Texas Natural Resource Conservation Commission
Petroleum Storage Tank Program

FINAL UST TECHNICAL DEADLINES FOR TANK OWNERS AND OPERATORS

1998 UST System Installation, Replacement & Upgrade Requirements

If you own or operate regulated underground storage tanks (USTs) in Texas, you should already be making financing decisions and equipment procurement plans for compliance with several UST technical installation, replacement, or upgrade requirements which must be completed by no later than **December 22, 1998**. Contrary to current rumors, neither the federal Environmental Protection Agency (EPA) nor the TNRCC is planning any extension of any of the current 1998 compliance deadlines.

There are only a limited number of qualified registered contractors, licensed installers, certified corrosion specialists, authorized UST system testers, licensed monitoring well drillers, and other professional and technical personnel who can properly perform the required equipment installations, replacements, and upgrades. Similarly, the availability of loans and other financial assistance is also limited. An owner or operator who delays planning for the required UST system replacements or upgrades may have difficulty finding financial assistance and qualified personnel to assure that the improvements are completed by the applicable deadlines.

Under Texas laws and TNRCC regulations, owners and operators who do not meet these UST replacement and/or upgrade deadlines could be subject to enforcement actions, including possible administrative, civil, or criminal penalties and/or forced UST system shutdown. Therefore, the TNRCC encourages owners and operators to plan and act early for accomplishment of their UST system improvements, and PLEASE:

DON'T WAIT UNTIL DECEMBER 1998.

CORROSION PROTECTION REQUIREMENTS

After December 22, 1998, all buried UST system components which store or convey regulated substances (including underground tanks, underground piping, and underground ancillary equipment) must be properly protected from corrosion, regardless of age or date of UST system installation. *

- **New USTs :**
  - **Interim Requirement:** Under federal law, all UST systems installed after **May 7, 1985**, were required to meet minimum corrosion protection requirements at the time of initial UST system operation [42 U.S.C.A. §6991b.(g) - Interim Prohibition].
  - **Final Requirement:** Under federal EPA rules [40 CFR §280.20], all new USTs installed after **December 22, 1988**, were required to meet comprehensive corrosion protection standards at the time of initial UST system operation. Under similar TNRCC rules [30 TAC §334.45], all new USTs installed after **September 29, 1989**, were required to meet TNRCC technical standards for corrosion protection at the time of initial UST system operation.
- **Existing USTs:** Under federal EPA rules [40 CFR §280.21] and corresponding TNRCC rules [30 TAC §334.47], all existing UST systems installed on or before **December 22, 1988**, must be either: (a) replaced with a UST system meeting all appropriate standards for new UST systems by **December 22, 1998**, or (b) upgraded with appropriate corrosion protection by no later than **December 22, 1998** (provided that an acceptable tank integrity assessment must accompany the addition of cathodic corrosion protection for such existing UST systems). (***** See Note.)
- **Personnel Requirements:** Under applicable federal EPA rules [40 CFR §§280.20 & 280.21], the design of any UST-system cathodic corrosion protection system after **December 22, 1988**, must be performed by a qualified *corrosion expert*, and any UST-system cathodic protection testing must be performed by a qualified *cathodic protection tester* (as defined in 40

CFR §280.12 - Definitions). Under similar TNRCC rules [30 TAC §334.49], the design of any UST-system corrosion protection system after **September 29, 1989**, must be performed by a qualified *corrosion specialist*, and any UST-system corrosion testing must be performed by a qualified *corrosion technician* (as defined in 30 TAC §334.2 - Definitions).

SPILL CONTAINMENT & OVERFILL PREVENTION REQUIREMENTS

After December 22, 1998, all USTs must be properly equipped with tight-fill fittings, spill containment equipment and overfill prevention equipment, regardless of age or date of UST system installation. *

- **New USTs:** Under federal EPA rules [40 CFR §280.20], all new USTs installed after **December 22, 1988**, were required to be equipped with spill containment and overfill prevention equipment at the time of initial UST system operation. Under similar TNRCC rules [30 TAC §334.45], all new USTs installed after **September 29, 1989**, were required to meet TNRCC technical standards for tight-fill fittings, spill containment equipment and overfill prevention equipment at the time of initial UST system operation.
- **Existing USTs:** Under TNRCC rules [30 TAC §334.47], all existing UST systems installed on or before **December 22, 1988**, were required to be either: (a) replaced with a UST system meeting all appropriate standards for new UST systems by **December 22, 1994**, or (b) upgraded with appropriate tight-fill fittings, spill containment equipment and overfill prevention equipment by no later than **December 22, 1994**. (***** See Note.) [EXCEPTION: When compliance with overfill prevention was achieved by the timely installation of an automatic overfill SHUT-OFF device with tight-fill fitting, the spill containment equipment could be deferred until no later than **December 22, 1998**.*]
- **Personnel Requirements.** Under TNRCC rules [30 TAC §334.51 & 334.401 et seq.], installation of any spill containment and/or overfill prevention equipment conducted after **December 1, 1990**, must be performed by a TNRCC-registered *UST contractor* and must be supervised by a TNRCC-licensed UST *installer* (as defined in 30 TAC §334.412).

MONTHLY RELEASE DETECTION REQUIREMENTS FOR ALL UST SYSTEMS

After December 22, 1998, all UST piping must be properly equipped and monitored with required release detection methods, and all tanks in a UST system must be equipped and monitored with an acceptable permanent MONTHLY ◆ release detection method, regardless of age or date of UST system installation.

- **New Tanks (interim requirement) and New UST System Piping:** Under federal EPA rules [40 CFR §280.40], all new UST systems (tanks and/or piping) installed after **December 22, 1988**, were required to be monitored with appropriate release detection methods at the time of initial operation of the new UST system. Under similar TNRCC rules [30 TAC §334.45], all new UST systems (tanks and/or piping) installed after **September 29, 1989**, were required to meet TNRCC technical standards for appropriate release detection at the time of initial operation of the new UST system.
- **Existing USTs:**
  - **Tanks (interim requirement) and Suction Piping.** Under federal EPA rules [40 CFR §280.40] and similar TNRCC rules [30 TAC §334.47], all tanks and suction piping in a UST system which were installed before **December 22, 1988**, were required to be either: (a) replaced with a UST system meeting all appropriate standards for new UST systems by **either December 22 of either 1989, 1990, 1991, 1992, or 1993**, depending on the tank age; or (b) monitored with an acceptable release detection method by **December 22 of either 1989, 1990, 1991, 1992, or 1993**, depending on the tank age. (***** See Note.)
  - **Pressurized Piping.** Under federal EPA rules [40 CFR §280.40] and similar TNRCC rules [30 TAC §334.47], all UST pressurized piping installed before **December 22, 1988**, was required to be either: (a) replaced with a UST system meeting all appropriate standards for new UST systems by **December 22, 1990**; or (b) monitored with acceptable release detection equipment or methods by no later than **December 22, 1990**. (***** See Note.)

◆ **All Tanks (final requirement).** Under TNRCC rules [30 TAC §334.50], all tanks (new and/or existing) in a UST system must be equipped and monitored by an acceptable permanent monthly release detection and monitoring system by **December 22, 1998**. (***** See Note.) **IMPORTANT: AFTER DECEMBER 22, 1998, THE TEMPORARILY-ALLOWED TANK MONITORING PROCEDURE CONSISTING OF DAILY (OR WEEKLY) INVENTORY CONTROL MEASUREMENTS USED IN**

CONJUNCTION WITH PERIODIC TANK TESTING WILL NO LONGER QUALIFY AS AN ALLOWABLE TANK RELEASE DETECTION METHOD.

- **Personnel Requirements.** Under TNRCC rules [30 TAC §334.50 & 334.401 et seq.], installation of any permanent tank or piping release detection equipment conducted after **December 1, 1990**, must be performed by a TNRCC-registered *UST contractor* and must be supervised by a TNRCC-licensed UST *installer* (as defined in 30 TAC §334.412). Under TNRCC rules [30 TAC Chapter 340], some UST-system observation wells and monitoring wells must be constructed by TNRCC-licensed *water well drillers* or *monitoring well drillers* (as defined in 30 TAC §340.2).

ADDITIONAL SECONDARY CONTAINMENT MONITORING REQUIREMENTS FOR HAZARDOUS SUBSTANCE USTS

After December 22, 1998, all non-petroleum hazardous substance USTs must be properly equipped with appropriate secondary containment devices and associated secondary containment (or interstitial) release monitoring systems, regardless of age or date of UST system installation. *

- **New USTs:** Under federal EPA rules [40 CFR §280.42], all new non-petroleum hazardous substance UST systems (tanks and piping) installed after **December 22, 1988**, were required to be equipped with secondary containment devices and associated secondary containment (or interstitial) release monitoring systems at the time of initial UST system operation. Under similar TNRCC rules [30 TAC §334.45], all new hazardous substance UST systems (tanks and piping) installed after **September 29, 1989**, were required to meet TNRCC technical standards for secondary containment devices and associated secondary containment (or interstitial) release monitoring systems at the time of initial UST system operation.
- **Existing USTs:** Under federal EPA rules [40 CFR §280.42] and similar TNRCC rules [30 TAC §334.47], all existing non-petroleum hazardous substance UST systems (tanks and piping) installed on or before **December 22, 1988**, are required to be either: (a) replaced with a UST system meeting all appropriate standards for new hazardous substance UST systems by **December 22, 1998**; or (b) upgraded with appropriate secondary containment devices and associated secondary containment (or interstitial) release monitoring systems by no later than **December 22, 1998**. (***** See Note.) [These replacements/upgrades are in addition to previous requirements for tank and piping release detection applicable to ALL existing UST systems, including petroleum substance USTs and non-petroleum hazardous substance USTs.]
- **Personnel Requirements.** Under TNRCC rules [30 TAC §334.46, 334.50, & 334.401 et seq.], installation of any tank or piping secondary containment equipment or any permanent secondary containment (or interstitial) release monitoring equipment conducted after **December 1, 1990**, must be performed by a TNRCC-registered *UST contractor* and must be supervised by a TNRCC-licensed UST *installer* (as defined in 30 TAC §334.412).

✷ ***NOTE: Under TNRCC rules [30 TAC §334.47(a)(2)], any existing UST system (i.e., system installed on or before December 22, 1998) which has not been either properly replaced with a system meeting new UST system standards or properly upgraded with corrosion protection, spill containment and overfill prevention, tank and piping release detection, and/or other required upgrades by the prescribed regulatory deadline must be permanently removed from service in accordance with applicable TNRCC rules [30 TAC §334.55] by no later than 60 days after such deadline (i.e., normally by February 20 of the year following the deadline).***

VAPOR RECOVERY REQUIREMENTS FOR GASOLINE DISPENSING FACILITIES IN OZONE NONATTAINMENT AREAS

After December 22, 1998, all nonexempt gasoline dispensing facilities located in a designated ozone nonattainment area(1) in Texas must be equipped and operated with acceptable Stage I and Stage II vapor recovery equipment.

- **Stage I Vapor Recovery Requirements (from storage tank to delivery truck):** Under TNRCC rules [30 TAC §115.229], acceptable Stage I vapor recovery equipment was required at all non-exempt gasoline dispensing facilities in designated ozone nonattainment areas (1) by previous county-specific and facility-specific deadlines, with the final deadline being the later of either: (a) the date of initial start-up of gasoline dispensing operations or (b) **January 31, 1994**. [See TNRCC Rule 30 TAC §115.227 for Stage I vapor recovery exemption requirements].

- **Stage II Vapor Recovery (from vehicle tank to storage tank):**
  - **General Requirements:** Under TNRCC rules [30 TAC §115.249], Stage II vapor recovery equipment was required at all gasoline dispensing facilities [except if exempt or ISBMG(2)-deferred] in designated ozone nonattainment areas (1) by previous facility-specific deadlines, with the final deadline being the later of either: (a) the date of initial start-up of gasoline dispensing operations or (b) **November 15, 1994**.

  - **For ISBMG (2) -Deferred Facilities:** Under TNRCC rules [30 TAC §115.249], any nonexempt gasoline dispensing facility which had qualified for a temporary ISBMG (2) -deferral (i.e., an ISBMG (2) -owned system dispensing less than 50,000 gallons of gasoline per month) is required to be equipped and operated with acceptable Stage II vapor recovery equipment by the earliest of the following dates: (a) the first date of any tank replacement at the facility occurring on or after October 16, 1992; (b) the first date that corrosion protection is added to any tank at the facility on or after October 16, 1992; or (c) **December 22, 1998**.

  - **For Exempt Facilities:** A gasoline dispensing facility remains exempt from Stage II vapor recovery equipment requirements if it continues to meet one or both of the following conditions: (1) if the facility has never dispensed gasoline from stationary storage tanks (USTs or ASTs) into the fuel tanks of on-road motor vehicles on and after its regulatory Stage II compliance date (usually November 15, 1994); and/or (2) if permanent gasoline dispensing equipment was in continuous existence at the facility since before November 15, 1992, **AND** if the volume of gasoline dispensed at the facility did not exceed a 10,000 gallon/month average during the period of January 1, 1991, through November 15, 1992, **AND** if the volume of gasoline dispensed at the facility has never exceeded 10,000 gallons in any one calendar month since November 15, 1992 (except during documented emergencies or natural disasters). When and if the reasons for exemption are no longer valid for a particular gasoline dispensing facility, the facility owner must assure that acceptable Stage II vapor recovery equipment is installed and in operation within 120 days after the facility first ceased to meet the exemption qualifications.

  Notes: ***(1) Ozone Nonattainment Areas*** - *El Paso Area (El Paso County), Beaumont-Port Arthur Area (Hardin, Jefferson & Orange Counties), Dallas-Fort Worth Area (Collin, Dallas, Denton, & Tarrant Counties), and Houston-Galveston Area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties)* [As defined in 30 TAC §115.10].

  (2) ISBMG ("independent small business marketer of gasoline") - the legal owner of the facility's gasoline dispensing system (tanks and/or dispensers), who has no significant affiliation with any refiner, and whose majority income is derived from the sale or marketing of gasoline [As defined in 30 TAC §115.10].

- **Personnel Requirements.** Under TNRCC rules [30 TAC §§115.242 & 334.401 et seq.], installation of any underground Stage I or Stage II vapor recovery equipment conducted after **December 1, 1990**, must be performed by a TNRCC-registered *UST contractor* and must be supervised by a TNRCC-licensed UST *installer* (as defined in 30 TAC §334.412).

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UST owners and operators who need additional information or assistance regarding these UST technical installation and upgrade requirements may contact the UST & Stage II Team, Technical Services Section, Petroleum Storage Tank Division, at 512/239-2038, or the local Waste Program personnel in the appropriate TNRCC Regional Office for that facility. Assistance in locating private sources of loans or other financial assistance for environmental improvements may be obtained from the TNRCC's Small Business Assistance Program at 1-800-447-2827.

Copies of applicable TNRCC technical rules for UST installations and upgrades (30 TAC Chapter 334, Subchapter C) and for Stage I and Stage II vapor recovery requirements (30 TAC §§115.221-115.229 and §§115.241-115.249) may be obtained from the TNRCC's Publications Inventory & Distribution Office at 512/239-0028. For current lists of registered UST Contractors, licensed UST Installers/On-Site Supervisors, registered Corrective Action Specialists, and/or registered Corrective Action Project Managers, interested tank owners and operators may contact the TNRCC's Building D Records Services Center at 512/239-2920.