



Department of
**Environment &
Conservation**

Underground Storage Tank Proposed Rulemaking

Underground Storage Tanks and
Solid Waste Disposal Control Board
August 13, 2025

Summary

- Address the observation identified in the 2022 Tennessee Comptroller Performance Audit Report that the Underground Storage Tank rules should be amended to allow for reporting extensions.
- Adopt the proposals made during the Retrospective Rule Review to ensure that the UST rules are up-to-date, legally compliant, and not unduly burdensome.

Regulatory Extensions

- Provide authority for the Division of Underground Storage Tanks to allow extensions for
 - Investigating and confirming releases,
 - Closing UST systems,
 - Reporting sampling results, and
 - Applying for Corrective Action Contractor approval.

Retrospective Rule Review

- Update the references to the National Association of Corrosion Engineers to the Association for Materials Protection and Performance
- Better define “site specific cleanup level”
- Update corrective action requirements regarding routine field activities, vapor hazard control, free product investigation, risk analysis reporting, and corrective action plans

Retrospective Rule Review (continued)

- Update UST permanent closure requirements regarding approved methods of closure similar to federal law, vapor purging, and notification requirements for closure and field activities
- Delete a cost recovery provision that unnecessarily duplicates statutory provisions
- Update retraining requirements to allow for flexibility similar to federal law

Additional Updates

- Added clarity regarding deductible determinations for fund eligible releases, which are dependent upon compliance with the requirements of Rule 0400-18-01-.09(6)(b)7
- Ensure the payment of current and outstanding annual tank fees for USTs that were not timely reported to the Division pursuant to statutory requirements

Public Comments

- Will everyone who has NACE certification already transition to the new certification? Does any notification need to be conducted or extensions for those who are moving to the new certification?
 - Response: The National Association of Corrosion Engineers (NACE) merged with the Association for Materials Protection and Performance (AMPP) in 2021. NACE certifications are good for three years, which would mean that those impacted by the merger have already gone through the transition.

Public Comments

- The commenter was concerned that extension language was too broad and could allow plan changes outside of the currently approved processes and rules. The commenter was told that the language applies ONLY to timeline extension schedules and not to any other part of the plan. This is in line with the request industry and members of the UST/SW Board made that the rules be changed to allow for extensions. The commenter also questioned whether this language might need to be tightened up a little just so bad actors don't take advantage.
 - Response: The added language “or in accordance with a schedule established by the Division” applies only to timeline extension schedules and not to any other part of the plan. To address the concern that the language might need to be tightened up to avoid abuse, the proposed revisions have been modified to add “if reasonable justification is provided” to any rules with this new extension language.

Public Comments

- Example: Rule 0400-18-01-.07(5)(b)

(b) Results of all samples taken during change in service or closure of the underground storage tank system or closure of a tank compartment shall be reported to the Division within 60 days of collection or, if reasonable justification is provided, in accordance with a schedule established by the Division. Samples shall not be taken while the underground storage tank system is in operation, except when tank compartment closure is being conducted in accordance with paragraph (3) of this rule. Sample results shall be submitted as an attachment to either a Permanent Closure Report for Underground Storage Tank Systems or a Permanent Closure Report for Tank Compartments.

Public Comments

- The proposed rules appear to be in response to the direction given by the UST/SW Board as well as making some entirely technical in nature corrections.
 - Response: The proposed rules address the observation identified in the 2022 Tennessee Comptroller Performance Audit Report that the UST rules should be amended to allow for reporting extensions and adopt the proposals made during the Retrospective Rule Review to ensure that the UST rules are up-to-date, legally compliant, and not unduly burdensome. They also include updates that are technical in nature.

Questions?

