



State of Utah

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Governor

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Lieutenant Governor

## Department of Environmental Quality

Kimberly D. Shelley  
Executive Director

DIVISION OF ENVIRONMENTAL  
RESPONSE AND REMEDIATION

Brent H. Everett  
Director

Dear Petroleum Storage Tank Owner/operator:

The Utah Underground Storage Tank (UST) Act requires that owners and operators of regulated petroleum storage tanks (PSTs) qualify their tanks for and receive a Certificate of Compliance, and keep the PSTs in substantial compliance with all PST rules and regulations. It is a violation of the UST Act to operate PSTs without a Certificate of Compliance. New PSTs must have a certificate before being put into operation. **A fine of \$500 per delivery may be assessed if petroleum or another regulated substance is delivered to or placed into an PST that does not have a Certificate of Compliance.**

The enclosed packet explains what you need to do to obtain a Certificate of Compliance. Please read it carefully and submit the requested information to the Division of Environmental Response and Remediation (DERR) in a timely fashion so the certificate can be issued before you use your PSTs. **To receive a Certificate of Compliance, you must do the following:**

1. Register the PSTs with the DERR using the form *EPA Notification for Underground Storage Tanks* or *Utah Notification for Aboveground Storage Tanks*. The PST owner and certified installer must sign the form to certify a proper installation. New PSTs must have secondary containment on the tanks and piping, and under-dispenser containment. Interstitial Monitoring must be performed for leak detection on the tanks and piping.
2. Pay the Registration Fee for each PST. A fee invoice is sent when the one-time delivery authorization letter (item #4 below) is issued.
3. Submit a completed *Application for Certificate of Compliance* form and meet the requirements for coverage under the Environmental Assurance Program (EAP) or another allowable Financial Responsibility mechanism. You must meet all requirements for coverage under your chosen mechanism, including payment of all related fees, before you operate the PSTs.
4. Conduct tank and line tightness tests and line leak detector functionality tests for all PSTs. **To receive fuel for the tests, you must contact the DERR office at (801) 536-4100 for written authorization of a one-time delivery.**
5. Submit a completed *Previous Pollution Incidents* form to indicate whether you have had any petroleum releases at the facility.
6. Submit a facility site plat or as-built drawing for the PST system.
7. Submit results of spill bucket and containment sump integrity tests. These tests must be conducted according to the equipment manufacturer's requirements or a nationally-recognized code of practice.
8. Submit a completed tank manufacturer's tank installation checklist.
9. For USTs, designate Class A and Class B operators for the facility. The operators must be properly trained and registered in accordance with Section R311-201-12 of the Utah PST rules.

Send the forms, test results, and fee payments to the DERR at the address indicated below. When the necessary information is received and is in order, the DERR will issue a Certificate of Compliance. Timely completion of the needed forms and other requirements will facilitate the process and help you avoid loss of the use of your PSTs. The Utah Underground Storage Tank Act (Utah Code Ann. 19-6-401 et seq.) requires that a Certificate of Compliance be issued for new PSTs before they are put into use. If you have any questions, please contact the PST Release Prevention and Compliance Section at (801) 536-4100.

195 North 1950 West • Salt Lake City, UT  
Mailing Address: P.O. Box 144840 • Salt Lake City, UT 84114-4840  
Telephone (801) 536-4100 • Fax (801) 359-8853 • T.D.D. (801) 536-4284  
[www.deq.utah.gov](http://www.deq.utah.gov)

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# Obtaining a Certificate of Compliance

## WHAT IS REQUIRED?

The Utah Underground Storage Tank (UST) Act requires that owners and operators of regulated petroleum PSTs obtain a Certificate of Compliance, and keep the PSTs in substantial compliance with all PST rules and regulations. It is a violation of the UST Act to operate these PSTs without a certificate. New PSTs must have a certificate before being put into operation. **A fine of \$500 may be assessed to the PST owner and the fuel distributor for each delivery to an PST that does not have a Certificate of Compliance.**

## HOW DO I GET A CERTIFICATE?

To qualify for a Certificate of Compliance, complete the following steps:

- 1. Register the PSTs** using the *Notification for Underground Storage Tanks* EPA Form 7530-1 (Rev. 6-2015) or *Utah Notification for Aboveground Storage Tanks*. The PST owner and the certified installer must sign the form to certify a proper installation.
- 2. Pay the Registration Fee** of \$110 per tank for PSTs participating in the Environmental Assurance Program (EAP), or \$220 per tank for PSTs using another allowable financial responsibility mechanism.
- 3. Submit a completed *Application for Certificate of Compliance*** and declare whether you will participate in the EAP or demonstrate financial responsibility for your PSTs by another allowable mechanism. You must meet all requirements for coverage under your chosen mechanism before you operate the PSTs.
- 4. Conduct tank and line tightness tests and line leak detector functionality tests** and submit a copy of the results. The tests must be performed by a Utah certified UST Tester. To receive fuel for the test, you must contact the Division of Environmental Response and Remediation (DERR) at (801) 536-4100 for written authorization of a one-time delivery. The DERR will need to know the date of delivery and the name of the company that will deliver the fuel.
- 5. Submit a completed *Previous Pollution Incidents form*** to indicate whether you have had any petroleum releases at the facility. If you participate in the EAP, failure to report previous releases could void your coverage. Payment of clean-up costs for previous releases is your responsibility.
- 6. Submit a facility site plat** or as-built drawing that shows the tank excavation, buildings, tanks, product lines, vent lines, cathodic protection systems, tank leak detection systems and product line leak detection systems.
- 7. Submit copies of integrity tests** of all spill buckets and containment sumps. These tests must be conducted according to the equipment manufacturer's requirements or a nationally-recognized code of practice.
- 8. Submit a completed copy** of the tank manufacturer's tank installation checklist.
- 9. For USTs, Designate Class A and B operators** for the facility. The operators must be properly trained and registered in accordance with the Section R311-201-12 of the Utah PST rules.

**If you choose to participate in the Environmental Assurance Program (EAP) you must:**

- Check the box on the *Application for Certificate of Compliance* to indicate EAP participation, and indicate the financial responsibility mechanism you will use to pay cleanup costs not covered by the Fund. Also indicate if the facility has any non-regulated petroleum tanks.
- Pay the PST Fund fee. Pay \$150 per tank for PSTs installed at new facilities, or for a new PST installed at an existing facility that does not replace a previously-existing PST. If a new PST is a replacement for a previously-existing PST, the current year PST Fund fee paid for the original PST is applied to the new PST.

**If you choose to demonstrate financial responsibility by another mechanism you must:**

- Check the box on the *Application for Certificate of Compliance* to indicate use of an alternate financial responsibility mechanism, and indicate what mechanism you will use. Depending on the method used, indicate your fiscal year end date or the yearly insurance policy renewal date.
- Submit documentation for your chosen mechanism. The documents must conform to the format and wording specified in 40 CFR 280 subpart H. The state UST rules (R311-206-5) have additional requirements. The mechanism must be approved by the DERR before the Certificate of Compliance can be issued. The documentation should be submitted several weeks in advance of the time the tanks will go into service to allow for the approval process. If the mechanism has already been approved for other tanks, submit documentation to show coverage of the new tanks under the chosen mechanism.
- Pay the process fee of \$420 for the mechanism to be used. If the mechanism has already been approved for other tanks, no process fee is due if the fee for the current year has already been paid.

For additional information on financial responsibility, refer to *Demonstrating Financial Responsibility* on the next page.

If you have questions, please contact the DERR PST Release Prevention and Compliance Section at (801) 536-4100. Forms and additional information can be found on the internet at: <https://deq.utah.gov/environmental-response-and-remediation/forms-ust-lust>.

### Submit the forms and other required information to:

Division of Environmental Response and Remediation  
PO Box 144840  
Salt Lake City, Utah 84114-4840

### **DERR street address:**

195 North 1950 West  
Salt Lake City, Utah 84116

# Demonstrating Financial Responsibility

## WHAT IS FINANCIAL RESPONSIBILITY?

State PST and Federal underground storage tank (UST) regulations require that owners and operators of regulated petroleum PSTs demonstrate financial responsibility to show they can pay the costs of cleanups and third-party claims for leaks from PSTs.

The amount of financial responsibility you must have depends on the type of business you operate, the yearly throughput of each facility, and the number of tanks you own. The following table shows the amounts required:

WHO	THROUGHPUT OF FACILITY	PER	
		OCCURRENCE COVERAGE REQUIRED	AGGREGATE COVERAGE REQUIRED
PETROLEUM MARKETER	ANY THROUGHPUT	\$1,000,000	\$1,000,000 IF YOU OWN 100 OR FEWER TANKS  OR  \$2,000,000 IF YOU OWN MORE THAN 100 TANKS
PETROLEUM NON-MARKETER	10,000 GALLONS OR LESS MONTHLY	\$500,000	
PETROLEUM NON-MARKETER	MORE THAN 10,000 GALLONS MONTHLY	\$1,000,000	

- Marketing facilities (service stations, truck stops, etc.) must have \$1 million of "per occurrence" coverage. This is the amount that must be available to pay the costs of one petroleum release. Non-marketing facilities must have the same amount of per occurrence coverage unless they have a monthly throughput of 10,000 gallons or less. In this case, the per occurrence coverage amount is \$500,000.
- PST owner/operators must also have coverage for an annual aggregate amount. This is the amount that you must have to cover all leaks that might occur in one year. The amount of aggregate coverage depends on the number of tanks you have: \$1 million if you have 100 or fewer tanks, \$2 million if you have more than 100 tanks.

## HOW TO SHOW FINANCIAL RESPONSIBILITY

Owner/operators of regulated petroleum PSTs in Utah may show financial responsibility by participating in the Utah Environmental Assurance Program (EAP) or by using one of the other mechanisms allowed by the State PST and Federal UST regulations (40 CFR 280, subpart H).

Demonstrating financial responsibility is one requirement for receiving a Certificate of Compliance. If you use a mechanism other than the EAP, you must meet all requirements for the mechanism before you receive a certificate.

### **Petroleum Storage Tank Fund**

The PST Fund pays for cleanup costs of covered releases. The responsible party pays the first \$10,000 of eligible cleanup costs and the Fund pays the remaining eligible costs up to the limits set by statute (Section 19-6-419 UCA). Any costs in excess of these limits must be paid by the responsible party.

PST owner/operators who participate in the EAP pay an annual Petroleum Storage Tank Fund fee based on the throughput for each facility, and a per-gallon surcharge on petroleum products sold in the state.

### **Other Financial Responsibility Mechanisms**

For those who do not participate in the EAP, the State PST and Federal UST regulations allow several options for demonstrating financial responsibility. Each one is described in detail in 40 CFR 280, subpart H. The state PST rules (R311-206-5) have additional requirements. Some of the allowed mechanisms are:

**Self-insurance.** If your firm has a tangible net worth of at least \$10 million, you can show financial responsibility by passing one of two financial tests.

**Insurance.** PST liability insurance may be available from a private insurer or a risk retention group.

**Guarantee.** You may secure a guarantee for the coverage amount from another firm with whom you have a substantial business relationship. The provider of the guarantee must pass a financial test.

**Letter of credit.** A letter of credit is a contract involving you, an issuer (usually a bank), and a third party (such as the implementing agency) that obligates the issuer to help you demonstrate your financial responsibility.

**Trust fund.** You may set up a fully-funded trust fund administered by a third party to show financial responsibility.

If you show financial responsibility by an allowable alternative mechanism, you must pay a processing fee and submit mechanism documentation, generally each year.

The mechanism you choose must cover costs of both corrective action and third-party liability, and must provide coverage up to the limits specified in 40 CFR 280.93.

### **Keep In Mind:**

- If you use another financial responsibility mechanism, then later decide to participate in the EAP, you will be required to perform a tank and line tightness test and may be required to conduct a site check (including soil and/or groundwater samples) before the tanks can participate in the EAP, as specified in the Utah UST Act, Section 19-6-428.
- If you choose to participate in the EAP, other tanks located at the same facility, including unregulated PSTs, may be required to participate.

If you have questions, contact the DERR PST Release Prevention and Compliance Section at (801) 536-4100. Forms and additional information are available at <https://deq.utah.gov/environmental-response-and-remediation/forms-ust-lust>.

# Utah Petroleum Storage Tank Program Application for Certificate of Compliance

Facility ID# \_\_\_\_\_

**PST Owner Information**

**PST Facility Information**

Owner Name:			Facility Name:		
Address:			Address:		
City:	State:	Zip:	City:	State: UT	Zip:
Contact:		Phone:	Contact:		Phone:

**DESCRIPTION OF PETROLEUM STORAGE TANKS**

Tank #						
UST or AST						
Date Installed						
Capacity						
Substance Stored						

**TANK/LINE TIGHTNESS TEST** Indicate Pass or Fail for each tank and product line tested. Include a copy of the test.

Tank #						
Tank Test						
Line Test						

**TYPE OF FACILITY**

- Marketing facility, or non-marketer with facility average monthly throughput greater than 10,000 gallons.
- Non-marketer with facility average monthly throughput less than 10,000 gallons.

**COMPLIANCE WITH PST REGULATIONS**

- All Petroleum Storage Tanks (PSTs) at this facility have been registered.
- Registration fees and Petroleum Storage Tank Fund Fees have been paid.

Are your PSTs currently in compliance with all Federal, State, and Local PST regulations, including applicable Fire Code?

- Yes     No    If "No" describe items of non-compliance:

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**PREVIOUS POLLUTION INCIDENTS**

- Complete the Previous Pollution Incidents form to indicate whether a pollution incident has occurred at the facility.

**FINANCIAL RESPONSIBILITY MECHANISM DECLARATION (check one only)**

- I choose to participate in the Environmental Assurance Program (PST Fund) \*.**
    - Indicate the financial responsibility mechanism to be used for cleanup costs not covered by the Fund. \_\_\_\_\_
    - Indicate the number of non-regulated petroleum storage tanks at the facility. \_\_\_\_\_
- \* Non-regulated PSTs at the facility may be required to participate in the Environmental Assurance Program.

- I choose another Financial Responsibility mechanism for the PSTs at this facility.**
  - Indicate the financial responsibility mechanism to be used: \_\_\_\_\_
  - (For self-insurance or guarantee) Indicate your company's fiscal year end date: \_\_\_\_\_
  - (For Insurance) Indicate the date the policy is renewed each year: \_\_\_\_\_

The Certificate of Compliance cannot be issued until all documents have been submitted and the mechanism has been approved. If the mechanism has already been approved, submit documentation of coverage for the new tanks.

*I certify under penalty of law that the above representations made by me are true and correct.*

Owner/operator Signature \_\_\_\_\_

Date Signed \_\_\_\_\_

**Utah Petroleum Storage Tank Program  
Previous Pollution Incidents**

Facility ID# \_\_\_\_\_

This letter, or an equivalent, must be signed and submitted as a requirement for receiving a Certificate of Compliance.

To: Mr. Brent H. Everett  
Director  
Division of Environmental Response and Remediation

Dear Mr. Everett:

As required by paragraph 19-6-413 of the Utah Underground Storage Tank Act, I have performed a tank and line tightness test on each tank at my facility. Based on this test, there has not been a release of petroleum. Additionally, based on "customary business inventory practices standards" I am not aware of any release of petroleum from my tanks.

\_\_\_\_\_  
Signature of owner/operator

**Or, if a release is known to have occurred at this facility:**

I have had the following releases of petroleum (detailed below; also indicate the actions you have taken to clean up the release):

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\_\_\_\_\_  
Signature of owner/operator

*Failure to report previous releases could invalidate your Certificate of Compliance.*