



JUNE 2012

## New Requirements for Connecticut UST Owners and Operators Take Effect August 8, 2012

Long-awaited amendments to the Connecticut Department of Energy and Environmental Protection (CTDEEP) regulations for underground storage tank (UST) systems were adopted on May 31, 2012. The amendments detail new requirements for (1) UST system operator training and certification and (2) secondary containment for new UST systems and UST systems undergoing certain repairs.

These new requirements apply to UST systems covered under the more extensive of CTDEEP's two sets of UST regulations (RCSA 22a-449(d)-101 *et seq.*), which is modeled after the federal baseline regulations at 40 CFR Part 280. [CTDEEP's website](#) provides a summary of the new requirements, as well as a link to the text of the amendments.

Both the operator training and the secondary containment requirements stem from the Energy Policy Act of 2005, a federal mandate that CTDEEP is only now implementing. The federally-mandated deadline for operator training and certification is August 8, 2012, which is fast approaching. The secondary containment requirements also take effect August 8, 2012.

Beyond operator training and secondary containment, the revisions also make various refinements to CTDEEP's federal-style UST regulations, as well to CTDEEP's backstop UST program under RCSA 22a-449(d)-1. This second UST program applies to certain UST systems not covered by CTDEEP's federal-style UST program. Some of the more notable of these refinements include the following:

1. The federal-style program:
  - Clarifies various definitions relevant to the new secondary containment requirements, as well as other pre-existing requirements
  - Clarifies or expands the definition of substances to which the regulations apply (for example, petroleum now includes bio-fuel blends and expressly excludes RCRA hazardous waste and mixtures of RCRA hazardous waste and petroleum)
2. The backstop program:
  - Trims the applicability of these regulations to onsite heating oil USTs and

certain farm USTs (that is, the state-only program no longer applies to various types of uncommon UST systems that are excluded from the federal-style program and previously had been picked up by the state-only program by default)

- Clarifies certain applicability issues (that is, that the state-only program's provisions for design, construction, installation, and maintenance of UST facility components apply only to those components "that routinely contain regulated substances and are in contact with the ground;" this apparently is intended to resolve longstanding uncertainty regarding components, such as certain above-ground vent piping)

Given the short time left before the August 8, 2012 deadline for operator training and certification, UST owners and operators in Connecticut will need to move quickly to comply. UST owners and operators planning to install or repair UST systems on or after that date should be mindful of the new secondary containment requirements.

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#### FOR MORE INFORMATION

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