</u>	30 yrs
Category 2	(2) For a tank or piping that does not meet the requirements of subdivision (3) of this subsection and is made of fiberglass-reinforced plastic, any other non-metallic material, or a tank constructed of steel and clad or jacketed with a non-corrodible material, such as <u>a single-walled or double-walled tank or piping installed prior to October 1, 2003</u>	30 yrs
Category 3a	(3) For a <u>double-walled</u> tank or <u>double-walled</u> piping <u>installed after October 1, 2003</u> made of fiberglass- reinforced plastic, any other non-metallic material, or a tank constructed of steel and clad or jacketed with a non-corrodible material: (A) Using <u>interstitial monitoring</u> that does not monitor both the primary containment and secondary containment, <u>such as a sensor in a dry space</u>	40 yrs
Category 3b	(3) For a <u>double-walled</u> tank or <u>double-walled</u> piping <u>installed after October 1, 2003</u> made of fiberglass- reinforced plastic, any other non-metallic material, or a tank constructed of steel and clad or jacketed with a non-corrodible material: (B) Using <u>continuous interstitial monitoring</u> that monitors both the primary containment and secondary containment such that the inner and outer walls are continuously monitored using technology <u>such as inert gas, or liquid, or under constant vacuum (e.g., “brine”)</u>	45 yrs

ADDITIONAL REQUIREMENTS

Fees and Civil Penalties

- **Added fees for cleanups that are not completed in a timely manner**
 - Up to \$12,000
- **Civil Penalties Schedule, RCSA 22a-6b-8**
 - Up to 20 new fees primarily for minor violations
 - Penalties ranges from \$250 per violation to \$10,000 (most \$500 per violation).



Table 4A Penalty Schedule for Underground Storage Tank (UST) Violations	
Type of Violation	Penalty
Failure to submit a completed underground storage facility annual notification in violation of section 22a-449(e) of the Connecticut General Statutes.	\$500 plus \$10 for each additional day after October 10 of a given year
Failure to submit an underground storage facility notification fee in violation of section 22a-449(e) of the Connecticut General Statutes.	\$500 plus \$10 for each additional day after October 10 of a given year
Submission of a false statement in a Connecticut General Statutes section 22a-449(e) underground storage facility notification or other notification required under section 22a-449(d)-114 of the Regulations of Connecticut State Agencies in violation of section 22a-6(a)(8) of the Connecticut General Statutes.	\$1,000 per violation
Failure to maintain a disabling device on dispensers and fill pipes in violation of section 22a-449(g) of the Connecticut General Statutes.	\$10,000 per violation
Failure to submit an UST system installation fee in violation of section 22a-449(h) of the Connecticut General Statutes.	\$500 per violation

NEXT STEPS IN THE REGULATORY PROCESS

45-day public comment period ends August 12, 2024 ([Public Hearing July 30th – 6pm](#))


DEEP staff will review comments and prepare Hearing Officer's Report

30-day legal sufficiency review by Attorney General's Office

Submission to LRRC by the first Tuesday of the month

Goal: Regulation Adoption & State Program Approval by U.S. EPA in 2025



A stylized graphic background featuring a yellow sun in the top right, a green hill in the middle, and a light blue wavy area at the bottom representing water. The elements are separated by thick dark blue outlines.

Thank you!
Comments can be submitted to
DEEP.USTEnforcement@ct.gov