



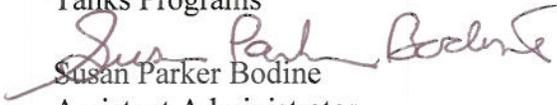
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV 15 2006

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

**MEMORANDUM**

**Subject:** Issuance of Secondary Containment Grant Guidelines for Underground Storage Tanks Programs

**From:**   
Susan Parker Bodine  
Assistant Administrator

**To:** EPA Regional Administrators

Today I issued a final document that implements a key provision of the underground storage tank amendments of the Energy Policy Act of 2005: the secondary containment grant guidelines. The document is attached and available for states and other interested parties on EPA's Office of Underground Storage Tanks (OUST) web site at: [www.epa.gov/oust/fedlaws/epact\\_05.htm#Final](http://www.epa.gov/oust/fedlaws/epact_05.htm#Final). Additionally, I have asked Cliff Rothenstein, Director of the Office of Underground Storage Tanks, to send e-mail notification of the Agency's actions to states and other stakeholders. In the near future, EPA will also publish a *Federal Register* notice regarding the guidelines.

**Background**

On August 8, 2005, President Bush signed the Energy Policy Act of 2005. Title XV, Subtitle B of this act, entitled the Underground Storage Tank Compliance Act of 2005, amends Subtitle I of the Solid Waste Disposal Act. This is the first federal legislative change for the underground storage tank program since its inception over 20 years ago. The new law significantly affects federal, state, and tribal underground storage tank programs, and is aimed at further reducing underground storage tank releases to our environment.

Soon after President Bush signed the Energy Policy Act, EPA formed several workgroups to help implement many of the provisions in the new law. Over the past year, EPA worked closely with our state partners to develop the secondary containment grant guidelines. I sincerely appreciate the assistance that your regional underground storage tank managers and staff have provided. I would also like to thank states, all of the stakeholders we consulted with, and those who provided public comments for their participation and significant input in this process.

## Secondary Containment Grant Guidelines

The secondary containment grant guidelines are established in accordance with section 1530 of the Energy Policy Act, which requires additional measures to protect groundwater from contamination by USTs through use of either secondary containment *or* evidence of financial responsibility and certification. The section also requires states receiving federal funds under Subtitle I of the Solid Waste Disposal Act to implement the secondary containment (or financial responsibility) requirements described in the guidelines by February 8, 2007. EPA regional tank offices will need to incorporate the guidelines into their future grant agreements with states. (Please note that section 1530 of the Energy Policy Act gives states the option of implementing either secondary containment requirements *or* financial responsibility and certification requirements. Financial responsibility and certification requires financial responsibility for the manufacturers and installers of underground storage tank systems and certification for the installers of those systems. EPA plans to issue the financial responsibility and certification grant guidelines in the next few months.)

EPA developed the secondary containment guidelines in consultation with states and regional tank offices. The guidelines describe the minimum requirements states must meet in order to comply with the secondary containment provisions in the Energy Policy Act. The guidelines provide definitions, compliance requirements, and examples for states choosing to implement the secondary containment provision. The guidelines do not require owners or operators to retrofit existing equipment. Instead, the guidelines only apply when owners or operators choose to replace existing equipment or install new equipment.

To ensure the grant guidelines are implemented with minimal disruption, EPA is giving states considerable flexibility to establish their own secondary containment programs. EPA recognizes that the law's February 8, 2007 deadline is only a few months away and that some states may find it a challenge to implement the secondary containment requirements by that date. For states demonstrating good faith efforts toward meeting the requirements, EPA has the flexibility to continue assisting those states as they implement their programs.

### Additional Information

The secondary containment grant guidelines are among several guidelines I will issue over the coming months to implement the underground storage tank provisions of the Energy Policy Act. We will continue to rely on the regions' help to develop the remaining grant guidelines and meet our new statutory requirements.

If you have any questions your staff may call Cliff Rothenstein, Director of EPA's Office of Underground Storage Tanks, at 703-603-9900 or [rothenstein.cliff@epa.gov](mailto:rothenstein.cliff@epa.gov).

Attachment (pdf file of secondary containment grant guidelines)

cc: Regional Division Directors  
Regional Deputy Division Directors

Regional Branch Chiefs  
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