Underground Storage Tank
Proposed Rulemaking

Underground Storage Tanks and Solid Waste Disposal Control Board
October 7, 2020

Kate Harper, Central Office Deputy Director
Summary

- All fund eligible releases will be entitled to reimbursement from the fund; however, an owner or operator’s compliance history will now determine the amount of the fund deductible.

- Annual tank fees will be suspended from July 1, 2021 through June 30, 2026.

- General cleanup revisions to Rules 0400-18-01-.09 and .10 and modification of Rule 0400-18-01-.07(1)(a) to properly reflect EPA’s interpretation of the similar, federal language.
Fund Eligibility

• **Under the current rules:**
  – All the tanks at a site must be registered prior to the release occurring.
  – Fund eligibility application must be submitted within 60/90 days depending on whether it was a suspected release or a confirmed release.

• **Proposed rules:**
  – These requirements remain the same.
Fund Coverage

• Under the current rules:
  – Fund coverage for a fund eligible release is dependent upon an owner or operator’s compliance history with certain rules.
  – Deductible = $20,000

• Proposed rules – page 10:
  – An owner or operator’s compliance history will now determine the amount of the fund deductible.
  – Deductible = $5,000
  • Increased to $10,000, $20,000, or $30,000 depending on compliance history
Annual Tank Fees

- Under the current rules:
  - $125 per tank compartment / per year

- Proposed rules – page 30:
  - July 1, 2021 to June 30, 2026 = fees suspended
  - July 1, 2026 forward = $125 per tank compartment / per year
TOS Tanks

- Question regarding spill and overfill for temporarily out-of-service (TOS) tanks
- EPA stated that TOS tanks must have operable spill and overfill equipment
  - But owners and/or operators are not required to test and inspect that equipment if the TOS tank is empty
- Rule was modified to more accurately reflect EPA’s interpretation – page 3
Questions?