Background and Purpose of the Following Draft Directive and Standard (D&S)

The goal of preparing and providing stakeholders the opportunity to comment on this revised draft D&S document is to be responsive to and enhance working relationships with our stakeholders and enhance common understanding of how the Underground Storage Tank System Program is administered within the Bureau of Reclamation.

Reclamation ENV 02-01 was originally published in 1996 as a new release. Since then, laws, regulations, requirements and leadership have changed, including the elimination or renaming of offices holding major responsibility. Additionally, a complete programmatic review has been undertaken to consolidate all future hazardous materials D&Ss under a new code (ENV 15). ENV 15-05 updates authorities, corrects deficiencies, and streamlines as appropriate while also rescinding ENV 02-01. It also meets new formatting and content requirements of D&S, Reclamation Manual Release Procedures, RCD 03-01. This D&S was developed in coordination with Reclamation’s Denver Directorates and associated five regions.

The Reclamation Manual is used to clarify program authority and responsibility and to document internal Reclamation-wide methods of doing business. All requirements in the Reclamation Manual are mandatory for Reclamation employees.

See the following pages for the draft D&S.
Subject: Underground Storage Tank System Management

Purpose: This Directive and Standard (D&S) establishes the Bureau of Reclamation requirements and assigns responsibility for compliance with Federal Underground Storage Tank (UST) program requirements found in Title 40 of the Code of Federal Regulations, Part 280 - 282. The D&S provides clear and consistent assignment of UST reporting, record keeping, inspection, and testing responsibilities. Benefits of this D&S include improved UST management on Reclamation land to ensure aquifer protection and safe drinking water.

Authority: Resource Conservation and Recovery Act (RCRA) (40 CFR §280 -282)

Approving Official: Director, Policy and Programs (Policy)

Contact: Environmental Compliance Division (84-53000)

1. Introduction. USTs on Reclamation land are subject to the Federal UST program regulations found in 40 CFR §280-282. Additionally, Environmental Protection Agency (EPA) has delegated the UST program management to many states. For states without program authority, EPA enters into grants or cooperative agreements with the state and the state program is considered the primary implementing agency. State program regulations can be more stringent than or supplement Federal regulations promulgated in 40 CFR §280 and §281. The Environmental Compliance Division within Policy is responsible for policy development, oversight, and implementing Reclamation’s UST program with the principal objectives to: ensure that UST operations meet Federal and state regulations; protect human health and the environment from potential spills and releases; and protect underground sources of drinking water.

2. Applicability. This D&S applies to all Reclamation personnel involved with the administration, management, and/or operation of USTs on Reclamation land. USTs on Reclamation land are government owned and operated; contractor owned and operated; or government owned but operated by managing partners. Provisions contained in this D&S apply to all managing partner agreements, operation and maintenance contracts, and contracts with third party permittees.

3. Program Elements. Regions and area offices will:

A. Identify those entities who own or operate a UST on Reclamation land.

B. Provide notice to those entities at least once every 3 years of their responsibility to comply with 40 CFR §280 and other applicable state or local regulations (such notice will require the entity provide copies of any notice or other communication related to USTs to or from the implementing agency to Reclamation).
C. Implement a regional/area office UST Program to verify that all Reclamation owned and operated UST systems on Reclamation land comply with Federal, state, and local regulations.

D. Verify that UST owners and operators provide notification to EPA or the implementing state authority of any regulated UST system being installed, brought into use, closed/removed, or where ownership has changed.

E. Complete records requirements:

   (1) **D&S.** Ensure all records are maintained in accordance with Reclamation Manual D&S, Information Management (RCD 05-01).

   (2) **Handbook.** Ensure all records are maintained in accordance with the current version of the *Environmental and Disposal Liabilities (EDL) Identification, Documentation and Reporting Handbook* (version in use as of the date of this ECM is v3.0 (2011)).

F. (3) Per 40 CFR §280.34 and §280.74, copies of all records shall be maintained for at least 3 years by the facility managers, who will also provide this information to the area office coordinator or regional hazardous materials coordinator (regional coordinator) upon request. Note, if newly identified USTs are discovered that include potential or actual environmental liabilities, please see [https://www.doi.gov/sites/doi.gov/files/uploads/EDLHandbook.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/EDLHandbook.pdf) for guidance.

Implement the program requirements:

(1) **Removal.** All USTs on Reclamation land shall be removed unless overriding reasons exist for their continued use. To assist with this determination, area office managers shall request documentation from facility managers and UST owners and operators when preparing the memorandum to the regional director outlining the need to preserve the UST, the potential liabilities involved, and the associated monitoring costs. The reasons for keeping a UST in service shall be approved by the regional director and documentation shall be maintained at the area offices.

(2) **Upgrade.** Owners or operators of UST systems retained on Reclamation land shall upgrade their systems to meet current Federal or state program standards.

(3) **New UST.** Where onsite liquid storage is necessary, storage shall be in aboveground tanks. However, where aboveground storage is infeasible, installation of a new UST system may proceed if approved by the regional director. To assist with this determination, area office managers shall request documentation from facility managers and UST owners and operators when preparing the memorandum to the regional director outlining the need for underground installation, the potential liabilities involved, the need for documentation of liability insurance, and the monitoring costs associated with the proposed system. This evaluation and the regional director’s approval must be
maintained at the area office. Any new UST system must meet all applicable Federal, state, and local regulations and be added immediately to the regional and Policy & Programs UST inventories.

4. **Leaks.** In accordance with Federal, state, and local laws and regulations, all leaking underground storage tank systems must be (1) repaired, (2) removed, or (3) flushed, filled with an inert material, and abandoned (40 CFR §280). UST owners and operators that initially discover a leak or a release shall report it within a timeframe required by the implementing agency (40 CFR §280). Additionally, when a leak is identified, facility managers must report a leak or release to the field office manager via phone call or email, who will notify the area office manager and regional coordinator. Area office and regional coordinator shall coordinate with the facility manager and UST owners and operators and:

   (a) Respond to all immediate release notifications.

   (b) Attend meetings with Federal, state and local regulators to determine the extent of the contamination, investigation, and clean up alternatives.

   (c) Participate in all cleanup measures directed by Federal, state or local regulators.

   (d) Provide oversight of UST leak cleanup.

   (e) Coordinate with the regional director and Solicitors Office to possibly pursue recovery of Reclamation response, coordination and oversight cost associated with a leak or spill from the UST owner or operator.

4. **Inventory Process.** Owners and operators of USTs on Reclamation land report USTs to the implementing agency within 30 days of installation of a new UST or change of status of an existing UST using the form in Appendix I of Part §280 (40 CFR §280), and provide a copy to the area and field office manager(s). Each area Office shall maintain a list of all USTs on Reclamation land under their jurisdiction specifying age, size, type, location, uses, owner, operator, inventory reconciliation results, tightness testing results, upgrades, removal or closure, and other relevant information. At the end of each fiscal year, area offices shall provide an update of this information to the regional coordinator. The regional coordinator shall ensure the regional UST inventory is current, complete, and accurate as of the close of the fiscal year and provide it to the Hazardous Materials Management Coordinator in the Environmental Compliance Division within Policy (Policy Coordinator) when requested in a data call. The Policy Coordinator is responsible for requesting updated inventory information annually and maintaining the inventory.

5. **Monitoring, Inspection, and Training.** UST system monitoring, inspection, and operator training will be verified by programmatic facility audits and/or discretionary inspections carried out by the area office or regional coordinator.
A. **Monitoring.** Facility audits are performed as part of regional Environmental Compliance Audit Programs under Reclamation Manual Directives & Standards, ENV 15-03. These audits are conducted on a scheduled, periodic, multi-year basis utilizing Appendix D (Checklist 4, Underground Storage Tanks) of ENV 15-03. Audits check for on-going UST monitoring and record keeping requirements contained in 40 CFR §280, but also may uncover critical system deficiencies if present. Testing records shall be maintained by the UST owner or operator.

B. **Inspections.** Discretionary inspections are performed on an unscheduled basis, usually in response to notification of suspected or confirmed releases or plans for permanent closure.

C. **Training.** UST owners/operators shall meet the requirements of 40 CFR §280.240-280.245 or state implementing agency training requirements.

6. **Definitions.**

A. **Approval of State UST Program.** A UST program administered by the state or Indian tribe that has been delegated and approved by EPA according to RCRA (40 CFR §282).

B. **Implementing Agency.** Implementing agency means EPA, or, in the case of a state with a program approved under section 9004 of the Solid Waste Disposal Act (or pursuant to a memorandum of agreement with EPA), the designated state or local agency responsible for carrying out an approved UST program (40 CFR §280.12).

C. **Operator.** Means any person in control of, or having responsibility for, the daily operation of the UST system (40 CFR §280.12).

D. **Owner.** Means (1) in the case of an UST system in use on November 8, 1984, or brought into use after that date, any person who owns an UST system used for storage, use, or dispensing of regulated substances; and (2) in the case of any UST system in use before November 8, 1984, but no longer in use on that date, any person who owned such UST immediately before the discontinuation of its use (40 CFR §280.12).

E. **Underground Storage Tank (UST).** Any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground (40 CFR §280.12).

7. **Review Period.** The originating office will review this release every 4 years.