



Aboveground Storage Tank Regulations

Restore Most Important Protections Stripped from the AST Rule

Prohibit illegal tanks from receiving delivery of chemicals.

Delivery prohibitions make it illegal for additional product to be delivered to an AST if the AST owner/operator fails to pay the required fees, or if secondary containment, bonding, or spill prevention requirements are not met. This is an important mechanism in enforcing AST regulations. ***Restore the delivery prohibition requirement that was in the July 2015 DEP-approved rule (§47-63-12).***

Close the loophole allowing for voluntary compliance with standards.

Amendments to the AST Act in 2015 allowed for tank owners to comply via existing permits and plans. If this is to be allowed, standards must be enforceable. ***Restore the provision that was in the July 2015 DEP-approved rule that make standards required, not “recommended” or voluntary (§47-63-4.2.a.2.B).***

Consider threats to drinking water and human health in siting new tanks.

The Freedom Industries’ disaster revealed the damage dangerous chemicals can cause when stored near drinking water intakes. Special consideration is needed in some cases to protect public health when siting new tanks. ***Restore DEP discretion in siting new ASTs in Zones of Critical Concern, in karst areas or when DEP determines it poses a threat to human health or the environment (§47-63-4.3.c).***

Require periodic inspections by certified personnel.

To uphold the integrity of inspections of ASTs and their secondary containment, they need to be completed by a qualified third-party – every 3 years for Level 1 ASTs and every 5 years for Level 2 ASTs. ***Restore the requirement that was in the July 2015 DEP-approved rule for these periodic inspections to be conducted by Professional Engineers or by inspectors certified by API or STI, the trade organizations related to ASTs (§47-63-5.2).***