



**US Army Corps  
of Engineers**

## **HTRW Center of Expertise Information - Fact Sheets**

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### **HTRW Center of Expertise Fact Sheet FY 05-08**

**Title: Underground Storage Tank Compliance Act  
(Contained within the Energy Policy Act of 2005)**

**Date:** August 8, 2005

**SARS RIN #:**N/A

**Action Type:** Public Law

**Cite:** P.L. 109-58;  
Sections 1521 - 1533

**Applicability:** This affects facilities operating underground storage tanks (USTs) as defined in the Solid Waste Disposal Act (SWDA). A UST is a tank, including connected piping, with 10% or more of the volume beneath the surface of the ground which contains petroleum or hazardous substances. However, certain tanks are exempt from the definition of USTs including heating oil tanks for consumptive use on the premises where stored and hazardous waste tanks permitted under RCRA. See SWDA section 9001 for the complete definition of a UST.

**Summary:** The Energy and Policy Act of 2005, Public Law 109-58, signed by the President on August 8, 2005, includes amendments to the Solid Waste Disposal Act under Subtitle B - Underground Storage Tank Compliance. This is also noted as the "Underground Storage Tank Compliance Act".

The amendments address Trust Fund distributions to EPA and States and related actions to be taken by EPA and funded states with respect to USTs. Amendments also specifically address Federal facilities.

Amendments are summarized as follows:

- Inspections - By 8/8/2007 EPA or States receiving funding are required to conduct compliance inspections for all USTs which have not been inspected since December 22, 1998. After completion of these inspections, all regulated UST must be periodically inspected at least once every 3 years.
- Training - By 8/8/2007 EPA is required to establish training guidelines for persons having primary responsibility for operation and maintenance of UST systems; persons having daily responsibility for operation and maintenance of UST systems; and daily, on-site employees having primary responsibility for emergency releases from UST systems. States are then required to develop State-specific training requirements consistent with the EPA guidelines within two years of publishing of the EPA guidelines. UST operators must then be trained in accordance with the State requirement. Additional training is required if tanks are found to be out of compliance.
- Report of Government-Owned Tanks - By 8/8/2007 funded states must report to EPA USTs owned or operated by the Federal, State, or local government. Information to be reported includes location, owner, date of last inspection, and actions to ensure compliance.

- Public Record of USTs - Funded States must maintain and annually update State UST records including the number, sources, and causes of UST releases in the state, compliance records, and number of UST equipment failures in the state.
- Delivery Prohibitions - By 8/8/2006 EPA shall publish guidelines for determining USTs ineligible for receiving regulated substances. Then on 8/8/2007 it will become unlawful to deliver a regulated substance to an "ineligible" UST.
- Federal Facilities - This requires payment of reasonable, non-discriminatory service charges including fees for permits and inspections. Sovereign immunity is waived and payment is required for civil and administrative penalties, regardless of whether such penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations. Agents, employees, and officers of the United States are not personally liable for any civil penalty concerning USTs when acting within the scope of their official duties, however may be subject to any criminal sanctions.
- Federal Compliance Strategy Reporting - By 8/8/2006, each Federal agency must submit a compliance strategy report to EPA which includes the location and owner of each UST, identification of all non-compliant tanks owned or operated by the Agency, the date of last state or Federal inspection, list of each violation, description of training provided to persons with UST responsibilities, and actions taken to ensure compliance.
- Groundwater Protection - Groundwater protection is provided for UST related sources within 1,000 feet of a community water system or existing potable drinking water system. New USTs and associated piping and replacement of existing USTs and piping must have secondary containment. New motor fuel dispensers must have under-dispenser spill containment.
- Installer Certification - By 2/8/2007, EPA and funded states must stipulate qualifications for persons installing UST systems.

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