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April 25, 2019

U.S. Environmental Protection Agency
EPA Docket Center
Office of Air and Radiation Docket
Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Docket ID No. EPA-HQ-OAR-2018-0775

Dear Sir or Madam:

The Tanks Subcommittee of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) appreciates the opportunity to provide comments on the Proposed Rule for Modifications to Fuel Regulations to Provide Flexibility for E15 and to Elements of the Renewable Identification Number Compliance System, published in the Federal Register on March 21, 2019 (84 FR 10584). These comments have not been reviewed or adopted by the ASTSWMO Board of Directors.

ASTSWMO is an association representing the waste management and remediation programs of the 50 U.S. States, five Territories, and the District of Columbia (States). The Tanks Subcommittee represents the interests of the State regulatory programs responsible for implementing [40 CFR Part 280](#). Our members ensure that owners and operators of underground storage tank (UST) systems¹ are following federal and State release prevention requirements to protect human health and the environment.

Gasoline blended with up to 15 percent ethanol (E15) is a regulated substance under 40 CFR Part 280. The proposed rulemaking allows E15 to be sold year-round. The effect would be a significant increase in the number of UST systems owners interested in storing and dispensing E15 nationwide.

[40 CFR 280.32](#) requires owners and operators to use UST systems that are fully compatible with the substance stored in the UST system, no matter the substance being stored. Further, 40 CFR 280.32 requires owners and operators of UST systems who wish to store greater than 10 percent ethanol demonstrate that the systems are compatible with the substances stored and document compatibility for as long as the UST system is storing the substance.

¹An UST system is a tank (or a combination of tanks) and connected underground piping having at least 10 percent of their combined volume underground. The tank system includes the tank, underground connected piping, underground ancillary equipment, and any containment system.

Compatibility must be demonstrated using:

- Certification or listing of UST system equipment or components by a nationally recognized, independent testing laboratory for use with the regulated substance stored; or
- Equipment or component manufacturer approval. The manufacturer's approval must be in writing, indicate an affirmative statement of compatibility, specify the range of biofuel blends the equipment or component is compatible with, and be from the equipment or component manufacturer; or²
- Another option determined by the State to be no less protective of human health and the environment than the other two options listed.

We encourage owners and operators of UST systems who are considering offering E15 to review [*UST System Compatibility with Biofuels \(EPA 510-K-15-002\)*](#). This booklet was developed by U.S. EPA's Office of Underground Storage Tanks and explains compatibility requirements for UST systems storing biofuels and biofuel blends and provides references to government and industry educational resources. Owners and operators should also contact their [State regulatory agency](#) prior to installing new systems to ensure there are no additional requirements for demonstrating or documenting compatibility in their State. Be advised that the compatibility requirements for UST systems storing ethanol blended fuels over E10 are not limited to newly installed systems, but also apply to all existing systems.

The ASTSWMO Tanks Subcommittee is concerned with the effects the proposed increase to E15 will have on UST system owners and operators. Specific to the retail fueling industry, it is estimated that five percent of gas stations in the U.S. provide E15 or higher ethanol-blended fuels today. Many of the remaining gas stations, especially those with equipment installed prior to 2011, will need to replace some of their equipment to comply with the compatibility requirements and may encounter issues with the seals, gaskets and adhesives that are currently being used.³ Additionally, UST systems will have a greater potential for aqueous phase liquid within the system. An increase from E10 to E15 has the potential to generate approximately twice the amount of aqueous phase liquid, and with the increase in aqueous phase liquid, there is a greater potential for microbial-induced corrosion. Determining compatibility, replacement of UST equipment to comply with compatibility requirements, increased vigilance to identify aqueous phase liquid, and properly managing water to avoid the problems of phase separation will increase the costs on owners, operators, and the customers that they serve.

The Tanks Subcommittee is also concerned with the effects E15 will have on States and the environment. The increased potential for corrosion may lead to new leaking underground storage tank (LUST) sites and increase the potential for pollution of public drinking water supplies, among other environmental, health, and safety concerns. The cleanup costs associated with these releases would also impact owners, operators and State programs. Review of compatibility documentation submitted by owners and operators, responding to unusual operating conditions caused by phase

² ASTSWMO's Compatibility Tool provides information on UST system components that are compatible with E15: <http://astswmo.org/ust-compatibility-tool/>

³ See EPA's UST Technical Compendium about the 2015 UST Regulation, Compatibility – Pipe Dope and Sealants: <https://www.epa.gov/ust/underground-storage-tank-ust-technical-compendium-about-2015-ust-regulation#compatibility>

separation associated with aqueous phase liquids and corrosion, and addressing additional LUST cases will take up valuable resources which are already stretched thin for States.

Thank you for your consideration of this input. If you have any questions about these comments, please contact me at matthew.jones@des.nh.gov or (603) 271-2986.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Jones', written in a cursive style.

Matthew Jones (NH)
Chair, ASTSWMO Tanks Subcommittee