

NOV 18 1992

Mr David Wiley
Environmental Engineer
Office of Underground Storage Tanks
Office of Solid Waste and Emergency Response
Environmental Protection Agency
401 M Street, S.W. (OS-410WF)
Washington, D.C. 20460

Re: Temporary Closure of Underground Storage Tanks

Dear Mr. Wiley:

Our firm represents a large number of owners and operators of underground storage tanks regulated under the federal Underground Storage Tank Program set out at 40 C.F.R. Part 280. The purpose of this letter is to request written confirmation of the Environmental Protection Agency's ("EPA") position on corrosion protection upgrades for temporarily closed underground storage tanks. Based on our recent telephone discussion, it is my understanding that EPA interprets 40 C.F.R § 280.70(c), relating to upgrading requirements for temporarily closed underground storage tanks, to require corrosion protection upgrading for existing tanks only after December 22, 1998. More specifically, it is my understanding that EPA interprets this provision such that an owner of an existing underground storage tank may temporarily close that tank in compliance with 40 C.F.R § 270.70(c) for a period of greater than 12 months without adding the corrosion protection specified in § 280.21 until December 22, 1998.

As we discussed, the basis of this conclusion is that Section 280.70(c) requires tanks to either meet the performance standards for new UST systems or the upgrading requirements in Section 280.21 (for existing systems). The upgrading requirements for existing systems specified in Section 280.21, however, do not apply the corrosion protection requirements until December 1998. See 40 C.F.R. § 280.21(a).

In order to memorialize my understanding, I would request that you confirm in writing to me that existing tanks being temporarily dosed for greater than 12 months are in compliance with the corrosion protection upgrading requirements contained in section 280.70(c) if these corrosion protection upgrades. I look forward to your response. In the meantime, if you have any questions, please do not hesitate to contact me.

Very truly yours,

R. Steven Morton