Temporary Closure (Out of Service Tanks) Requirements

Organized by the Release Prevention Task Force Tanks Subcommittee

ASTSWMO Annual Meeting
November 9, 2021

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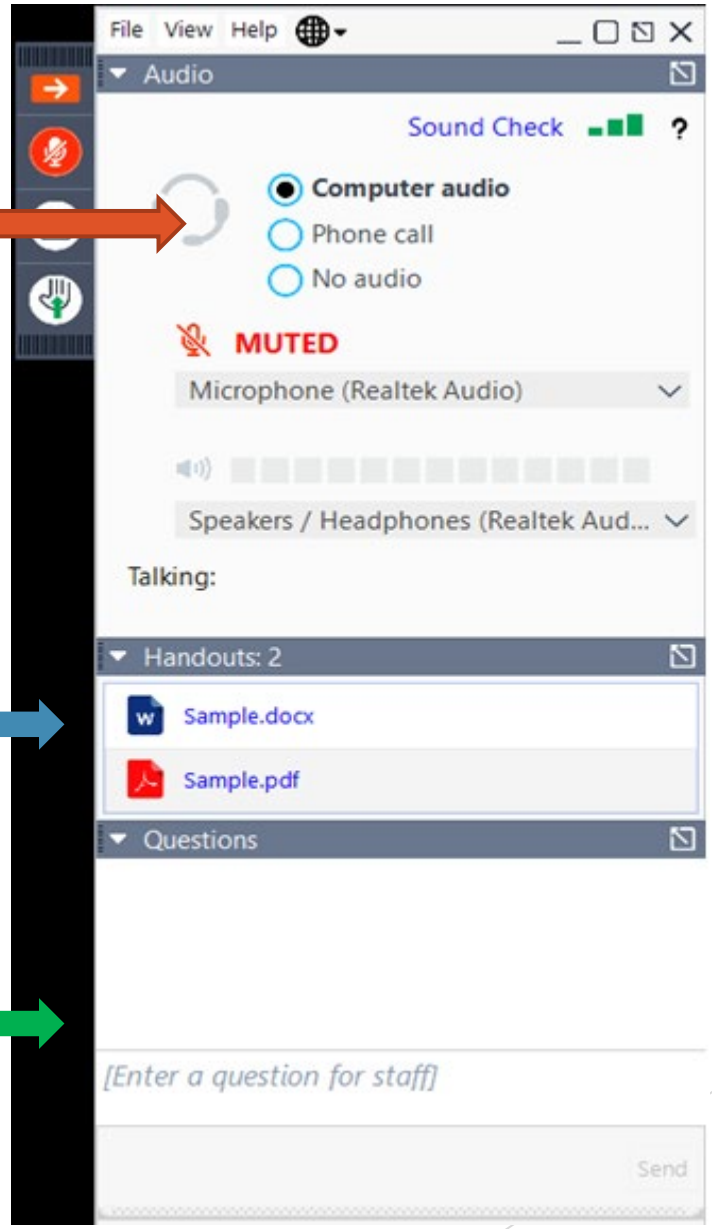


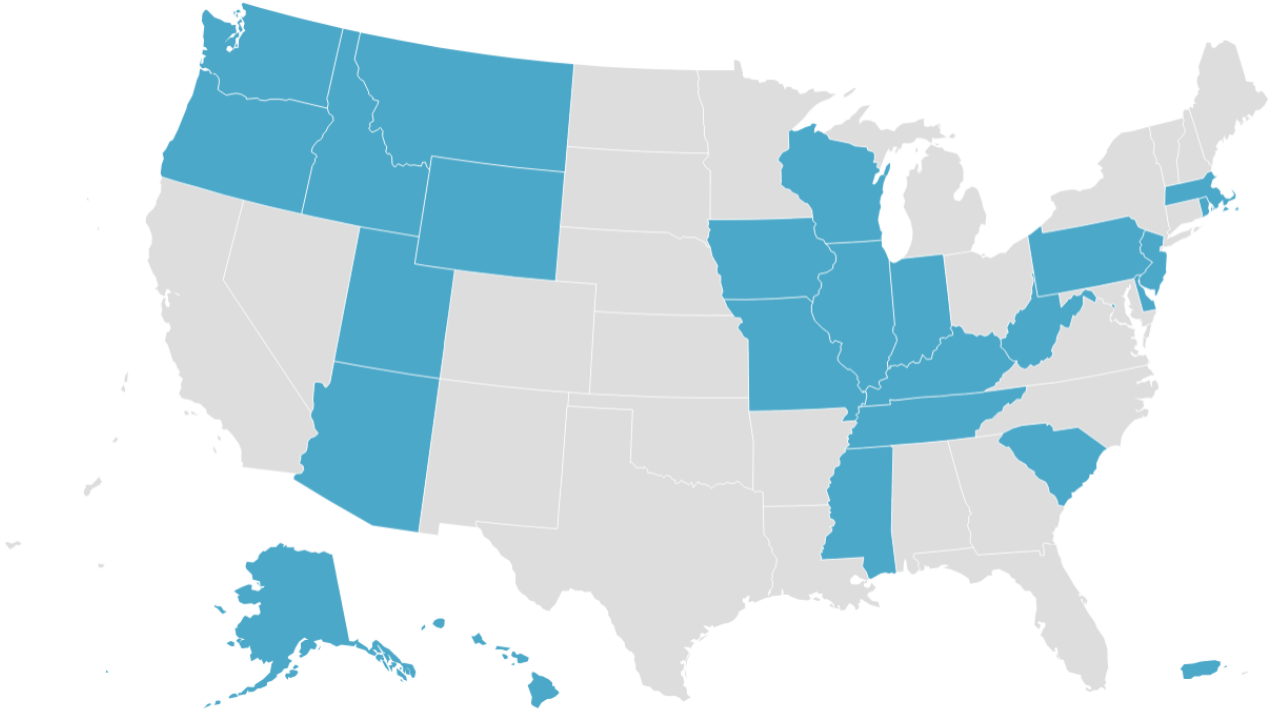
Agenda

Presenters:

- Russ Brauksieck, US EPA OUST
- Michael Hollis, New Jersey DEP
- David Levering, Nebraska State Fire Marshal

ASTSWMO Information Request – Temporary Closure (Sept 2021)

Responses to ASTSWMO Temporary Closure Info Request



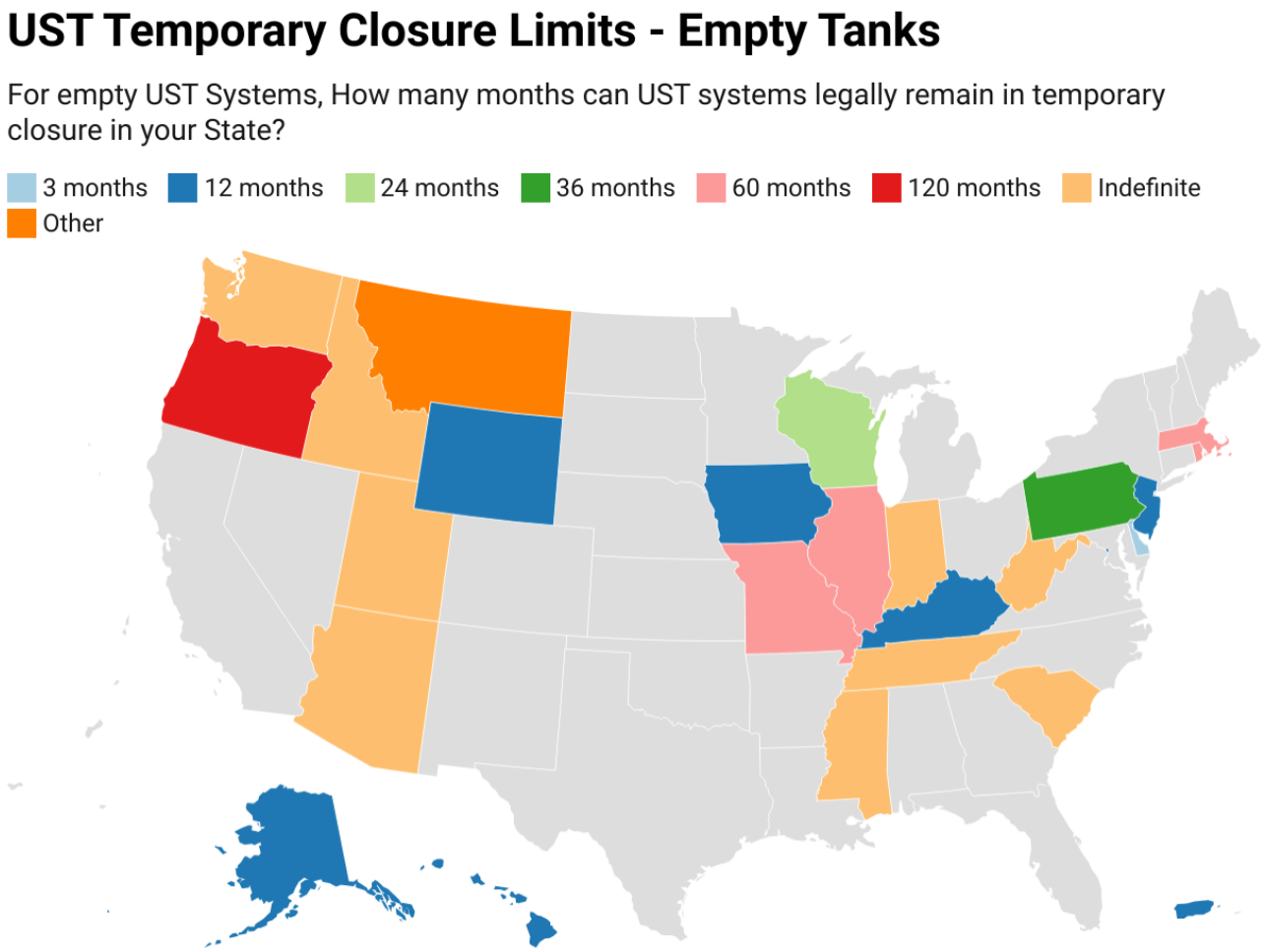
Created with Datawrapper

26 States/Territories submitted data

ASTSWMO Information Request – Temporary Closure (Sept 2021)

- **How long can UST systems LEGALLY remain in temporary closure?**
- **How long do UST systems ACTUALLY remain in temporary closure?**
- **How many facilities have USTs in temporary closure?**
- **Average age for these USTs?**
- **Enforcement activities**

ASTSWMO Information Request – Temporary Closure (Sept 2021)



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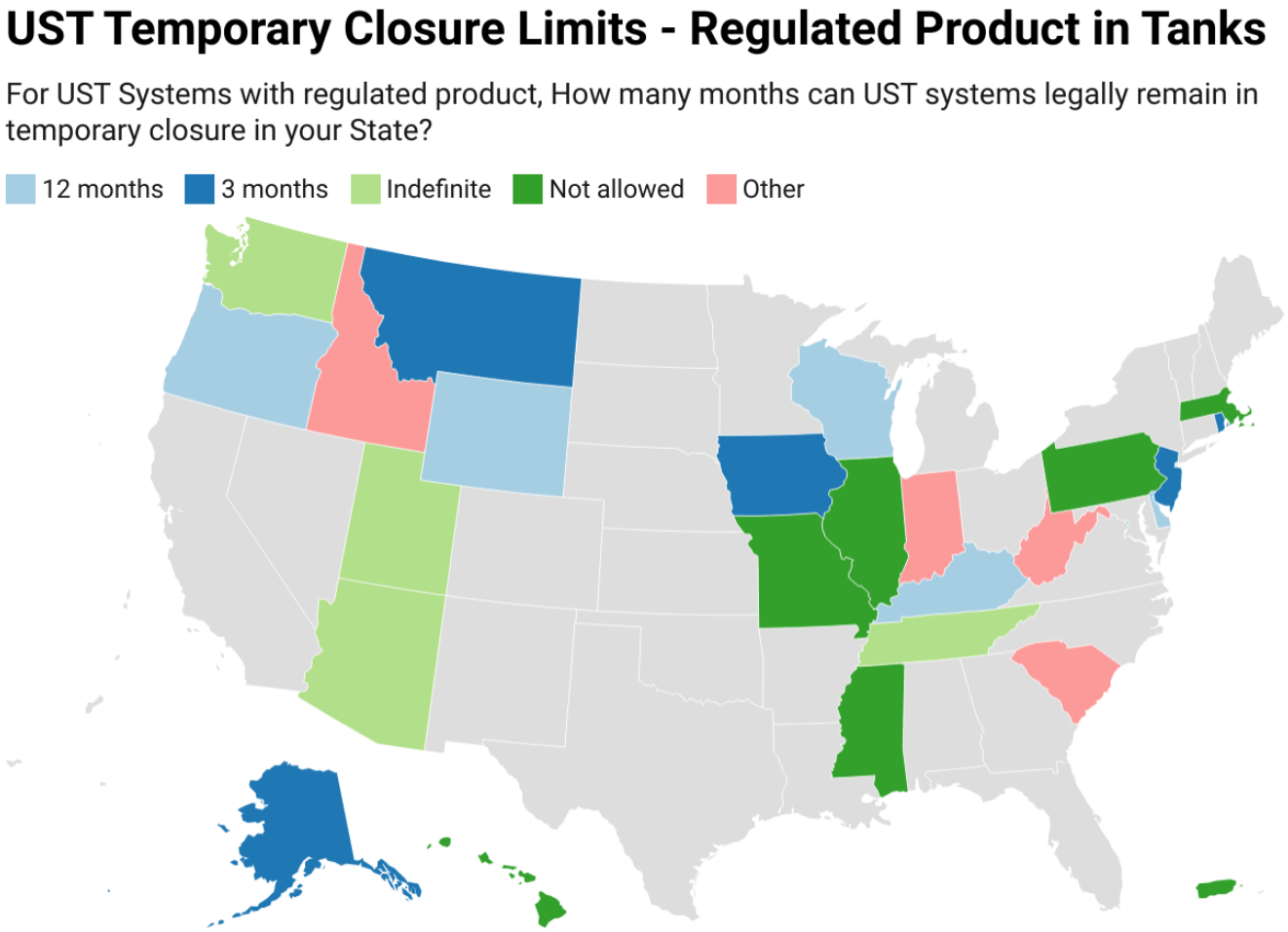
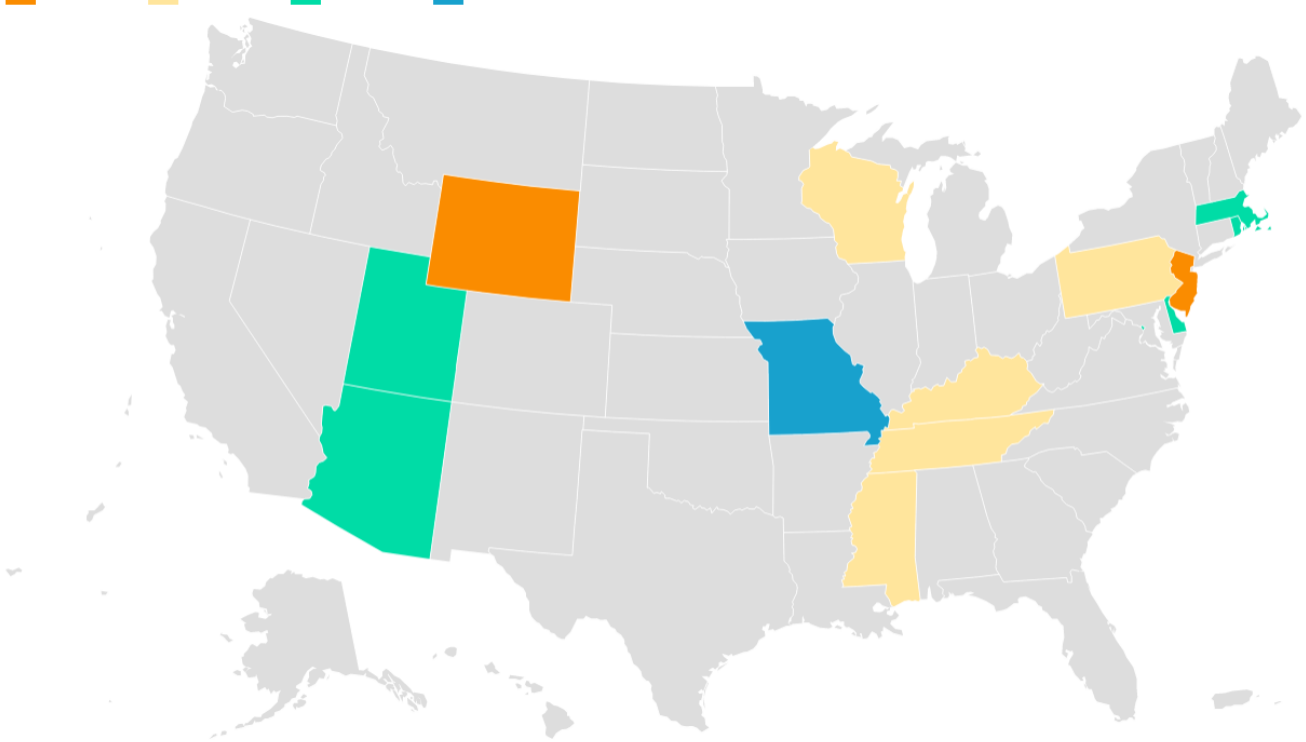


ASTSWMO Information Request – Temporary Closure (Sept 2021)

Within the last year, what percentage of UST systems in temporary closure are compliant with the temporary closure requirements in your State?



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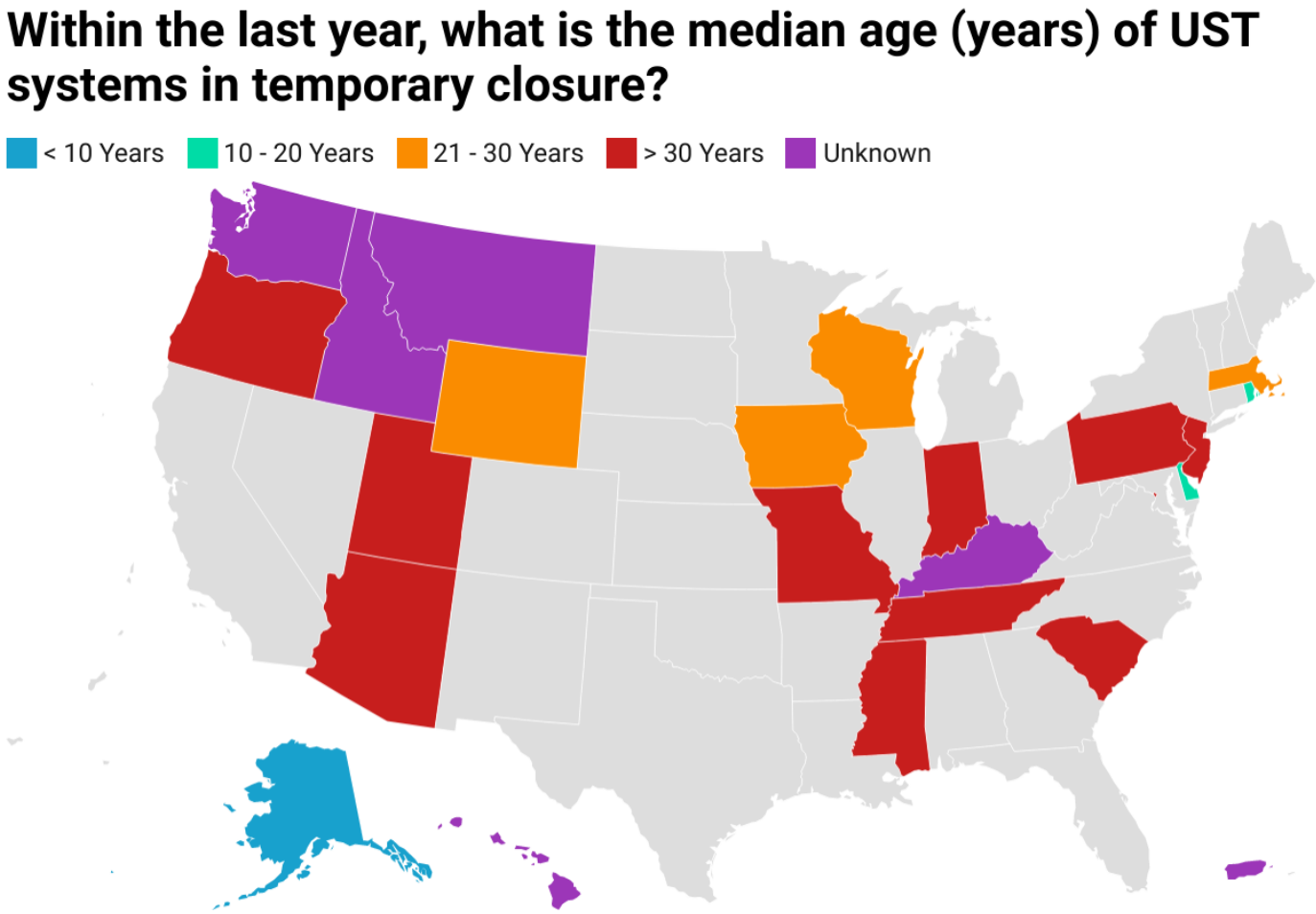
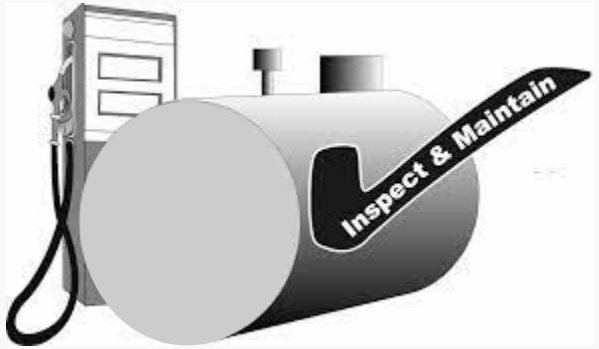


40 CFR Part 280 Requirements for Temporary Closure

Russ Brauksieck
EPA Office of Underground Storage Tanks

Temporary Closure

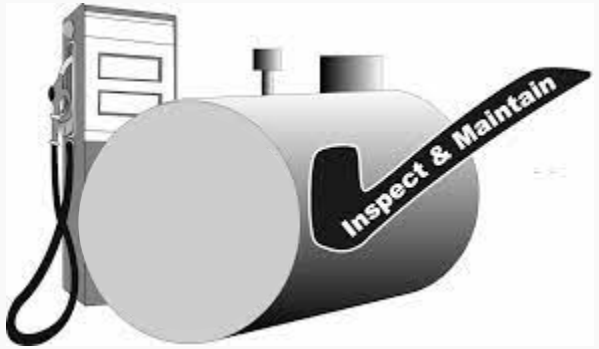


40 CFR 280.70 Temporary Closure

Owners and Operators **must**:

- Operate and maintain corrosion protection
  - Impressed current – 60-day readings of rectifier and testing every 3 years
  - Sacrifical anode – testing every 3 years
- If tank has product/residue of 1” or more then conduct
  - Release detection (tank and piping)
  - Release detection operation and maintenance testing and inspection
- When closed for 3 months or more – secure lines, pumps, manways and ancillary equipment
- When closed for 12 months - permanently close if tank and piping not protected from corrosion

Temporary Closure

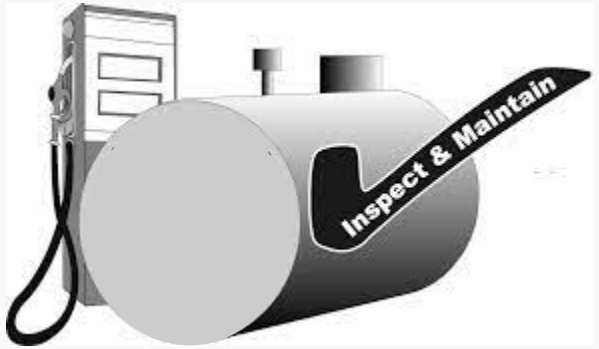


40 CFR 280.70 Temporary Closure

Owners and Operators **not required** to conduct:

- Spill and overfill operation and maintenance testing and inspection (spill prevention equipment testing, overfill prevention inspection)
- For tanks that are empty (less than 1” of residue)
  - Release detection- tank and piping (no release detection checks)
  - Release detection operation and maintenance testing and inspection (annual sump checks, annual handheld release detection checks, testing of containment sumps, testing of release detection equipment)

Temporary Closure



Issues not addressed by 40 CFR Part 280:

- When a tank is considered to be in temporary closure
- Submit notification of change in tank status (active to temporary closed)
- How long a tank system can stay in temporary closure (if tank and piping are protected from corrosion)
- Process for bringing tank system back into service (release detection, testing and inspection of tank system prior to re-introducing product into tank)

OUT OF SERVICE TANKS

REGS AND ENFORCEMENT POLICY IN NJ

MICHAEL HOLLIS, NJDEP

REQUIREMENTS

- ❑ Within 7 days – Register as OOS
- ❑ Within 3 months – Empty and cap system per API 1604
- ❑ By the end of the 11th month – Apply for OOS extension (Double wall systems only)
- ❑ While OOS, RDM and CP must be maintained

REQUIREMENTS CONTINUED…

- By the end of the 12th month
  – Single wall systems must be permanently closed
  - Double wall systems not extended must be permanently closed
- Double wall systems that received an extension must continue to maintain their RDM and CP
- In order to put back into service, a licensed installer must certify the system is safe and ready to accept product

ENFORCEMENT

- NOV and Delivery Prohibition issued/imposed for tanks not properly registered as OOS or beyond 12 month deadline
- Administrative orders with $15,000 base penalty issued to facilities beyond 12 month deadline without extension.
- Sites that received orders in Environmental Justice areas are referred to AG's office for Superior Court formal complaints.

NFPA 30 2012 Fire Code (TOU) Requirements

- C.2.1 When the underground storage tank system (UST) is temporarily out of service for less than 3 months, the owners and operators should comply with the following:
  - (1) Continue operation and maintenance of corrosion protection. Requirements can be found in U.S. Environmental Protection Agency (EPA), 40 CFR 280.31.
  - (2) Continue operation and maintenance of any release detection in accordance with U.S. EPA, 40 CFR 280, Subpart D, or empty the UST system by removing all materials so that no more than 1 in. (25 mm) of residue, or 0.3 percent by weight of the total capacity of the UST system, remains in the system.

NFPA 30 2012 Fire Code (TOU) Requirements

- C.2.2 When a UST system is temporarily out of service for 3 months or more, owners and operators should also comply with the following requirements:
  - (1) Leave vent lines open and functioning
  - (2) Cap or plug all other lines such as fill line, gauge opening, pump suction, and ancillary equipment and secure against tampering

Nebraska Title 159 Rules

As of October 6, 2021, Nebraska has changed our TOU rule to follow the EPA 40 CFR and NFPA 30 2012 rule.

Prior to this date, Nebraska allowed TOU tanks for up to 36 months. This law was passed in 2015 when real-estate was a little hard to sell so we were hoping it would help with owners selling viable gas stations. IT DIDN'T HELP ☺

On our routine inspections, we will order owners/operators to pull tanks once they have been TOU for 12 months or more. We have AG enforcement but have never used this process for TOU tanks.

Questions & Discussion

Thank you!

Archived recordings and materials from ASTSWMO Annual Meeting sessions will be made available soon at https://astswmo.org/category/webinar/

For contacts and information about the Tanks Subcommittee visit: https://astswmo.org/tanks/

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