



New UST Rules in Effect October 1!

Remember that starting October, 1 the new UST Rules changes take effect. Regulated USTs are subject to additional testing requirements, and emergency generator USTs are no longer exempt from release detection requirements.

You can view *Underground Storage Tank Compliance Program 2018 Rule Changes & Other Related Guidance Directive* on DEQ's web site: (<https://www.oregon.gov/deq/FilterDocs/ust2018RulesDirective.pdf>) for more information on the new requirements around

- Monthly walkthrough inspections
- Overfill prevention equipment tests
- Spill prevention equipment tests
- Containment sump tests
- Operability tests for release detection equipment



DEQ encourages owners and permittees to take the necessary steps to comply with the new requirements now. All requirements become enforceable on October 1st. This means that, in order to remain compliant with UST statutes, and avoid the possibility of financial penalties, you must complete all required testing on or before October 1st.

We anticipate Service Providers will be very busy as this due date approaches. Contact Steve Paiko at Steven.J.PAIKO@deq.state.or.us for a current list of service providers who are able to do this work.

Department of Environmental Quality
700 NE Multnomah St. Suite 600
Portland, OR 97232

Changes to the UST Team

We've had some changes to our team. Eric Clough has retired after 25 years with DEQ, and Eric Kelley has moved to the Headquarters team, replacing Stephanie Holmes as Senior Program Coordinator after her retirement. Lauren Dimock has joined the inspector team from the Heating Oil Tank program, and will be taking Eric Kelley's place. Chris Burman will be joining the inspector team on September 1, based in the Medford office. And Mitch Scheel, the Senior Tanks Policy Analyst in Headquarters, will also be retiring in October, after 27 years with the agency.

Financial Responsibility Reminder

Permittees are reminded that demonstration of financial responsibility **is required** to renew your operating certificates on July 1 of each year. Permittees, or their insurance agents acting on their behalf, should e-mail a copy of the Certificate of Insurance upon renewal of their pollution liability insurance policy to: financialresponsibility@deq.state.or.us. Permittees using mechanisms other than insurance are also encouraged to e-mail their annual documentation, such as letters from chief financial officers, to the same e-mail address listed above. DEQ encourages e-mailing of documentation because it is fast, efficient, and saves postage costs and paper. The UST program can also receive financial responsibility documentation via fax at 503-229-6977 and mailed documentation to:

DEQ Attn: Underground Storage Tank Program
700 NE Multnomah Street Suite 600
Portland OR 97232-4100

EPA's publication [Dollars And Sense: Financial Responsibility Requirements For Underground Storage Tanks](#) provides a plain language summary of UST owners' and operators' financial responsibilities under federal UST regulations.

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.

This document is available to view on DEQ's website at <https://www.oregon.gov/deq/tanks/Pages/UST-Forms.aspx>

Impacts of Covid-19 For Service Providers

Due to the COVID-19 State of Emergency, some DEQ licensed UST and HOT supervisors are unable to satisfy testing renewal requirements to conduct UST and HOT services.

We believe it is important to keep experienced, trained supervisors lawfully on the job. An April 24, 2020 temporary rule has allowed UST and HOT supervisors with licenses expiring on or after March 8, 2020 to defer the deadline to either 60 days after the State of Emergency ends or October 15, 2020 --- whichever date is earlier. This emergency rule will end, which means you must renew your license by October 15, 2020, as there will not be a rule extension.

Some test centers are now open, and we recommend completing your required testing as soon as possible. Please contact Steve Paiko, DEQ's Permits & Licensing Coordinator, at (503) 229-6652 or steven.j.paiko@deq.state.or.us with questions.

For Permittees

DEQ is committed to continuing to protect the environment, deter non-compliance, and maintain a consistent statewide enforcement program. However, DEQ recognizes that public health and economic disruptions related to the COVID-19 outbreak may temporarily impact your ability to comply with DEQ requirements. If the outbreak impacted your ability to comply, DEQ encourages you to respond to enforcement actions with specific information regarding how the outbreak impacted your operations, including staffing and service shortages.

Checklist Requirements

UST Program inspectors remain busy with review of installation, decommission, and modification checklists and paperwork. The permittee is responsible for submitting complete and accurate checklists within 30 days after the site work is complete. Incomplete or late checklists violate UST rules. Permittees and service providers may be issued a citation for not being compliant with UST Rules.

Failure to submit complete checklists will delay approval of an installation or modification, resulting in your facility being unable to operate. Failure to submit complete decommissioning paperwork will not allow DEQ to terminate the permit, and the tank will remain subject to operating fees and rules.

Installations: [OAR 340-150-0160](#) and the [UST Installation Checklist](#).

Decommissioning: [OAR 340-150-0168](#) and the [Underground Storage Tank Decommissioning Checklist and Site Assessment Report](#)

Modification: [OAR 340-150-0352](#) and [Underground Storage Tank System Modification Report and Checklist](#)

As we continue to modernize the way we accept and share information with permittees, these paper checklist submittals will soon be replaced with the upcoming Your DEQ Online web-based system. This online system will allow for a simpler and more efficient way for permittees to submit documentation to the DEQ, ensuring that facilities remain in compliance.

Until this system is fully functional, you must submit hard copy checklists to the appropriate office and inspector for review and approval.

Your DEQ Online

The activities and industries we regulate, along with the general public, need better access to information, faster turn-around times and easier payment methods. We are working to meet those needs. This online system will bring our application, payment and reporting processes into one online platform. You will be able to submit applications and renewals, make electronic payments, track status of projects and communicate with DEQ quickly and easily through a single portal. You can find more information at <https://www.oregon.gov/deq/Permits/Pages/Your-DEQ-Online.aspx>

We need your email!

To make this transition easier, we need your email address! We've set up a dedicated web page for you to provide it. We will use your email only for communications directly related to your registered UST system. Early responders may be included in beta testing our system!

Register your email with your facility here: <http://tinyurl.com/USTDEQ>



Suspected Release Reporting Requirements

You are required to report any confirmed release of a regulated substance into the environment to the UST Program *and* the LUST Program within 24 hours of discovery. Failure to report contamination will result in civil enforcement. Service Providers are required to report contamination within 72 hours, if the permittee does not fulfill the reporting obligation.

[OAR 340-150-0500](#) – [340-150-0520](#) describe the circumstances pertaining to a suspected release and the investigation.

Electronic alarms, presence of vapor or free product, unusual operating conditions, product within a containment sump, etc. require investigation. Unless DEQ approves otherwise, you must notify the UST program if your investigation is not complete within 7 days. Individual circumstances and conditions require different investigative acts. For example: with fuel found in an under-dispenser containment sump where the source is a leaking filter, the proper procedure is to replace the filter and then remove and properly dispose of the liquid. You would then have to determine if liquid was released to the environment. If a tightness test of the UDC passes, then you could reasonably conclude that a release to the environment didn't take place. If the test fails, you'd need to do further work to determine if there was a release to the environment.

Please contact your regional inspector if you have questions about reporting suspected releases or conducting investigations when you suspect that a release has occurred.

Common Violations in 2019

Last year, DEQ UST inspectors cited 142 facilities with a total of 241 violations. These are the four most common:

Failure to perform an annual test of operation of line leak detector or annual test has not been conducted in accordance with manufacturer standards.	22
Failure to perform annual line tightness test on pressurized piping or test cannot detect a 0.1 gph leak rate at 1.5 times operating pressure	21
Failure to repair or replace spill prevention device that is not properly maintained, is defective, is damaged or may have been tampered with in a manner that prevents proper operation.	20
Failure to keep the most recent 12 consecutive months of interstitial monitoring records for review and inspection	16

Keep up with your testing, keep your equipment in good repair, and make sure your testing records are up to date and available for review!

Emergency Generators

Starting October 1, 2020, UST systems used for emergency power generators must comply with all release detection requirements in [OAR 340-150-0400](#) through [OAR 340-150-0470](#).

[OAR 340-150-0400](#) and [340-150-0410](#) define the requirements for release detection for underground piping. Emergency generator operators will need to determine if the underground piping is pressurized or suction piping. Pressurized piping requires annual line and leak detector testing. While suction piping does not require leak detectors, it still may require line testing every three years. You must know what type of piping you have and be ready to tell DEQ inspectors on October 1.

EPA has provided some guidance in determining what type of piping these facilities may have: <https://www.epa.gov/ust/underground-storage-tank-ust-technical-compendium-about-2015-ust-regulation#generators>

[OAR 340-150-0430](#) through [340-0150-0470](#) outline tank leak detection methods. You must monitor and test your tanks for releases at least once every 30 days. You must maintain these testing records and make them available to DEQ. If your tank fails a leak detector test, you must notify your regional DEQ UST inspector.

Oregon maintains a list of UST service providers that can help with both line and tank leak detection questions. Please contact UST staff to provide a list of the licensed contractors.

