



Catherine B. Templeton, Director

*Promoting and protecting the health of the public and the environment*

March 26, 2012

Carolyn Hoskinson, Director  
EPA's Office of Underground Storage Tanks  
U.S. EPA/OSWER/OUST  
1200 Pennsylvania Avenue, N.W.  
Mail Code: 5401P  
Washington, DC 20460

RE: SCDHEC comments on Proposed Federal Underground Storage Tank Regulations,  
40CFR 280 and 40CFR 281

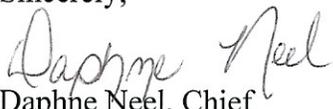
Dear Ms. Hoskinson,

The South Carolina Department of Health and Environmental Control (SCDHEC) have reviewed the proposed revisions to the federal underground storage tank (UST) regulations 40CFR 280 and 40CFR 281. Attached to this cover letter, please find SCDHEC's comments. While the SCDHEC recognizes the need and supports most of the proposed changes to the federal UST regulations, recent reductions in the allocation of federal prevention grant funds will pose a challenge in implementing these changes effectively.

SCDHEC commends EPA for providing accurate and timely information and facilitating discussions via conference calls during the comment period. SCDHEC appreciates the opportunity to provide comments on the proposal to revise federal UST regulations.

Should you have any questions or need further information please feel free to contact me at 803-896-4007 or Mihir Mehta, Director of the UST Management Division at 803-896-4089 or at [mehtam@dhec.sc.gov](mailto:mehtam@dhec.sc.gov).

Sincerely,

  
Daphne Neel, Chief  
Bureau of Land and Waste Management

CC:  
Mihir Mehta, UST

***South Carolina Department of Health and Environmental Control (SCDHEC)  
Comments on Proposal to Revise the Federal Underground Storage Tank (UST)  
Regulations***

**Subpart A**

1. ***Section 280.12, Page 6, Definitions.*** The definition for ancillary equipment should be expanded to include shear valves.
2. ***Section 280.12, Page 8, Definitions.*** The SCDHEC recommends that EPA clarify the definition for wastewater treatment tank system.
3. ***Section 280.12, Page 8, Definitions.*** The SCDHEC requests including a definition for temporarily closed tank.
4. ***Section 280.12, Page 11, Definitions.*** The SCDHEC requests including a definition for sump.

**Subpart B**

5. ***Section 280.20 (a)(1)(A), Page 13, Performance standards for new UST systems.*** The SCDHEC supports the update of codes of practices in the proposed regulations.
6. ***Section 280.20 (c), Page 18, Performance standards for new UST systems.*** The SCDHEC requests clarification on how the percentage of ullage is calculated. Are the calculations based on volumetric or linear measurements?
7. ***Section 280.20 (c) (3), Page 19, Performance standards for new UST systems.*** The SCDHEC supports the revisions to eliminate flow restrictors in vent lines as an option for owners and operators to meet the overfill prevention equipment requirements for newly installed UST systems and when flow restrictors in vent lines are replaced.
8. ***Section 280.20 (f), Page 20, Performance standards for new UST systems. Dispenser Systems.*** The SCDHEC supports the proposed regulation to require owners/operators to install under dispenser containment for all new dispenser systems. Under dispenser containment has proven effective at preventing releases to the environment in South Carolina.

The SCDHEC has reviewed several requests from contractors to use elastomeric materials to retrofit existing dispensers with under dispenser containment. Overall, the main concern has been compatibility with ethanol. The SCDHEC therefore recommends the addition of “must be compatible with substance in piping” to the explanation of under dispenser containment.

### Subpart C

9. **Section 280.32, Page 26, Compatibility.** Observations by technical staff in South Carolina have revealed that ethanol may exacerbate corrosion of non-compatible equipment. Therefore, the SCDHEC supports the addition of this regulation for UST systems storing greater than 10 percent ethanol.
  
10. **Section 280.35, Page 30, Periodic testing of spill and overfill prevention equipment.** The SCDHEC supports the requirement for owners and operators to test annually for liquid tightness or use a double-walled spill bucket with continuous interstitial monitoring. The SCDHEC also supports requiring owner and operators to test overfill prevention equipment every three years to ensure equipment is set to activate at the appropriate level in the tank and will activate when regulated substances reach that height. The proposed phased implementation of this revision may cause confusion among both the owners/operators and the implementing agencies. Therefore, SCDHEC recommends that the new regulation be implemented on a non-phased approach.
  
11. **Section 280.36, Page 32, Periodic testing of secondary containment.** The SCDHEC supports the requirement for owners and operators to test every three years to ensure the interstitial area on tanks, piping, and sumps have integrity or use specific continuous monitoring methods. Testing the interstitial area will prevent small releases from remaining undiscovered over an extended period of time, thus preventing large cleanups. The SCDHEC recommends that the new regulation also be implemented on a non-phased approach.

### Subpart D

12. **Section 280.40 (a)(3), Page 35, General requirements for all UST systems.** The SCDHEC requests adding clarification to include “manufacturer’s instructions (to include functionality testing)” which would exclude manufacturer’s deferral for annual function checks for electronic line leak detectors.
  
13. **Section 280.40 (a)(3)(iii), Page 36, General requirements for all UST systems.** The SCDHEC requests adding clarification to include “mechanical & electronic” line leak detectors, if that is the intent to include functionality testing for all 3.0 GPH release detection devices. Currently there are manufacturer deferrals for Incon and Veeder Root electronic line leak detectors exempting them from functionality testing per “manufacturer’s instructions”.

**Subpart G**

***14. Section 280.70, Page 56, Temporary closure.*** The EPA should consider adding a requirement for all owners and operators to test UST systems prior to placing a temporarily out of use UST system back into service.