

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

T A N K L I N E  
B U L L E T I N

*A Bulletin of the Underground Storage Tank Program*



State of Oregon  
Department of  
Environmental  
Quality

**UST Compliance**

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*DEQ is a leader in  
restoring, maintaining  
and enhancing the  
quality of Oregon's air,  
land and water.*

.....Program Update.....

**Underground Storage Tank Compliance Rule Revision**

The Environmental Quality Commission adopted the proposed underground storage tank rules at their May 10, 2018 meeting. The commission is a five-member citizen panel appointed by the governor serving as DEQ's policy and rulemaking board. The rules became effective on June 1, 2018 and apply to all owners of regulated USTs in Oregon.

**Overview**

The US Congress and State of Oregon passed laws in the late 1980s requiring owners to upgrade and maintain their underground storage tanks in response to petroleum leaks contaminating groundwater. Today, DEQ manages Oregon's program with a primary purpose to minimize leaks by verifying leak prevention and leak detection equipment is operating properly. This means ensuring businesses with USTs have proper corrosion protection equipment, spill and overfill protection, and leak detection systems. Historical data shows tank sites without functioning leak prevention equipment have an increased likelihood of releases contaminating groundwater.

In 2015, the US Environmental Protection Agency revised the federal UST regulations. DEQ's new rule amendments to OAR 340, Divisions 150 and 151 incorporate the federal 2015 revisions. Then in 2017, the Oregon legislature (House Bill 2168) amended laws governing UST fees. This required DEQ to adopt rules increasing the annual tank fee from \$135 per year to \$325 per year over four years. Without adequate funding for Oregon's UST program, DEQ would be unable to carry out the program by conducting adequate inspections to verify if USTs are properly equipped, operated and maintained.

**New Rule Amendments**

The new rule amendments require:

- Walkthrough inspections;
- Overfill prevention equipment inspections;
- Spill prevention equipment tests;
- Containment sump tests for site using interstitial monitoring as a leak detection method;
- Operability tests for release detection equipment; and
- 30-day notice for change in ownership or permittee.

The amendments would also address UST systems deferred in the 1988 regulation by:

- Removing the release detection deferral for emergency generator tanks; and
- Removing deferrals for airport hydrant fuel distribution systems and UST systems with field-constructed tanks.

June 2018

Other rule amendments include:

- Changes to improve release prevention and detection and program implementation. This includes such measures as requiring testing after repairs to spill and overfill prevention equipment and secondary containment; eliminating flow restrictors in vent lines as an overfill prevention option for all new tanks and when overfill prevention equipment is replaced; addressing responses to interstitial monitoring alarms; and establishing requirements for demonstrating compatibility with fuels containing greater than E10 and greater than B20.
- Referencing newer technologies, including explicitly adding continuous in-tank leak detection, as release detection method;
- Updating codes of practice listed in the UST regulation; and
- Implementing law governing USTs passed by the 2017 legislature (HB 2168) increasing the annual tank fee from \$135 per year to \$325 per year over 4 years using this schedule:
  - For calendar year 2018, \$195 per tank;
  - For calendar year 2019, \$245 per tank;
  - For calendar year 2020, \$295 per tank; and
  - For calendar year 2021 and for each subsequent calendar year, \$325.



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## Rule Implementation

The implementation date for most of the new rule amendments begins on **October 1, 2020**. This will allow sufficient time for owners and operators of USTs to learn and plan for complying with the new rule requirements, and for DEQ to develop guidance and provide technical assistance beginning in 2019.

However, some revisions are effective immediately including the requirement for owners and permittees to submit an application to modify their permit registration certificate within 30 days, instead of the previous 60 days. Another is the requirement to demonstrate compatibility with fuels containing greater than E10 and greater than B20. DEQ always required UST systems to be constructed of materials compatible with the substance stored. However, we added a new, requirement for certain alternative fuels to our rules that aligns with the new federal requirement. You can find additional information for demonstrating compliance with these fuels on DEQ's UST program website noted below.

## More Information

- Additional information on this rulemaking, including the revised rules, is on this web page: [UST Rulemaking](#)
- Information on EPA's 2015 revised UST regulations is on this web page: [EPA UST Rule Revision](#)
- General information on DEQ's UST program is on this web page: [DEQ UST Program](#)

## Alternative formats

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).

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