

HAZARDOUS MATERIALS PROGRAM ENVIRONMENTAL GUIDE

UST Compliance Inspections

This guide is intended to help owners and operators of Category I (One) underground storage tank (UST) facilities understand and prepare for state-led technical compliance inspections of their UST systems. Below you will find background information on inspections, an overview of the recordkeeping documentation and equipment that is observed during inspections, common questions, best practices for staying in compliance, and links to additional resources. If you have any questions, please visit the Vermont DEC [Compliance Inspections for Permitted UST Facilities webpage](#), or refer to the contact information listed at the end of the guide.

Background Information

Federal regulations require that all regulated UST facilities are inspected at least once every three years. This is required for all states. In Vermont, inspectors from the Storage Tank Section of the Hazardous Materials Program (Program) conduct these inspections. The main purpose of inspecting UST facilities is to evaluate compliance with the [Vermont UST Rules](#). The rules are “no less stringent” than the federal UST regulations, and the Program is federally authorized to implement them in lieu of federal regulations.

The Program inspects between 250 and 300 facilities each year. The list of facilities to be inspected each year is updated annually and can be accessed on the [UST Webpage](#). Inspectors typically schedule inspections with facility operators roughly one week prior to coming onsite so the inspector is able to meet with the UST operator, review records, and inspect UST systems during their visit. While there is wide variability in the age, design, and operation of UST systems throughout Vermont, most inspections involve observing tank top equipment like piping sumps, fill port spill containment (i.e., spill buckets), overfill prevention devices, and sensors; and reviewing recordkeeping documentation including weekly leak detection records, monthly operator inspection checklists, list of trained C operators, tank diagrams, and permit postings.

The Inspection – Equipment

Below is an overview of the equipment that inspectors observe during the UST compliance inspection:

Spill Buckets, Sumps, Fill Covers, Vapor Recovery

Spill buckets surround the fill ports that are used during fuel delivery. In the event of an overfill, they are designed to contain a specific amount of product to prevent it from releasing into the environment. During the inspection, state inspectors will work to answer the following questions:

- Is each UST system fill pipe equipped with a spill bucket?
- For any spill bucket installed or replaced after July 1, 2007, does the spill bucket have a minimum capacity of 15 gallons? If not, does the facility have documentation of a variance?

- Is each spill bucket clean and free of solid materials, liquid materials, and vapors?
- Is each spill bucket and associated cover free of cracks and holes?
- Is each fill cover painted with the correct labelling?

Note: Filling tanks with fuel generates vapors, and releasing these vapors into the ambient air is prohibited. Through the “Stage I” vapor recovery process, delivery drivers connect to the UST’s vapor recovery valve to return the vapor to the tank truck as the UST is being filled. Vapor recovery requirements are enforced by DEC’s Air Quality and Climate Division, however, UST inspectors will typically observe and make note of vapor recovery valve conditions.

Overfill Prevention

UST facilities are required to have an overfill prevention device in place for each tank system receiving product. Inspectors will examine the UST facility and tank(s) in order to answer the following questions:

- Is each UST system equipped with an overfill prevention device?
- Is each overfill prevention device operational?
- If applicable, is each high-level alarm visible or audible to the delivery driver?

Leak Detection

The inspector will check for the following during their compliance inspection:

- Are all tanks and piping systems equipped with a leak detection system?
- If an electronic leak detection system is present, is the system presenting any visual or audible alarms (e.g., is the automatic tank gauge (ATG) console (e.g., Veeder Root) in alarm?)?
- If an electronic leak detection system is present, are all system sensors correctly installed?
- If an electronic leak detection system is present, are all components powered and operational?
- Does the sensor contact the lowest portion of the space being monitored?
- If the system is pressurized (i.e., uses an STP sump) is there liquid present in the piping sump?
- If applicable, are all pressurized piping systems equipped with automatic line leak detectors?
- Is there liquid in any dispenser sumps?
- If one or more transition sumps are present, are they free of liquid?
- Are vapors present in tank top sumps?

Cathodic Protection (CP)

- Are all tanks and piping equipped with a corrosion protection system or constructed of non-corrodible material?
- If applicable, are all impressed current cathodic protection systems ‘on’ and operating within acceptable ranges as indicated on the rectifier?

The Inspection – Recordkeeping Documentation

Below is an overview of the documentation that facility representatives are required to provide to inspectors or have present during the inspection:

Walkthrough Inspection Documentation

The A/B UST operator, or designated UST operator, is required to complete and document walkthrough inspections at their facility on a monthly basis. The purpose of the walkthrough inspection is to ensure the operator identifies any leaks or spills at the facility. During the UST compliance inspection, the facility representative must provide the state inspector with three years' worth of documentation (e.g., a complete and current "checklist") showing that walkthrough inspections are being completed. A sample checklist for UST facility use is available on the Program's [UST Compliance Inspections Webpage](#).

Release Detection Monitoring Documentation

Facilities are required to have release detection in place for their tank(s) and piping. During the inspection, the facility representative must provide inspectors with three years' worth of documentation indicating that their release detection system has monitored for releases on a weekly basis during the three-year period. Documentation can be in the form of system status printouts or a running written log. These records need to be in chronological order. Sample logs for both electronic and manual release detection systems are available on the Program's [UST Compliance Inspections Webpage](#).

Tank Diagram

A diagram of the UST system must be present and visible from where tanks are filled during fuel delivery. Tank diagrams must include the location of each UST and fill pipe, labeling for what product is stored in each UST and/or compartment, and the capacity of each UST and/or compartment.

Operating Permit

Inspectors will check to make sure that the current UST Operating Permit is posted in a visible location at the facility. A facility without a valid permit will have their tanks red tagged until they obtain a valid permit. Inspectors will also confirm that the facility is in good standing with paying fees; this is typically done prior to the date of the inspection.

Other General Recordkeeping Documentation

Facilities must be prepared to provide inspectors with all records that are required to be maintained per the UST Rules. These records include repair and maintenance activity documentation, equipment inspection (sumps, spill containment devices, overfill protection devices, cathodic protection) and testing results, operator training records and certifications, financial responsibility (FR) documentation, inventory monitoring, and cathodic protection (CP) system inspection documentation (i.e., impressed current rectifier readings), if applicable. Records documenting repairs and upgrades of the tank system and all UST system components shall be maintained at the facility for the full operating life of the facility. All other records must be maintained for at least three years. Be aware that in order to maintain compliance, the UST facility is required to submit all records to the Program as they are due. Although contractors are typically brought in for system testing, repair, and inspection, it is the

responsibility of the facility—not the contractor—to ensure that all required information is submitted to the Program. The table below summarizes how often new records must be submitted.

Recordkeeping Intervals

<i>Record</i>	<i>Interval</i>
Cathodic Protection (if applicable)	<ul style="list-style-type: none"> • 3 years if factory-installed; or • Annual if field-installed
Financial Responsibility	<ul style="list-style-type: none"> • Annual by Oct. 1st if paying into Petroleum Cleanup Fund (PCF); or • As requested by the Program if privately insured
A/B Operator Training	<ul style="list-style-type: none"> • 2 years
Overfill Prevention	<ul style="list-style-type: none"> • 3 years
Spill Containment (spill bucket, under dispenser containment, tank top/transition sump)	<ul style="list-style-type: none"> • 3 years
Line Leak Detector (if applicable)	<ul style="list-style-type: none"> • Annual
Self-Certification	<ul style="list-style-type: none"> • Annual by Dec. 31st

What should I do prior to the UST compliance inspection?

- Review the list of facilities scheduled for inspection. This list is updated on an annual basis and can be accessed via the [UST Compliance Inspections Webpage](#).
- Respond to any correspondence received from the Storage Tanks Section.
- Compile all necessary documentation and have it ready for the inspection.
- Ensure operating permit and facility tank diagram are posted.
- Ensure that fill ports are clearly correctly labeled or painted.
- Ensure the tank top equipment is accessible.
- Ensure that motor vehicles and heavy objects are removed.
- Conduct a system walkthrough to ensure there are no issues.

What should I do during the UST compliance inspection?

- Ensure that someone knowledgeable about the system is present and available.
- Provide access to equipment and areas that are normally inaccessible (e.g., unlock cabinets under dispensers, indicate where the electronic leak detection console is located, etc.).

What happens after the UST compliance inspection?

If violations are found during the UST inspection, the tank owner will receive a certified letter referred to as a Notice of Alleged Violation (NOAV). The notice will document the rules violation(s), including a brief description of what the inspector observed. The notice will also give compliance directives that must be addressed by the dates specified in the notice. Documentation of the corrected violations may

be required. In some cases, significant or repeat violations will warrant monetary fines. Please note that if one or more of the violations listed below are observed, a red tag may be affixed to the UST fill pipe of the tank associated with the violation. The red tag prohibits delivery of regulated substances to the tank.

- Required spill prevention equipment is not installed;
- Required overfill protection equipment is not installed;
- Required leak detection equipment is not installed;
- Required corrosion protection equipment is not installed; or
- The tank system is found to be leaking, causing a release that may threaten human health or the environment.

Note: The Program may decide to conduct a follow-up inspection at the facility to evaluate the status of issues identified as part of the initial inspection.

What are some of the most common violations observed during UST inspections?

The most common violations observed by UST inspectors include:

- Facility is out of compliance with testing requirements; tests have not been conducted and/or results have not been submitted to the Program.
- Debris or liquid is present in spill buckets and/or sumps.
- Weekly and/or monthly inspection documentation is not available.
- UST diagram is not posted where a delivery driver can see it.
- UST permit is not displayed in a prominent location at the facility.

What are some best practices for maintaining compliance on an ongoing basis?

Monthly walkthrough inspections are required in part to ensure that areas of non-compliance are identified by the UST operator. In addition to completing required inspections, best management practices include:

- Report, Investigate, and resolve leak detection alarms
- Open tank top sumps to confirm that electronic sensors are in the correct location (if electronically monitored).
- Check spill buckets and sumps for liquid after rain events and fuel deliveries. Also check before winter sets in and in late spring. Remove any material and dispose of it properly (see more below regarding hazardous waste).
- Ensure fill port covers are painted according to product. While laminated markers in spill buckets are also used for this purpose, they can easily be covered with dirt and become difficult to identify. Painted covers are the best way to help identify the product in a compartment.
- Pursue training and education for facility personnel beyond the required (e.g., A/B operator) training.

Do the Vermont Hazardous Waste Management Regulations (VHWMR) apply to UST facilities?

It is common for UST facilities to handle materials that are regulated by the VHWMR, including hazardous waste, universal waste, and used oil. It is the responsibility of the facility to determine whether they are generating regulated waste and to follow the applicable regulations.

While the hazardous waste regulations are complex, the large majority of UST facilities that generate regulated waste are considered very small quantity generators (VSQGs). This means the requirements are less stringent than those that apply to generators of higher quantities of regulated waste, such as manufacturers. Note that if your facility is generating flammable solids (e.g., materials used to clean up spills, sumps, or spill buckets) or liquid contaminated with product, you are required to “notify” as a hazardous waste generator and manage those materials as hazardous waste.

Be aware that if an inspector observes VHWMR violations during a UST compliance inspection, they may issue citations or refer the violation to the Program’s Hazardous Waste Section for a follow-up inspection. Some of the most common violations of the VHWMR observed at UST facilities include:

- Containers are open and/or unmarked.
- Containers are not marked properly (requirements are specific to what is in the container: hazardous waste, universal waste, used oil).
- Containers are not covered.
- Containers are not under cover and/or not on an impervious surface.
- Hazardous waste generators have not notified the Program of their activity.
- Evidence of unreported spills or spills that are not cleaned up.

As a starting point for understanding whether the VHWMR apply to a UST facility’s activity, please refer to the following resources:

- [Very Small Quantity Generator \(VSQG\) Guidebook](#)
- [Making a Hazardous Waste Determination Fact Sheet](#)
- [Universal Waste Fact Sheet](#)
- [Used Oil Fact Sheet](#)

For more information regarding UST compliance inspections, or if you have other questions about USTs, please contact:

Hazardous Materials Program – Storage Tanks Section
Waste Management and Prevention Division
Vermont Department of Environmental Conservation
1 National Life Drive – Davis 1
Montpelier, VT 05620-3704
802-828-1138

<https://dec.vermont.gov/waste-management/storage-tanks/underground>