

United States Senate

WASHINGTON, DC 20510

May 25, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

In 2015, the Environmental Protection Agency (EPA) established updated regulations for the operation and maintenance of underground storage tanks (USTs). The compliance deadline for these regulations is October 13, 2018. Unfortunately, portions of the 2015 regulations, specifically 40 CFR 280.35, impose an overwhelming financial burden on small business petroleum marketers nationwide. These costly regulations require significant capital investments and additional operating expenses on small business retailers over a short period of time. In order to reduce the financial burden on small business retailers, we request that the EPA extend the compliance deadline to October 13, 2024.

We believe that extending the integrity testing deadline for spill buckets, tank sumps and under dispenser containment equipment, along with operability testing for overfill prevention equipment is warranted. This equipment was not designed to undergo the type of testing the EPA requires without costly modification or replacement. Moreover, much of the equipment already in the ground has not reached the end of its useful operational life. Requiring the replacement or modification of existing equipment would significantly reduce small business retailers expected return on investment for these capital improvements. A deadline extension would not only provide small business retailers the opportunity to spread compliance costs out over a longer period of time, but also provide more return on investment for equipment that is currently in place.

The EPA's 1988 UST system upgrade regulations provided a full ten years for the regulated community to comply. By comparison, the 2015 upgrade requirements provide only three years for small business petroleum marketers to comply. By delaying the testing and inspection requirements until October 13, 2024, we can provide these small businesses with the proper time they need to meet the new EPA requirements without increasing environmental risk.

Thank you for your consideration of this request.

Sincerely,