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**HB 2043: underground storage tanks; performance standards
(Substituted for SB 1365)**

**Sponsor: Representative Griffin, LD 14
Transmitted to the Governor**

Overview

Requires an underground storage tank system (UST) to comply with certain federal performance standards in effect on January 1, 2020.

History

A UST is a tank or combination of tanks and underground pipes and impact valves connected to tanks that contain regulated substances (such as diesel or gasoline) and which has at least 10% of the total volume of the tank and portions of pipes connected to the tank underground ([A.R.S. § 49-1001\(21\)](#)).

In 1984, Congress created a federal program to regulate USTs containing petroleum and hazardous chemicals to limit corrosion and structural defects and therefore minimize tank leaks. The legislation also directed the U.S. Environmental Protection Agency (EPA) to set operating requirements and technical standards for tank design and installation, leak detection, spill and overfill control, corrective action and tank closure. The EPA delegated UST regulatory authority to approved state programs.

In 1986, Arizona established its own UST program that is administered by the Arizona Department of Environmental Quality (ADEQ) (Laws 1986, Chapter 230). This UST program has not received EPA approval, which means that UST owners and operators must comply with both state and federal regulations. However, the rules that ADEQ adopts for USTs must be consistent, but no more stringent, than federal regulations.

Statute requires, beginning on January 1, 2009, that:

- 1) USTs and piping components comply with federal secondary containment and release detection requirements; and
- 2) If a motor fuel dispenser is installed or replaced, an under-dispenser that complies with federal release detection requirements must also be installed ([A.R.S. § 49-1009](#)).

Federal regulations for USTs were most recently updated in 2015 ([Federal Register, Volume 80, No. 135](#)).

Provisions

1. Requires the following to comply with the secondary containment performance standards for new USTs and release detection requirements for interstitial monitoring in 40 Code of Federal Regulations Section 280.43(g) in effect on January 1, 2020:
 - a) Newly installed USTs; and
 - b) Any newly installed piping component that is 50% or more of the total linear footage of all connected piping in the UST and conveys a regulated substance.

2. Directs someone who installs or replaces a dispenser system that connects to a UST to install an under-dispenser containment.
3. Stipulates that this under-dispenser containment comply with the performance standards for new USTs in 40 Code of Federal Regulations Section 280.20(f) in effect on January 1, 2020.

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note