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**LUST UST or bust**

**SUMMARY**

The Underground Storage Tank (UST) program gives the EPA the authority to regulate USTs, which they pass on to the Alaska Department of Environmental Conservation (DEC). This program “permits” underground storage tank installations, changes, and closures, certifies that tanks are safe and operational, and certifies tank workers, operators, installers and inspectors. So there’s a form to fill out pretty much every time you do anything to an UST in Alaska.

**Permit Name**

(Not exactly a permit)

List of forms at <https://dec.alaska.gov/spar/csp/guidance-forms?search=ust>. Important ones to note:

* Intent to Install or Reconfigure a UST (before you install a new UST)
* UST Registration and Certification (after installing a new UST)
* UST Addendum (for installation, upgrade, reconfiguration, fix, or repair of any component of an existing UST system)
* 2020 UST Operations Inspection Report (for third-party inspections)
* Change of Ownership of UST (when selling an UST)
* Closure of an UST

**APPLICABILITY**

* By definition, you have an UST if 10% or more of the tank volume, including connected underground piping, is underground.
* It’s federally regulated if it holds 1) petroleum or 2) other hazardous materials. Emerging fuels like biodiesel and ethanol have some special caveats.
* There are exceptions. These USTs do NOT need to meet federal requirements for USTs:
  + Farm and residential tanks of 1,100 gallons or less capacity holding motor fuel used for noncommercial purposes;
  + Tanks storing heating oil used on the premises where it is stored;
  + Tanks on or above the floor of underground areas, such as basements or tunnels;
  + Septic tanks and systems for collecting storm water and wastewater;
  + Flow-through process tanks;
  + Tanks of 110 gallons or less capacity; and
  + Emergency spill and overfill tanks.

**PROCESSING TIMES AND FEES**

* Forms related to work on the tank itself (installing, reconfiguring, closing) are due at least 15 days but no more than 60 days prior to the work.
* You must register an UST with the DEC within 30 days of acquiring, purchasing, installing or placing a UST system into service. Registration is $50 per tank per year.

**Agency Coordination**

The US Environmental Protection Agency (EPA) has the federal authority to regulate USTs; 38 states have their own UST programs and the rest have primacy to implement the EPA program. In Alaska, the UST program is implemented by the Alaska DEC’s Spill Response and Prevention team, especially those concerned with Contaminated Sites. The DEC provides technical assistance to UST owners/operators, audits third-party inspectors and reviews inspections, certifies UST workers, and oversees all UST installations and closures.

**Information Necessary** (varies by form)

* Names and contact info for owner and operator (not necessarily the same)
* Location of tank, plus site sketch
* For installing/registering an UST:
  + detailed description of UST system (capacity, material, product, release detection, overflow and spill prevention details, etc.)
  + installer info, incl. certification details
  + statement of financial responsibility – owner and operator are liable for any releases, and the state will attempt to recover any cleanup costs, so the law specifies insurance, etc. (there’s even another form for this)
* For reconfiguring an UST: short addendum with descriptions of the work
* For closing an UST:
  + info on certified tank worker and qualified environmental professional
  + checklist for disposal of tank, product, piping, and locations for where it all went

**Special definitions**

* Underground Storage Tank (UST) – a tank plus any underground piping where 10% of the total volume is underground
* Leaking Underground Storage Tank (LUST) – UST with unintentional environmental release of petroleum or other hazardous material

**Enforcement and Penalties**

**REGULATIONS**

* Federal law roundup of 5 or so different laws and amendments concerning USTs
  + [U.S. Code, Title 42, Chapter 82, Subchapter IX](https://uscode.house.gov/browse/prelim@title42/chapter82/subchapter9&edition=prelim)
* Alaska regs
  + [18 AAC 78, Article 1](http://www.akleg.gov/basis/aac.asp)
  + LUSTs addressed in 18 AAC 78, Article 2

**Monitoring and inspections** are the easiest way to get in trouble.

* Monitoring happens monthly, overseen by operator. Must keep 12 months of 30-day inspections on hand.
  + Failure to do this will put you on Leak Detection Probation for at least 12 months, overseen by your inspector, until they ask the DEC to end probation.
* Third-party inspections happen once every 3 years, overseen by a certified tank inspector.
  + Doing this gets you a current inspection tag.
  + You have 120 days to fix any deficiencies (unless it’s a spill)
  + Inspection reports must be submitted to DEC.
  + Failure to have a current inspection tag puts you on a list, and tanks on this list cannot receive or dispense fuel until their tags are current.
* **Releases, spills, or leaks** 🡺 Leaking Underground Storage Tank (LUST)
  + This is going to be $$$ expensive.
* Owner/operator must…
  + notify DEC within 24 hours
  + take immediate action to prevent any further release, including removing the petroleum from the tank if necessary
  + stop using the system
  + visually inspect any above-ground release or exposed below-ground release
  + monitor and fix any fire and safety hazards from vapors or free product
  + stockpile or treat any excavated contaminated soils to prevent water run-on or run-off, following DEC-approved methods
* Costs
  + Owner and operator of the tank are legally responsible for the cleanup.
  + The state is authorized to recover all costs of overseeing a cleanup.
* Process
  + The owner hires a qualified environmental professional = impartial third party
  + Follow the Underground Storage Tank Procedures Manual for cleanup, overseen by DEC. Reports due to DEC:
    - Release Investigation Report due in 45 days
    - Interim Corrective Action Plan due in 60 days
    - Final Corrective Action Report due after cleanup is finished

**Other Resources**

* Web page of Alaska DEC UST program forms:

<https://dec.alaska.gov/spar/csp/guidance-forms?search=ust>

* Public database of all USTs in Alaska: <https://dec.alaska.gov/Applications/SPAR/PublicUST/USTSearch>
* Public database of all USTs in Alaska without current inspection tags:

<https://dec.alaska.gov/Applications/SPAR/PublicMVC/UST/TanksWithoutTags>

* Public database of all LUSTs in Alaska (all Contaminated Sites; check the LUST box): <https://dec.alaska.gov/Applications/SPAR/PublicMVC/CSP/Search/>
* EPA site explaining the federal UST program: <https://www.epa.gov/ust>