

# UTAH TANK NEWS

## WINTER 2008

### INSIDE:

No Tags ..... Page 1

PSTF Audit ..... Page 2

Groundwater  
Protection ..... Page 3

Certification  
Corner ..... Page 4

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## ***NO TAGS ... NO PRODUCT*** by Sean Warner

Tank tags attached to the fill pipe are an inspectable item. The new Energy Act of 2005, requires the Division of Environmental Response and Remediation (DERR) to have a mechanism to prohibit deliveries to underground storage tank systems that do not have a Certificate of Compliance.

**Delivery Prohibition** (defined by the Energy Act) is prohibiting the delivery, deposit, or acceptance of product to an underground storage tank that has been determined to be ineligible by the DERR for such delivery, deposit, or acceptance.

- **NO TAG, NO PRODUCT – bottom line:** if there is not a current tag on the tank's fill pipe, it should not receive product.
- Owner/operators should remove all old tags then attach the 2008 tag to the fill pipe.
- The DERR will send out a Delivery Prohibition list to all distributors. This list consists of all facilities/tanks that are out of compliance and should not receive product.
- Owners/operators will be assessed a fee for replacement tags.

### **Who is Responsible For Complying With Delivery Prohibition Requirements?**

Underground storage tank owner/operators and product deliverers are responsible for not delivering, depositing, or accepting product to an underground storage tank identified by the DERR as ineligible to receive product.

**For questions concerning Delivery Prohibition, please contact a member of the UST staff at (801) 536-4100.**



# *Performance Audit of the PST Trust Fund* by Dale Marx

A Performance Audit of the Petroleum Storage Tank Trust Fund was conducted by the Office of the Legislative Auditor General during the spring of 2007. The report was made public in July 2007.



The Petroleum Storage Tank Trust Fund (PST Fund or fund) was created by the Utah Legislature in 1989 for the mitigation of underground fuel storage tank releases. As set forth in Utah Code 19-6-409, the fund provides coverage to underground fuel storage tank owners and operators (such as gas stations) for the cleanup costs associated with a leaking tank and any third-party liability costs. The Federal Environmental Protection Agency (EPA) requires all underground petroleum tank owner/operators to have financial assurance in place to cover costs in the event of a leak. Utah's fund program provides such a mechanism for tank owner/operators.

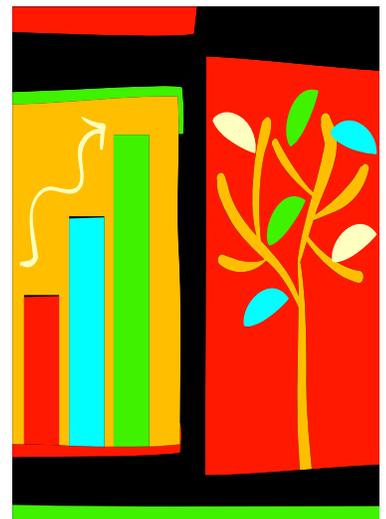
Although tank owner/operators are required by the EPA to have some form of financial assurance in place, using Utah's fund as that mechanism is voluntary. Currently, about 3,170 (or 81 percent) of the certified underground fuel storage tanks in Utah have the PST Fund as their federally required financial assurance mechanism.

When the Legislative Auditor General's Office was asked to audit the operations of the Petroleum Storage Tank Trust Fund, they were told the scope of the audit was to review the following areas:

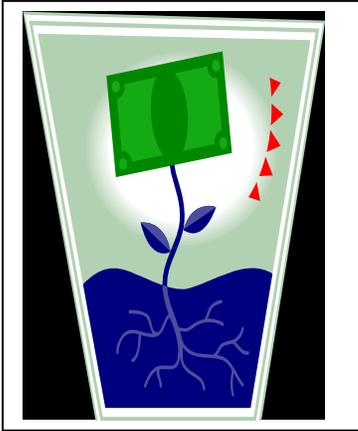
- Whether the Division should both administer the fund and regulate the industry;
- Whether the fund should be privatized;
- Whether alternative tank cleanup corrective action methods can be used to meet a tank owner/operator's financial assurance requirements; and
- Whether the Division is acting in an effective, efficient, and timely manner in auditing corrective actions and regulating the industry generally.

In general, the Legislative Auditor General's Office found that answers to the audit questions cause no significant concerns. Specifically, they concluded:

- There is no compelling need to privatize the PST Fund. Utah's PST Fund does not differ from most other states' programs;
- Utah follows existing federal law with regards to whether alternative tank cleanup corrective action methods can be used to meet a tank owner/operator's financial assurance requirements. Alternative tank cleanup corrective action methods cannot be used to meet a tank owner/operator's financial assurance requirements;
- Despite inherent risks, the Division minimizes risks associated with project managers both administering the fund and regulating the cleanup of PST release sites; and
- The Division has rectified one outstanding issue regarding when project managers are allowed to write work plans for leaking PST Fund covered tanks.



# UST Program Changes for Groundwater Protection



**Definition of Secondary Containment** – A release prevention and release detection system for an underground tank and/or piping. The release prevention part of secondary containment is an underground tank and/or piping having an inner and outer barrier. Between these two barriers is a space for monitoring. The release detection part of secondary containment is a method of monitoring the space between the inner and outer barriers for a leak or release of regulated substances from the underground tank and/or piping (called interstitial monitoring). Interstitial monitoring must meet the release detection requirements in 40 CFR 280.43(g).

The federal Energy Policy Act of 2005 (Act) contains provisions that affect the Underground Storage Tank (UST) regulations in significant ways. One of the provisions requires that each state UST program implement additional measures to protect groundwater. These changes will affect facilities that are within 1,000 feet of any existing community water system or any existing potable drinking water well or public water system.

The federal Environmental Protection Agency (EPA) has issued guidelines for implementation of the UST provisions of the Energy Act. The Division of Environmental Response and Remediation (DERR) is in the process of writing rules regarding secondary containment as a measure for the groundwater protection requirements. These rules will address the process of how secondary containment will be implemented within the Utah UST program.

In order to meet these requirements, secondary containment and interstitial monitoring will be required on new installations and upgrades of USTs and piping, and under-dispenser containment is required for all new motor fuel dispenser systems.

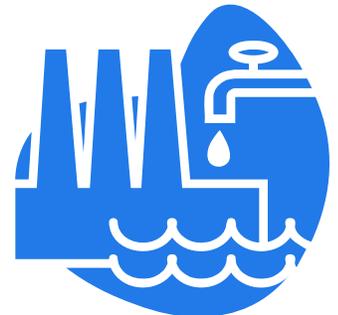
Further information and copies of the Act and the EPA guidelines can be viewed at EPA and DERR websites. Additional information can be found in the links to Utah and EPA web sites below. The DERR requests your comments and feedback. Comments and questions can be directed by email to Bill Moore at [BILLMOORE@utah.gov](mailto:BILLMOORE@utah.gov) or by mail to State of Utah DEQ, P.O. Box 144840, Salt Lake City, Utah 84114-4840. Updates will be made available throughout the development of these regulations.



EPA guidelines for secondary containment  
[http://www.epa.gov/swerust1/fedlaws/final\\_sc.htm](http://www.epa.gov/swerust1/fedlaws/final_sc.htm)

State of Utah DEQ DERR UST program  
<http://www.undergroundtanks.utah.gov/>

EPA OUST program  
<http://www.epa.gov/OUST/index.htm>



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**∞ CERTIFICATION CORNER ∞**  
**[http://www.undergroundtanks.utah.gov/cert\\_program.htm](http://www.undergroundtanks.utah.gov/cert_program.htm)**

**Groundwater and Soil Sampler  
Certification Courses**

Utah Valley State College (UVSC)  
(801) 863-8117 or (801) 863-8677  
Scheduled courses  
Eddy Cadet  
(801) 380-9402  
Appointment Only  
Environmental Contractors Inc. (ECI)  
(801) 373-2727  
Appointment Only  
Renewal tests are the 1<sup>st</sup> Tuesday of each month  
at 9:00 a.m. Contact Michelle Horning at (801)  
536-4128 or at [mhorning@utah.gov](mailto:mhorning@utah.gov).

**UST Consultant Certification Program**

A Certified UST Consultant must perform any UST release management, abatement, investigation, or corrective action. Consultants must renew their certification every 2 years. The renewal courses begin promptly at 9:00 a.m. and finish at 1:00 p.m. The comprehensive exams begin at 2:00 p.m. For more information contact Michelle Horning at (801) 536-4128 or at [mhorning@utah.gov](mailto:mhorning@utah.gov).

**Initial Exam & Renewal Course Schedule**

Friday, March 6, 2008  
Friday, June 5, 2008  
Friday, September 4, 2008  
Friday, December 4, 2008

**Exams and courses take place at the DERR office located at  
168 North 1950 West, Salt Lake City, Utah 84116.**