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Massachusetts Underground Storage Tank (UST) Regulations Have Been Updated

Massachusetts Department of Environmental Protection (MassDEP) Underground Storage Tank (UST) regulations (310 CMR 80.00) were revised October 1, 2021. While the changes will not likely affect most UST owners and operators, others who are affected might need to make some adjustments.

The regulations were revised primarily to meet an October deadline to make state UST regulations no less stringent than USEPA's UST regulations. In addition, enhancements and clarifications were made to MassDEP's regulations. Although these regulations still need to be formally reviewed and approved by USEPA as part of the State Program Approval (SPA) process, they are currently in effect.

In May 2021, MassDEP published draft changes to the regulations for public comment. MassDEP reviewed comments and published a response to comments in September 2021. Some of the proposed regulations did not make the final cut. For example, eliminating the triennial compliance inspection in lieu of a one-time general permit is not part of the new regulations. Some comments were punted for future consideration: allowing out-of-state PEs and certain TPIs to certify tank installations, for example. Some of the noteworthy changes in the updated MassDEP UST regulations include:

- Some new and updated definitions (abandoned UST, consumptive use);
- Regulations now include USTs associated with emergency engines and airport hydrant fueling systems;
- Quarterly/annual sump inspections were added depending upon the absence/presence of a sump sensor;
- Certain emergency engine tanks without proper leak detection systems will need to install them by October 13, 2022;
- Tank installation requirements were enhanced, including more rigorous pre-burial testing and as-built documentation; and
- Minimum annual component testing of sensors.

A change of note is that if you own/operate an emergency engine tank or airport hydrant fueling system, these regulations now apply to you. Operators should also be aware of some of the minor tweaks in periodic operational/inspectional activities.

Massachusetts is not the only state that needed to update their UST regulations. All other states have been updating their regulations since 2017 in response to USEPA's 2015 mandate.

Olaf Westphalen is a Professional Geologist and a Massachusetts Licensed Site Professional (LSP) with more than three decades of experience helping clients with site development issues such as due diligence and hazardous waste remediation.