



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

September 8, 1990

Mr. R.G. MacDiarmid
Goetting & Associates
Suite 500
Renaissance Plaza
San Antonio, Texas 78216

Dear Mr. MacDiarmid:

Thank you for your letter in which you requested clarification of several points concerning the underground storage tank regulations as they appeared in the Federal Register (Volume 53, No. 185, September 23, 1988). The responses below are numbered to correspond with the questions you have asked.

1. "Deferred" means that these tanks are currently subject to some parts of the regulations, as described in the subsections on pages 37109-37113 of the Federal Register. Because the Agency has not yet decided in what way these tanks should be subject to additional parts of the regulations, it is continuing to evaluate the applicability of the full regulations to these tanks. For example, the emergency generator tank deferral, which appears to be of particular interest to you, temporarily defers only Subpart D of the regulations, which concern release detection: "EPA is deferring Subpart D requirements for these tanks to allow time to develop workable release detection requirements for these tank Systems" (FR 37113).

2. A. You are correct in assuming that the reference to "Subtitle D." should read "Subpart D" in the sentence you have quoted from FR 37109.

B. The deferral for UST systems associated with emergency generators, as it appears on FR 37113, makes no distinction as to the location of the emergency generator. Although the discussion in the regulations focuses on remote utility sites, the deferral would apply to any UST system that serves an emergency generator.

I hope this information is useful to you and responds fully to your

questions. If I can be of further assistance. please do not
hesitate to contact me.

Sincerely yours,

/s/

Ronald Brand, Director
Office of Underground Storage Tanks