



Division of  
Underground  
Storage Tanks



November 2020

## Tennessee Tank Talk



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### Welcome!

Welcome to the fourth edition of Tennessee Tank Talk. Our continuing purpose is to bring you information about the implementation of Tennessee Division of Underground Storage Tanks (UST) Rules that became effective October 13, 2018. In addition, we have some exciting news to share. The UST-Solid Waste Disposal Control Board voted unanimously on October 07, 2020 to continue with the rule making procedures. This rule making process will include the public comment period and a public hearing, primarily dealing with UST Fund Coverage and Fee Suspension Rules. Please find more information about these proposed Rule changes and how you can participate in the Rule-making process. As always, we encourage your feedback and input so that we can have the most meaningful Rules for all Tennesseans.

Let us know what you think of this newsletter by emailing us at [Tanks.UST@tn.gov](mailto:Tanks.UST@tn.gov). Send us your ideas and suggestions to help us continually improve.

A handwritten signature in black ink that reads "Stan Boyd".

Stan Boyd  
Director

### Current Proposed Rules Changes

UST Fund Coverage and Fee Suspension Rules provide two major changes. First, the current rules make fund coverage for a fund eligible release dependent upon an owner or operator's compliance history. With these revisions, all fund eligible releases will be entitled to reimbursement from the fund; however, an owner or operator's compliance history will now determine the amount of the fund deductible. Second, the revisions will suspend annual tank fees from July 1, 2021 through June 30, 2026. The rules also provide general cleanup revisions to Rules 0400-18-01-.09 and 0400-18-01-.10.

An initial set of draft rules has been prepared for public review and comment and may be accessed [here](#). A public hearing will be held on December 1, 2020, 10:30 AM CDT at the William R. Snodgrass Tennessee Tower 2nd Floor conference rooms A, B & C {additional information provided in the link above}.

Oral or written comments are welcomed at the hearing. In addition, written comments may be submitted prior to or after the public hearing to:

Tennessee Department of Environment and Conservation, Division of Underground Storage Tanks; Attention: Rhonda Key, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 12th Floor; Nashville, Tennessee 37243; telephone 615-532-0989 or fax 615-532-9759.

Written comments must be received by 4:30 PM CDT, December 8, 2020 in order to assure consideration. For further information, please contact Rhonda Key at the above address or telephone number or by e-mail at [Rhonda.Key@tn.gov](mailto:Rhonda.Key@tn.gov).

## Spill and Overfill Prevention Rule Change Device Repair: Requirements and Recordkeeping

**Action:** Test or inspect spill or overfill prevention components within 30 days after a repair.

**Tank Owner Responsibility:** Maintain documentation of testing conducted within 30 days of a repair to spill and overfill prevention equipment for the operational life of the system.





## What are the new Requirements?

Spill and Overfill prevention equipment must prevent releases to the environment. Spill prevention equipment is neither intended nor designed for the storage of petroleum products, but rather to contain small leaks and/or spills from delivery hoses for a short period of time. Overfill prevention equipment must be set to activate at the correct level specified and will activate when petroleum reaches that level. Important items to remember are:

- For as long as the UST system is used to store petroleum, owners and/or operators shall ensure that releases due to spilling or overfilling do not occur.
- If visual damage to the spill or overfill equipment is observed, or the spill or overfill equipment does not pass a functionality/integrity test, the devices can only be repaired if approved by the manufacturer of the device.
- Repairs to UST systems shall be conducted so as to effectively prevent releases for the operational life of the tank system. Spill and overfill prevention device repair documentation must be maintained for the life of the UST system.
- If the manufacturer does not have an approved method to repair the spill or overfill prevention device, the equipment must be replaced. The replaced equipment must be tested/inspected within thirty days of replacement.

### **\*INSTALLATION AND OPERATIONAL RULE CLARIFICATION - FLOW RESTRICTION DEVICES\***

The current rules of the Tennessee Division of Underground Storage Tanks regarding UST overfill prevention device installation, operation, and recordkeeping specifically prohibit the installation or repair of flow restriction (ball float valves) overfill prevention devices after October 13, 2021.

After October 13, 2021, flow restriction (ball float valves) overfill prevention devices may not be installed or repaired. If the present device does not pass a functionality/integrity test, the device must be replaced with either an Automatic Shutoff Device or Overfill Alarm form of overfill prevention device.

## Q&A

<p><b>When can a repair be made to damaged or non-functional spill or overfill equipment?</b></p>	<p>When visual damage to the spill or overfill equipment is observed, or the spill or overfill equipment does not pass a functionality/integrity test, the devices can only.</p>
<p><b>How are repairs made to spill or overfill equipment?</b></p>	<p>Manufacturers may have standardized specifications the equipment must meet, and the repairs must be meet those specifications and approval by the manufacturer.</p>
<p><b>When must an integrity test / inspection be conducted on a repaired spill and/or overfill prevention device?</b></p>	<p>Within thirty days after the repair.</p>
<p><b>How long is the spill and/or overfill prevention device repair documentation required to be maintained?</b></p>	<p>Records of each repair must be maintained for the life of the UST system.</p>

**Public Records Request – Our Newsletter Email List**

This past week, the Division of Underground Storage Tanks received a [public records request](#) from USTanx, LLC to obtain our *Tank Talk* email list. Upon review with our legal team and public records information officer it has been determined your emails submitted to the Division are considered Public Records and are subject to release under the Tennessee Public Records Act, [Tennessee Code Annotated § 10-7-501](#), et seq. To be completely transparent with you, we want you to know that we are not selling or otherwise distributing your email addresses outside of public records requests. Our goals in using your email addresses for *Tank Talk* is simply to help you stay in compliance, reduce the costs of non-compliance, and to prevent petroleum releases to the environment to protect public health. We hope you feel that our monthly newsletter is beneficial to you and meets these goals. As the same with *Tank Talk* emails, any email sender is required to give you the option to “opt-out” [Tennessee Code Annotated § 47-18-2501](#). Please let us know if you have any questions by sending us an email at [Tanks.UST@tn.gov](mailto:Tanks.UST@tn.gov).

## Helpful Resources

**[UST- New Rules Web Page](#)**

[Contact Your Local Field Office](#)

[2018 Federal Rule Change Quick Reference Guide](#)

[Current Tennessee UST Rules](#)

[EPA -Must For USTs](#)

[TDEC Underground Storage Tanks Home Page](#)

[EPA- Underground Storage Tanks Home Page](#)



12th Floor, TN Tower  
312 Rosa L. Parks Ave  
Nashville, TN 37243

(615)-532-0945  
(615) 532-0199 (fax)