

(seal)

STATE OF MISSISSIPPI

DEPARTMENT OF ENVIRONMENTAL QUALITY

JAMES I. PALMER JR.
EXECUTIVE DIRECTOR

January 8, 1993

Mr. John K. Mason
Environmental Protection Agency
345 Courtland St. NE
Atlanta, GA 30365

Dear Mr. Mason

**RE: Defining "Annual" for Release
Detection**

Our office requests that the term "annual" be defined since there seems to be some discrepancy as to the interpretation of this term when a tank owner is evaluated for compliance with the release detection method of annual precision tank tightness testing in combination with inventory control and reconciliation.

Our understanding of this definition is that "annual" is a period of twelve months. So, if a tank owner chooses to precision test on February 1 of the phase-in year required for release detection, the tank owner must test the tanks again by February 1 of the following year in order to satisfy the requirements of "annual" precision tank tightness testing.

However, one tank owner believes that as long as a facility is tested each year by the phase-in period of December 22, he is in compliance with "annual" precision testing, since the tanks are tested each calendar year by the phase-in deadline of December 22. We believe that this interpretation is incorrect, and two analogies for our reasoning are as follows:

1. If this interpretation is correct, a tank owner could theoretically test the tanks on December 22 of one year, test them on January 1 of the following year, and December 22 of the following year. Thus, only 10 days would elapse from one "annual" testing and over 24 months would elapse from the next "annual" testing. We believe that the regulations were not written so that precision tank tightness testing would occur at such extreme time intervals to satisfy release detection requirements.

2. If "monthly" monitoring is interpreted as "every thirty days", then "annual" must either mean "every twelve months" or "every 365 days".

Please submit clarification on the definition of "annual" so that we can properly determine the compliance status of facilities that use annual precision testing in conjunction with inventory control and reconciliation as a release detection method. For your information we have included a copy of the tank owner's response. We would appreciate an answer by January 29, 1993 so that we can expedite our release detection compliance efforts.

Thank you for your attention into this matter.

/s/

Walter Huff, P.E.
Mississippi UST Technical Coordinator

Enclosure
WJ:dj