

Reclamation Manual

Directives and Standards

Subject:	Underground Storage Tank System Management
Purpose:	This Reclamation Manual (RM) 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 (P&P)
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 P&P 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 implement the following program requirements:
 - A. Identify.** Identify those entities who own or operate a UST on Reclamation land.
 - B. Notification.** 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

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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.** 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 with the following 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 P&P 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.

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- (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.
- D. **Notification.** 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. Note, if newly identified USTs are discovered that include potential or actual environmental liabilities, please see the current version of the *Department of the Interior [Environmental and Disposal Liabilities Handbook V4](#)* (EDL Handbook).
- E. **Records.** Complete records requirements:
- (1) **D&S.** Ensure all records are maintained in accordance with the RM D&S, *Information Management* (RCD 05-01).
 - (2) **Handbook.** Ensure all records are maintained in accordance with the EDL Handbook.
 - (3) **Copies.** Copies of all records shall be maintained for at least 3 years by the facility managers per 40 CFR §280.34 and §280.74, who will also provide this information to the area office coordinator or regional hazardous materials coordinator (regional coordinator) upon request.
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 P&P (P&P Coordinator) when requested in a data call. The P&P Coordinator is responsible for requesting updated inventory information annually and maintaining the inventory.

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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 the RM D&S, *Environmental Compliance Audit Program* (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.** Reclamation UST owners and operators are subject to the requirements of 40 CFR §280.240-280.245 or state implementing agency training requirements. Area offices and/or regional coordinators shall verify the non-Reclamation owners and operators meet training requirements through audits and inspections.
6. **Definitions.**
- A. **UST Program.** A UST program administered by the state or Indian tribe with delegated authority from 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. **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).

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

RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: _____

Release No. _____

Ensure all employees needing this information are provided a copy of this release.

Reclamation Manual Release Number and Subject

Summary of Changes

NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.

Filing instructions

Remove Sheets

Insert Sheets

All Reclamation Manual releases are available at <http://www.usbr.gov/recman/>

Filed by: _____

Date: _____