Rhode Island
Department of Environmental Management
Office of Waste Management— UST Division

Changes in the 2018 UST Regulations

On November 20th, 2018, a new revision of the Rhode Island Department of Environmental Management UST Regulations went into effect. This was the first revision to the regulations since 2011, and was required due to changes in both Federal and State law which requires additional testing to comply with new U.S. EPA requirements, as well as re-organization and re-structing to comply with Rhode Island Code of Regulations (RICR) formatting. This document highlights some of the major changes to the regulations, however does not cover all changes and is meant to serve as a summary of major changes only.

The full copy of the new regulations can be found on the Rhode Island Secretary of State's website at https://rules.sos.ri.gov/regulations/part/250-140-25-1

General Requirements:

- The title of the regulations has been changed to **"Rules and Regulations for Underground Storage Facilities Used for Regulated Substances"**
- To comply with State-mandated codification requirements, the format and numbering system was changed to be consistent with the Rhode Island Code of Regulation (RICR) format
- Owners and operators of UST systems must cooperate fully with DEM inspections, monitoring, testing, requests for document submission, and monitoring by the owner or operator pursuant to section 9005 of Subtitle I of the Solid Waste Disposal Act, 42 U.S.C. §6991d
- Inconclusive test results are no longer allowed, and any test that does not pass is now considered to be "failed", regardless of the reason
- Monthly Inventory Reconciliation for Double-walled UST systems is no longer required
- Monthly checks of groundwater and tank-pad monitoring wells is no longer required

Facility Registration (Rule 1.7)

- Beginning August 1st, 2019, UST registration fees shall be paid via the State of Rhode Island Online Payment Portal via credit card, debit card, or ACH EFT. Alternative methods of payment, including checks, money orders, or cash will be accepted with a $5 processing fee per tank
- When registration fees are paid via the State of Rhode Island Online Payment Portal, you will receive a PDF copy of your Registration Certificate
- Starting August 1st, 2019, DEM will no longer mail owners or operators hard copies of registration certificates. If an owner or operator wishes to receive a copy of their certificate, they may do so via the following methods:
  - ⇒ Print a copy of the registration certificate when paying via the online payment portal
  - ⇒ Performing an in-person file review of the UST file
  - ⇒ Accessing the public web portal
  - ⇒ Requesting an electronic copy from DEM staff
- Effective August 1st, 2019, UST registration fees are now $100 per tank per year
- DEM may issue a delivery prohibition or order an immediate temporary or permanent closure to any UST facility that has unpaid or overdue registration fees
- All changes to registration information must be submitted using the DEM-supplied form available on our website. Verbal and other forms of written communication are not accepted

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Department of Environmental Management
235 Promenade
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Phone: (401) 222-2797
http://www.dem.ri.gov/ust

The Rhode Island UST Financial Responsibility Fund (Rule 1.9)

- The Rhode Island UST Financial Responsibility Fund, previously a separate set of regulations, was incorporated into the UST Regulations and is now fully administered by RI DEM
- Facilities with active Immediate Compliance Orders, Expediated Citations, Notices of Violation, Letters of Non-Compliance, Notices of Intent to Enforce, or Delivery prohibitions, or notice of intent to prohibit delivery are ineligible for reimbursement
- Any facility which has unpaid or overdue registration fees is not eligible for reimbursement
- Any facility which is found to be in significant violation of the UST Regulations may be ineligible for reimbursement and removed from the UST Financial Responsibility Fund

Minimum UST Operation and Maintenance Requirements (Rule 1.10):

- Emergency response procedures (instructions on responding to alarms, spills, abnormal events) and emergency contacts (Class A or B operator, Fire department, RIDEM emergency response) must be posted in location visible and easily accessible to all facility staff
- Placing any product containing greater than 10% ethanol or 20% biodiesel into a UST system is prohibited without prior notification, demonstration of compatibility, and approval from DEM
- The owner/operator shall not introduce, or allow to be introduced, any material into a UST system that is incompatible with the UST system
- Fuel deliveries to a UST system shall be performed in a manner that ensures that there are no leaks, releases, malfunctions, or that hazardous situations develop. All delivery personnel must:
  - ⇒ Be ready and able to immediately stop the flow of product in to the UST
  - ⇒ Know the volume of the fuel delivery and ullage of the tank (i.e., empty space in the UST) in advance
  - ⇒ Monitor the volume of product dispensed into the UST and not relying on the overfill protection device to stop the delivery
- All dispenser hoses must be adequately supported and shall not make contact with the ground when not in use
- Any dispenser component which shows excessive wear, damage, or evidence of release must be taken out of service until repaired or replaced
- Any dispenser hose breakaway device which has been activated or otherwise separated must be replaced unless the manufacturer explicitly allows re-assembly and re-use after activation

Leak Detection Requirements for Double Walled USTs (Rule 1.10(F)(1)):

- If the a double-walled UST interstitial space tightness test result is “Fail”, then the owner/operator must have the primary wall tightness tested within 48 hours.

  If the primary wall UST is demonstrated as being tight:
  - ⇒ Any product remaining in the tank may be consumed for up to 30 days
  - ⇒ Additional deliveries of fuel is prohibited and no additional product may be added until the tank has been repaired and passed a final tightness test
  - ⇒ After 30 days has elapsed, any remaining fuel in the UST must be removed and the UST must be taken out of service

  If the primary wall is unable to be tested or fails tightness testing:
  - ⇒ The UST must be taken out of service immediately
  - ⇒ The contents of the tank must be removed within 24 hours
  - ⇒ The tester who performed the test must immediately notify DEM by calling (401) 222-2797. All failed USTs must be repaired or replaced within 60 days or placed into temporary closure
  - ⇒ Repaired USTs must be tested for interstitial tightness before returning to service

Leak Detection for Heating Oil Tanks (Rule 1.10(F)(4)):

Single Walled USTs storing heating fuel of any grade used for on-site heating purposes at commercial and industrial facilities are required to be tested for tightness based on the following schedule:

Table 1– Single walled heating oil UST tightness testing schedule

Installation Date	Tightness Test Due Date	Tightness Test Schedule
Before 12/31/1970*	12/31/2021	Every 5 Years Thereafter
1/1/1971-12/31/1980	12/31/2022	Every 5 Years Thereafter
1/1/1981-12/31/1990	12/31/2023	Every 5 Years Thereafter
1/1/1991-12/31/2000	12/31/2025	Every 5 Years Thereafter
1/1/2001-12/31/2010	12/31/2027	Every 5 Years Thereafter
1/1/2011 and after	When UST is 30 years old	Every 5 Years Thereafter

- If a single walled UST is constructed of concrete and is unable to be tightness tested using approved methods, a subsurface investigation shall be conducted on the same schedule outlined in Table 1 above
- Double-walled USTs with a dry interstitial space that contain heating oil are required to undergo an interstitial tightness test once the tanks have been installed for a period of 30 years and every five years thereafter unless they are equipped with an interstitial space monitor. If the installation date is unknown, the UST(s) must be tested prior to December 31st, 2021, and every 5 years thereafter
- Double-walled heating oil USTs with a brine solution or other inert liquid in the interstitial space are not required to undergo interstitial tightness testing as long as the interstitial space is continuously monitored for a change in fluid level via approved leak detection equipment

Leak Detection Requirements for Double Walled Product Piping (Rule 1.10(G)(2)):

- If the results of an product pipeline interstitial space tightness test are fail, the owner shall have the primary wall tested for tightness within 48 hours

If the primary product pipeline wall is demonstrated as being tight:

⇒ Any product remaining in the failed product pipeline and all directly-connected USTs that the product pipeline services may be consumed for no longer than 30 days

⇒ Additional product may not be added to any UST which services the failed product pipeline until the pipeline has been repaired or replaced and demonstrated to be tight

⇒ The tester who performed the test must immediately notify DEM

⇒ After 30 days has elapsed, the product pipeline must be either isolated from the UST, or, if unable, any remaining fuel in associated USTs must be removed and the UST taken out of service

If the primary wall of the product pipeline is unable to be tested or fails tightness testing:

⇒ The tester must immediately notify DEM

⇒ The owner/operator shall immediately take the failed product line out of service and evacuate its contents and isolate the product pipeline from the all attached USTs

⇒ All failed product pipelines must be repaired or replaced within 60 days or placed into temporary closure

⇒ If the product line is repaired or replaced, it must be tested for tightness within 30 days of the repair or replacement

⇒ Operation of a product pipeline which has failed an interstitial space tightness test beyond 30 days is prohibited

Leak Detection Requirements for Single-walled USTs and Product Piping (Rule 1.10(G)(3)):

- All single-walled product pipelines, including pressurized, U.S. suction, and European suction, and all single-walled USTs shall be tested for tightness by a 3rd party licensed tightness tester on an annual basis, regardless of age or installation date

Tester Responsibilities (Rule 1.10.H):

- The 3rd party licensed tester and/or the licensed testing company performing the test is solely responsible for submitting all data collected during the tightness test, including final test results, to DEM
- Test results for UST and product piping tightness, line leak detectors, shear/impact valves, leak monitoring devices, overfill prevention equipment, spill containment basins, sumps, and under-dispenser containment must be sent to DEM within 30 calendar days from the test date for passing tests and 7 calendar days for failed tests
- All test results must be submitted using a DEM-provided form, available on our website, and must be completed in its entirety. Test results submitted in any format other than the DEM-provided form will not be accepted

Spill Containment Basins, Sumps, Under-dispenser containment, and Overfill Prevention (Rule 1.10(N)):

Spill Containment Basins (SCBs) (Rule 1.10(N)(1)):

- **Single-walled SCBs-** required to be tested for tightness prior to October 13th, 2021 and a minimum of every three years thereafter
- Any **single-walled** spill containment basin which has failed tightness testing must replaced within 30 days
- **Single-walled** spill containment basins shall not be repaired unless the manufacturer explicitly allows it, has an established procedure, and makes the repair materials and/or parts available. Ad hoc, repairs using unapproved components or materials, and other unauthorized repairs not explicitly allowed or warrantied by the manufacturer are prohibited
- **Double walled SCBs** do not need to undergo tightness testing as long as they have an interstitial or annular space that can be continuously or periodically monitored for tightness that can be checked by the Class A, Class B, or Class A/B operator during monthly walk-through inspections
- If the interstitial monitoring device in a **double-walled** spill containment basin, or additional testing, indicates a failure, but either the primary or secondary wall remains liquid-tight, the spill containment basin may be regulated as single-walled and must be repaired in accordance with the manufacturers recommendations, or replaced, within 180 days

Overfill Prevention (Rule 1.10(N)(2)):

- If an overfill alarm is present, it must be fully functional and visible from all product fill locations. The audible alarm and indicator light must be operational and be activated when product level reaches 90% of indicated capacity. The associated in-tank liquid level sensors must be removed annually and checked for proper operation
- If a fill tube overfill prevention device (e.g., “Flapper Valve”) is present, it must be removed annually and inspected to ensure it is free from obstructions and that the float moves freely. The tube length and installation depth must be verified as correct such that it completely stops fuel flow when product level reaches 95% of tank capacity

Overfill Prevention (Rule 1.10(N)(2) continued):

- If a ball float vent valve is present, it must be removed annually and visually inspected to ensure that it is fully operational, free from obstructions, damage, or missing pieces. The device length and installation depth must be verified as correct such that it begins to restrict flow once the product level reaches 90% of indicated capacity. If a flow restriction ball float vent valve is damaged or otherwise non-functional, it must be removed
- The flow restriction ball float vent valve may not be repaired or replaced. When installing a new overfill protection device all components of the flow restriction ball float vent valve must be removed as they can interfere with the proper operation of the new overfill protection device

Sumps & Under-Dispenser Containment - All piping collection, tank top, and transition sumps and under-dispenser containment shall comply with the following requirements (Rule 1.10(N)(3)):

- All sensors are secured in an upright position and located no more than **one inch above the lowest point** of the sump
- All **single-walled** sumps and under-dispenser containment shall be tested for tightness prior to October 13th, 2021 and a minimum of every three years thereafter using a method approved by the Director
- If a sump or under-dispenser containment fails a tightness test, all associated tanks, piping, or dispensers which rely upon that component for secondary containment monitoring or spill prevention must be immediately taken out of service and temporarily closed. The impacted UST components shall not be allowed to return to service until the sump or under-dispenser containment has been replaced or repaired and satisfactorily passed an additional tightness test
- DEM must be notified by the tester within 24 hours of any failed tightness test
- Any repairs to sumps or under-dispenser containment must be completed in accordance with the manufacturers approved methods and materials or using best available technologies and materials and require prior approval from DEM. All materials used must demonstrate long-term compatibility with sump, under-dispenser containment, and tank and product pipeline construction materials as well as rated for continuous use in the presence of gasoline, diesel, kerosene, ethanol, biodiesel, and all grades of heating fuel
- Any repaired or replaced sumps and under-dispenser containment basins must be tested using an approved tightness testing method prior to being returned to service, and the facility owner must receive written permission from DEM prior to placing product into the UST system and returning to service.

Installation of Under Dispenser Containment (Rule 1.10(N)(3)(f)):

- Under-dispenser containment must be installed if not already present during the repair or replacement of the dispensers, product piping, or any component used to connect the product piping to the dispenser.
- All dispensers are required to have under-dispenser containment installed prior to 12/31/2024

Operator Training Requirements (Rule 1.10(U)):

New Monthly Class A/B operator inspection requirements

- If present, the Class A or Class B operator is responsible for performing a visual inspection of all double-walled spill containment basin, sump, and under-dispenser containment interstitial space gauge, sensor, or leak detection system.
- If a UST facility is not in compliance during an operator's monthly inspection, the deficiencies observed must be documented on the inspection checklist
- The owner/operator must sign the DEM monthly inspection checklist to acknowledge the deficiencies
- Class A or Class B operator certifications from other state (not administered by ICC) will be valid until 1 year after the date the certification was received by DEM

New and Replacement UST System Requirements (Rule 1.11)

- All new and replacement spill containment basins are required to be double-walled and capable of periodic interstitial monitoring. Installation of single-walled spill containment basins is prohibited
- The installation of flow restrictive ball float vent valves as an overfill protection method is no longer allowed, and flow restrictive ball float vent valves are prohibited from being replaced or repaired. Any damaged, missing, or inoperative ball float vent valve in a UST must be replaced with an alternative overfill protection method
- Under Dispenser Containment (UDC) is required to be installed during the replacement/removal of a dispenser, repair/replacement of product piping/UST, or any repair/replacement to a component that connects a UST system to a dispenser
- Loop piping systems are required to continuously monitored or be equipped with jumpers to complete a continuous path back to the tank top sump. If the fueling dispenser is at a lower elevation than the tank top, it should be continuously monitored

Facility Modification and Repairs (Rule 1.12)

- Any repair which requires excavation of soil or disturbance of any subsurface UST component must receive prior written permission from DEM
- An environmental consultant is required to be present for any repair on a UST system that requires excavation of soils. Within 30 days of the repair the environmental consultant must submit a report of their findings and screening results to DEM

Leak and Spill Response (Rule 1.14)

- All reports submitted to the Department per the requirements of this Section must be submitted in both hardcopy and electronic format (as specified by the Department)

Site Investigation Report Requirements:

- A Site Investigation may be required by DEM under the following circumstances
  - ⇒ A DEM compliance inspection revealed a violation which may have indicated a release
  - ⇒ Other evidence of a release exists (e.g. failed tightness tests, highly corroded tanks/piping)
  - ⇒ A UST facility has been abandoned for a significant period of time
  - ⇒ The party performing the Site Investigation shall submit a proposed scope of work to DEM within 30 days, which must be approved prior to commencing any on-site work to ensure it meets the requirements of the project
  - ⇒ The Site Investigation and Site Investigation Report, along with all associated field work, must be conducted by, or under a licensed Professional Engineer, Certified Professional Geologist, or Registered Professional Geologist
- DEM may require the following upon review of a Site Investigation Report:
  - ⇒ The installation and monitoring of groundwater monitoring wells sufficient to accurately characterize the release
  - ⇒ The sampling of nearby public and private drinking water wells
  - ⇒ Groundwater monitoring on a periodic schedule
  - ⇒ Any other necessary information to complete the report

Corrective Action Plan Requirements:

- The party performing the Corrective Action is required to submit a proposed scope of work to DEM within 30 days, to ensure it meets the requirements of the project
- Methods of public notification should be included in a Corrective Action Plan

Closure (Rule 1.15)

Temporary Closure:

- Temporary closures are approved in 1 year increments
- A UST can be closed for a maximum of 5 years in its lifetime
- Applications for temporary closure must be submitted a minimum of 15 days before the anticipated date of temporary closure
- The Class A or Class B operator assigned to the UST facility must perform an inspection on UST system every 6 months while in temporary closure
- Annual testing (shear valve, line leak detector, continuous monitoring system, overfill protection device) and interstitial tightness testing are not required while in temporary closure. Annual and tightness testing are required to put the USTs back into service. Cathodic protection tests should continue to be performed according to required schedule
- UST registration fees must be paid while in temporary closure
- DEM must be notified within 30 days in order to put the UST back into service. The owner/operator must have written permission from DEM to re-open a UST system

Transfer of Certificates of Registration and Closure (Rule 1.18):

- DEM must be notified of any change in UST facility, UST system, or property ownership in writing within **7** days of the transfer by submitting the "Notification of Intent to Transfer UST Registration" to DEM
- The individual, group, or entity assuming ownership or responsibility of the UST facility, UST system, or property must complete and submit the DEM-provided form titled "Transfer of Ownership and UST Registration" and submit to DEM within seven days of assuming ownership or responsibility for the UST facility, UST system, or property
- UST Registration fees and any applicable late fees are transferred upon sale, transfer, or change in ownership of the UST system and/or facility and will become the responsibility of the new owner or responsible

Please note that this document is meant to be a summary of changes only, and other changes to the regulations may have been made that are not listed here. Please be aware that these changes may not apply to everyone, and will vary with the type, use, and contents of the UST system. We encourage you to review the entire regulation on the Rhode Island Secretary of State's Page. In the event there is a disagreement between what is included in this summary and the text of the regulation, the regulation posted on the Secretary of State's website will be considered the correct one.