



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 24 2018

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

The Honorable Roger F. Wicker
United States Senate
Washington, D.C. 20510

Dear Senator Wicker:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

Since a compliance deadline extension to 2024 could unintentionally do more harm than good, we are not extending the deadline. The new requirements in the 2015 UST regulation were designed to focus on the parts of tank systems most likely to leak or to fail to detect a leak if there were a problem. A several-year delay in conducting the new requirements could result in releases not being identified and addressed for many years, which ultimately could result in unnecessary environmental damage and more expensive cleanup costs. Since the regulation was finalized in 2015, many stakeholders, including tank owners and operators, service providers, testing companies and other contractors have planned their work based on the October 2018 deadline, and an extension now could be disruptive to those stakeholders' businesses.

Moreover, the agency undertook an extensive and lengthy process in developing the 2015 UST regulation. We reached out substantially to affected stakeholders starting in 2008 before proposing the rule in November 2011. After the proposal, there was a five-month comment period during which we received approximately 200 comments. The final rule, published in 2015, simplified the implementation schedule, reduced the burden of walkthrough inspections, removed requirements for periodic testing of tank secondary containment and changed requirements on some previously deferred tanks, among other revisions. In May 2017, the EPA added an alternative sump testing method that some stakeholders could choose if it would be easier for them to use and less costly.

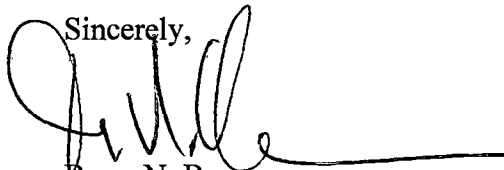
Additionally, because USTs are often directly regulated by states, the deadline of October 13, 2018 applies directly in only the 16 states and territories that have not received State Program Approval (SPA). In the other 40 states and territories with SPA, the state regulations apply in lieu of the federal regulation, and states can implement their regulations up to three years beyond the federal compliance

deadline. Thus, implementation will be phased in from 2018 through up to 2021. The variability of deadlines will reduce the demand on contractors at any one time.

The EPA encourages tank owners to not wait until the last minute to try to arrange for testing and inspection. If the required tests/inspections determine that existing equipment is not properly operating to prevent and detect releases, the EPA understands it may take time to get that equipment repaired or upgraded. For diligent tank owners who nevertheless are unable to comply with the October 2018 deadline, the EPA considers any good faith efforts to comply with the law when deciding if and how to respond to a violation.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

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Barry N. Breen
Acting Assistant Administrator



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The Honorable Thom Tillis
United States Senate
Washington, D.C. 20510

Dear Senator Tillis:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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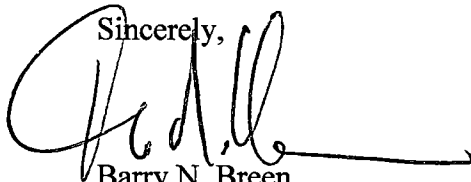
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The Honorable Tim Scott
United States Senate
Washington, D.C. 20510

Dear Senator Scott:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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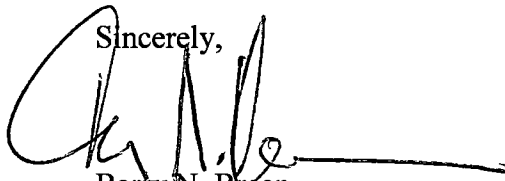
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The Honorable Marco Rubio
United States Senate
Washington, D.C. 20510

Dear Senator Rubio:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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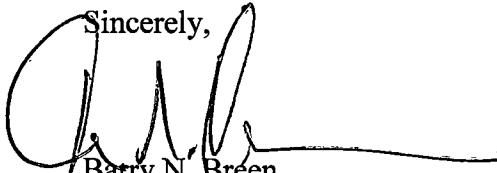
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The Honorable Pat Roberts
United States Senate
Washington, D.C. 20510

Dear Senator Roberts:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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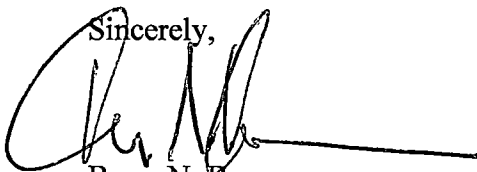
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The Honorable James E. Risch
United States Senate
Washington, D.C. 20510

Dear Senator Risch:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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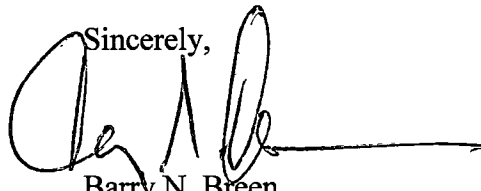
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The Honorable David A. Purdue
United States Senate
Washington, D.C. 20510

Dear Senator Purdue:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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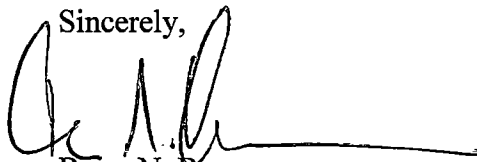
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The Honorable Rand Paul, M.D.
United States Senate
Washington, D.C. 20510

Dear Senator Paul:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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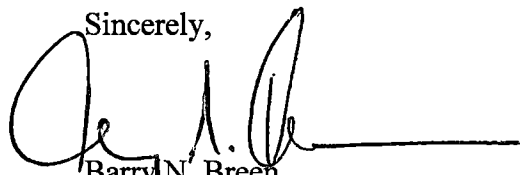
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The Honorable Joe Manchin, III
United States Senate
Washington, D.C. 20510

Dear Senator Manchin:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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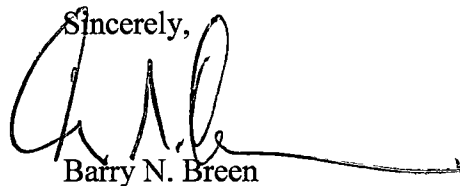
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EMERGENCY MANAGEMENT

The Honorable John Kennedy
United States Senate
Washington, D.C. 20510

Dear Senator Kennedy:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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Moreover, the agency undertook an extensive and lengthy process in developing the 2015 UST regulation. We reached out substantially to affected stakeholders starting in 2008 before proposing the rule in November 2011. After the proposal, there was a five-month comment period during which we received approximately 200 comments. The final rule, published in 2015, simplified the implementation schedule, reduced the burden of walkthrough inspections, removed requirements for periodic testing of tank secondary containment and changed requirements on some previously deferred tanks, among other revisions. In May 2017, the EPA added an alternative sump testing method that some stakeholders could choose if it would be easier for them to use and less costly.

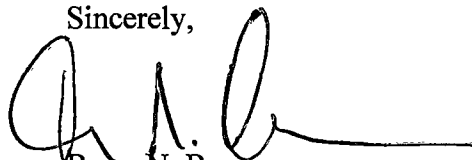
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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

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Barry N. Breen
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 24 2018

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
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The Honorable Johnny Isakson
United States Senate
Washington, D.C. 20510

Dear Senator Isakson:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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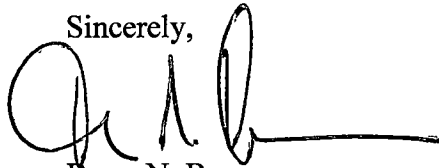
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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

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Barry N. Breen
Acting Assistant Administrator



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JUL 24 2018

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The Honorable James M. Inhofe
United States Senate
Washington, D.C. 20510

Dear Senator Inhofe:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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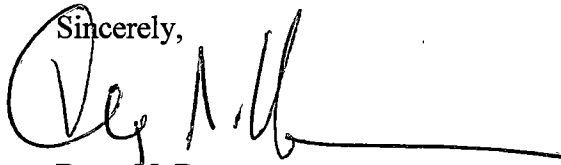
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Barry N. Breen
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 24 2018

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The Honorable Cindy Hyde-Smith
United States Senate
Washington, D.C. 20510

Dear Senator Hyde-Smith:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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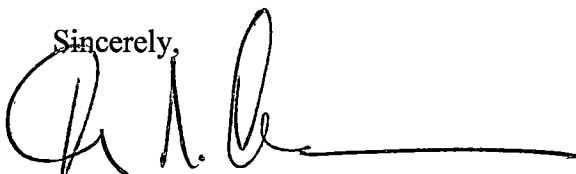
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Barry N. Breen
Acting Assistant Administrator



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JUL 24 2018

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The Honorable John Hoeven
United States Senate
Washington, D.C. 20510

Dear Senator Hoeven:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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JUL 24 2018

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The Honorable Heidi Heitkamp
United States Senate
Washington, D.C. 20510

Dear Senator Heitkamp:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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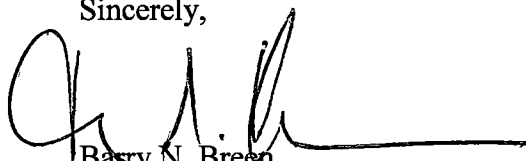
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Barry N. Breen

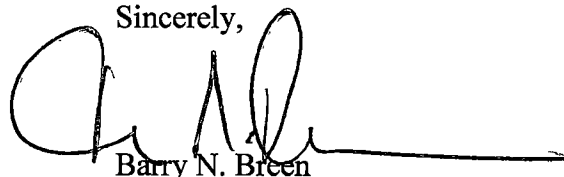
Acting Assistant Administrator

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Barry N. Breen
Acting Assistant Administrator



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WASHINGTON, D.C. 20460

JUL 24 2018

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The Honorable Lindsey O. Graham
United States Senate
Washington, D.C. 20510

Dear Senator Graham:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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The Honorable Mike Enzi
United States Senate
Washington, D.C. 20510

Dear Senator Enzi:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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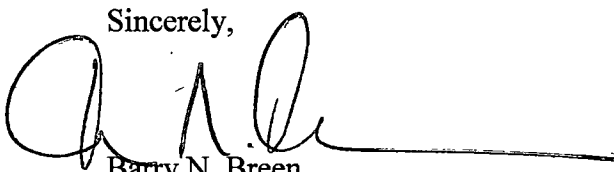
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Sincerely,

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Barry N. Breen
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 24 2018

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The Honorable Steve Daines
United States Senate
Washington, D.C. 20510

Dear Senator Daines:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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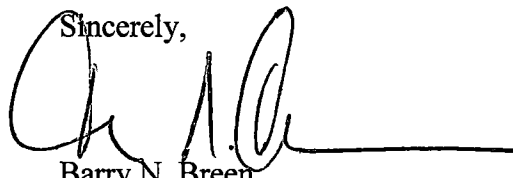
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Barry N. Breen
Acting Assistant Administrator



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The Honorable Mike Crapo
United States Senate
Washington, D.C. 20510

Dear Senator Crapo:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

Since a compliance deadline extension to 2024 could unintentionally do more harm than good, we are not extending the deadline. The new requirements in the 2015 UST regulation were designed to focus on the parts of tank systems most likely to leak or to fail to detect a leak if there were a problem. A several-year delay in conducting the new requirements could result in releases not being identified and addressed for many years, which ultimately could result in unnecessary environmental damage and more expensive cleanup costs. Since the regulation was finalized in 2015, many stakeholders, including tank owners and operators, service providers, testing companies and other contractors have planned their work based on the October 2018 deadline, and an extension now could be disruptive to those stakeholders' businesses.

Moreover, the agency undertook an extensive and lengthy process in developing the 2015 UST regulation. We reached out substantially to affected stakeholders starting in 2008 before proposing the rule in November 2011. After the proposal, there was a five-month comment period during which we received approximately 200 comments. The final rule, published in 2015, simplified the implementation schedule, reduced the burden of walkthrough inspections, removed requirements for periodic testing of tank secondary containment and changed requirements on some previously deferred tanks, among other revisions. In May 2017, the EPA added an alternative sump testing method that some stakeholders could choose if it would be easier for them to use and less costly.

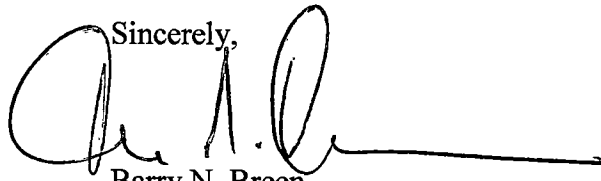
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The EPA encourages tank owners to not wait until the last minute to try to arrange for testing and inspection. If the required tests/inspections determine that existing equipment is not properly operating to prevent and detect releases, the EPA understands it may take time to get that equipment repaired or upgraded. For diligent tank owners who nevertheless are unable to comply with the October 2018 deadline, the EPA considers any good faith efforts to comply with the law when deciding if and how to respond to a violation.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

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Barry N. Breen
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 24 2018

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The Honorable Tom Cotton
United States Senate
Washington, D.C. 20510

Dear Senator Cotton:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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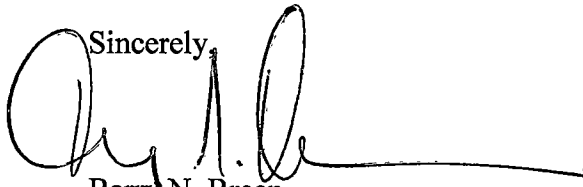
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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

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Barry N. Breen
Acting Assistant Administrator



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JUL 24 2018

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The Honorable Bill Cassidy, M.D.
United States Senate
Washington, D.C. 20510

Dear Senator Cassidy:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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Moreover, the agency undertook an extensive and lengthy process in developing the 2015 UST regulation. We reached out substantially to affected stakeholders starting in 2008 before proposing the rule in November 2011. After the proposal, there was a five-month comment period during which we received approximately 200 comments. The final rule, published in 2015, simplified the implementation schedule, reduced the burden of walkthrough inspections, removed requirements for periodic testing of tank secondary containment and changed requirements on some previously deferred tanks, among other revisions. In May 2017, the EPA added an alternative sump testing method that some stakeholders could choose if it would be easier for them to use and less costly.

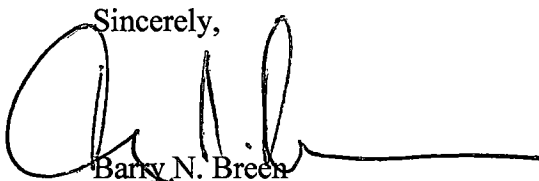
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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

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Barry N. Breen
Acting Assistant Administrator



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The Honorable Shelley Moore Capito
United States Senate
Washington, D.C. 20510

Dear Senator Capito:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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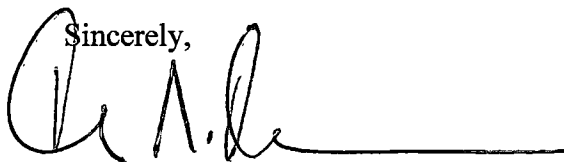
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Acting Assistant Administrator



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The Honorable John Boozman
United States Senate
Washington, D.C. 20510

Dear Senator Boozman:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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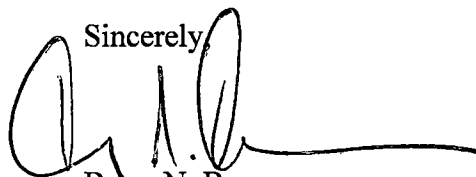
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Barry N. Breen
Acting Assistant Administrator



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The Honorable Lamar Alexander
United States Senate
Washington, D.C. 20510

Dear Senator Alexander:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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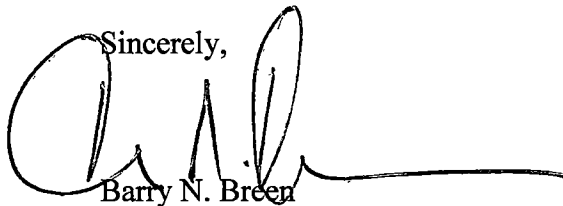
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Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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JUL 24 2018

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The Honorable Jerry Moran
United States Senate
Washington, D.C. 20510

Dear Senator Moran:

Thank you for your letter of June 8, 2018 to the U.S. Environmental Protection Agency requesting the EPA extend its previously established compliance deadline of October 13, 2018, for portions of the 2015 Underground Storage Tank (UST) regulation (specifically 40 CFR 280.35), to October 13, 2024. In your letter, you raised several concerns, including the feasibility of the testing and inspection requirements, and that operators may have difficulty finding qualified contractors to perform the required testing and inspections by the October 13, 2018 compliance deadline.

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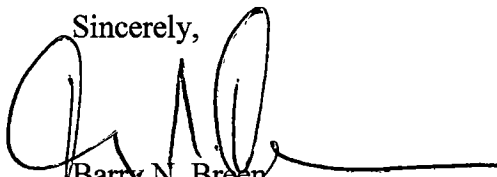
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