

Chapter XXIX Storage Tanks

A. GENERAL.

1. DRMS provides disposal service for above ground storage tanks and underground storage tanks (UST) for DoD as defined in paragraphs B and C below.

2. This chapter provides guidance in the following areas:

a. Types of storage tanks and how they are regulated.

(1) Storage tanks which contain or contained the following:

- Non-regulated materials.
- RCRA hazardous waste.
- Regulated substances.

(2) Tanks which are eligible for the Defense Environmental Restoration Account (DERA) funding as part of Installation Restoration Program (IRP).

(3) Storage tanks that are not DERA funded.

(4) Empty tanks (underground and above ground).

b. Funding determinations.

c. Conditions for turn-in.

B. SPECIFIC.

1. **Categories of tanks that determine how tanks must be managed:**

a. *Category 1.* Tanks, including UST that are used to store hazardous waste, are regulated under 40 CFR Part 264/265 Subpart J.

b. *Category 2.* UST that are used to store regulated substances are regulated under 40 CFR Part 280. UST under 40 CFR Part 280 are defined as any tank or series of tanks including underground piping that is used to store an accumulation of regulated substances and at least 10 percent of the volume is beneath the surface of the ground. Therefore, above ground tanks with underground piping could be defined as an UST. Regulated substances include: hazardous substance defined under CERCLA, petroleum, including crude oil or any fraction that is a liquid at standard temperatures and pressure, and petroleum based substances such as fuels, oils, lubricants, and solvents.

c. *Category 3.* Exempted UST and non-regulated above ground tanks.

(1) The regulations for UST under 40 CFR Part 280 exempt certain tanks and tank systems. The following UST or tank systems are exempt from regulation under 40 CFR Part 280:

- Farm or residential tanks of 1,100 gallons or less capacity used for storing fuel for non-commercial purposes.
- Tanks used for storing heating oil on the premises where used.
- Septic tanks.
- Pipelines.
- Surface impoundments.

- Storm water or waste water collection systems.
- Flow-through process tanks.
- Storage tanks located in basements that are above the ground.
- UST systems whose capacity is 110 gallons or less.
- Underground storage systems that contain a de minimis concentration of regulated substances.
- Emergency spill or overflow containment system that is expeditiously emptied.

(2) Above ground tanks which contain hazardous substances are not regulated under RCRA 40 CFR Part 280.

2. Use of DERA funds to pay for the disposal of UST. Not all UST's are removed as part of an IRP. To be eligible for disposal under DERA, the tank must have been abandoned prior to 1984, contamination from leaks occurred prior to Mar 81, and has been confirmed to be leaking prior to 1 Mar 86. DERA funds can be used to dispose of any tank (HW tank, UST, exempted tank) as long as it meets the requirements above.

3. Other Funding.

a. Tanks and their contents that do not qualify for DERA funding must be disposed using the tank owner's funds, consistent with the DoD Comptroller's HM funding policy.

b. If the contents of a tank consist of hazardous waste or a product that has no RTDS potential, the responsibility for funding is with the tank owner.

c. If a tank and its contents contain a usable hazardous material, the tank owner may turn the tank in to the DRMO as a hazardous material for RTDS. If it fails RTDS, the service contract disposal costs are generating activity-funded.

C. CONDITIONS FOR TURN-IN.

1. Empty tanks that are appropriately cleaned and purged can be turned in to the DRMO as an item or scrap. The definition of an empty container in 40 CFR 261.7 ("one inch" rule) does not apply to tanks.

2. If a tank (underground or above) was used to store hazardous waste, the tank must be cleaned in accordance with 40 CFR 264/265.197.

3. An underground storage tank containing regulated substances must be cleaned in accordance with 40 CFR 280.71.

4. Exempt UST or non-regulated above ground tanks must be cleaned in a similar manner as regulated tanks. Standards require that tanks be pumped, sludges/residues removed, rinsed and/or purged. The American Petroleum Institute has developed and published recommended cleaning practices and procedures for regulated and non-regulated UST and above ground tanks (see listing of these incorporated in 40 CFR Part 280.71).

5. UST which are part of IRP and DERA funded, or tanks which have held or hold RCRA HW, which the generating activity intends to discard, should be turned in as follows:

a. Physical custody remains with the generating activity.

b. Generating activity provides funding for disposal service.

c. Generating activity provides sufficient advance notification to allow placement on a DRMS contract; i.e., one time or modification to an existing contract.

d. Generating activity makes tank accessible to the contractor. (DRMS will not contract for excavation or site restoration.)

e. Preparation for tank disposal; e.g., emptying contents, cleaning, cutting, filling will be negotiated with the generating activity. The DRMS contract will be written to reflect the required services. (The more the generating activity is willing to do; e.g., emptying, cleaning, and purging, the less the contract costs will be.)

D. QUESTIONS.

Questions concerning policy and procedures for storage tanks should be directed to DRMS-LHP, (DSN)932-5912.

E. SALES.

When underground storage tanks are available and referred for sale, the instructions contained at DRMS-I 4160.14, Volume V apply.