



UST and SAF Bulletin

Arizona Department of Environmental Quality

**Subject: Federal Energy Bill - Underground Storage
Tank Compliance Act**

Effective: April 14, 2006

Item: 06-02

TYPE

Federal Legislation

BACKGROUND

The Energy Policy Act of 2005 was signed into law on August 8, 2005. Contained within the Energy Policy Act is the Underground Storage Tank Compliance Act that focuses on preventing UST releases. This new law affects not only U.S. EPA's and ADEQ's UST programs, it also impacts all UST owners and operators.

The Act includes provisions regarding UST inspections, operator training, delivery prohibition, secondary containment and financial responsibility, and cleanup of leaks that contain oxygenated fuel additives, such as MTBE. Some of these provisions require implementation by August 2006.

CONTENT

Requirements and implementation dates of the Federal Energy Policy Act of 2005.

See attached Summary

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**FEDERAL ENERGY POLICY ACT
UNDERGROUND STORAGE TANK COMPLIANCE ACT**

[Enactment Date: August 8, 2005]

ACTION REQUIRED	ACTION DATE
<p>1) <u>Groundwater Protection (Either A or B)</u> A) New or replaced USTs or piping must have secondary containment and interstitial monitoring if located within 1,000 feet of an existing water supply system or potable drinking water well. New fuel dispensers must have under-dispenser containment if located similarly... OR... B) UST system manufacturers and installers need financial responsibility to pay for corrective action costs; installers must be certified by the state; installations must be inspected and approved by the state.</p>	February 8, 2007
<p>2) <u>Compliance Report</u>: Submit one-time report to U.S. EPA on compliance of federal, state, and local government-owned tanks (ID those not in compliance; date of last inspection; compliance measures)</p>	August 8, 2007
<p>3) <u>Delivery Prohibition</u>: Fuel delivery is prohibited to any UST without basic release detection, corrosion protection, spill prevention, or overfill protection equipment. UST owners, operators and product deliverers are responsible for ensuring compliance of the prohibition at a "red-tagged" UST.</p>	August 8, 2007
<p>4) <u>Inspections</u>: Inspect all existing USTs not inspected since December 22, 1998.</p>	August 8, 2007
<p>5) <u>Inspections</u>: Inspect all USTs at least once every three (3) years.</p>	Initiate first 3-year inspection cycle by August 8, 2007, and complete by August 8, 2010
<p>6) <u>Public Record</u>: Maintain and update annually a record of regulated USTs inspected or that reported a release during the one-year period (releases, sources, causes; compliance record; number of equipment failures).</p>	Begin 1-year recording period on October 1, 2007; publish first record in December 2008
<p>7) <u>UST Operator Training</u>: Develop and implement Arizona-specific training and recordkeeping requirements for three classes of operators.</p>	Develop requirements by August 8, 2009; all operators must be trained after August 8, 2012
<p>8) <u>Alternatives to Inspection Program</u>: U.S. EPA to study and report to Congress by action date.</p>	August 8, 2009
<p>9) <u>MtBE Remediation</u>: Oversee cleanup of oxygenate-containing fuel releases</p>	After award of annual EPA/ADEQ cooperative agreements