Questions And Answers About The 2015 Underground Storage Tank Regulation

As Of December 2015

The questions and answers below provide information about the 2015 federal underground storage tank (UST) regulation. The general topic areas and their respective page numbers are listed in the order presented.

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Does The 2015 Federal UST Regulation Apply To You?

These questions and answers pertain to the 2015 revised *federal* UST regulation. Many states and territories (referred to as states) have state program approval from EPA. To find a list of states with state program approval, see www.epa.gov/ust/state-underground-storage-tank-ust-programs.

If your UST systems are located in a state *with* state program approval, your requirements may be different from those described in these questions and answers. To find information about your state's UST regulation, contact your implementing agency or visit its website. You can find links to state UST websites at www.epa.gov/ust/underground-storage-tank-ust-contacts#states.

If your UST systems are located in a state *without* state program approval, both the requirements associated with these questions and answers and the state requirements apply to you. To make sure you are in compliance, you should follow the more stringent requirement.

If your UST systems are located in Indian country, these questions and answers apply to you.

Topic	Question	Answer
		Applicability
Applicability	Are there any exemptions to the new regulations? Or are all USTs covered? For example, is there an exemption for a 1,000-gallon UST that is filled with heating oil?	The 2015 UST regulation discusses partial and complete exclusions from applicability in § 280.10 and definitional exemptions in § 280.12 (see the definition of underground storage tank). See the UST regulation at www.epa.gov/ust/revising-underground-storage-tank-regulations-revisions-existing-requirements-and-new.

Topic	Question	Answer
	Added: September 2015	The definition of underground storage tank at § 280.12 exempts tanks used to store heating oil for consumptive use on the premises where stored. So if this is a heating oil tank where the contents are used on the site where that tank is located, then EPA would not regulate this tank. Note that state UST programs may regulate tanks that EPA excludes from regulation or exempts by definition.
Implementation		
Implementation	What are the effective dates for the requirements in the 2015 UST regulation? Added: September 2015	Generally, most requirements take effect October 13, 2018, which is 3 years after the effective date of the 2015 UST regulation. However, some requirements take effect on October 13, 2015, which is the effective date, or April 11, 2016, which is 180 days after the effective date. For example, the changes to compatibility take effect on October 13, 2015 and the secondary containment and under-dispenser containment requirements take effect April 11, 2016. For details about implementation time frames, see page 41570 of the *Federal Register* containing the 2015 UST regulation at www.gpo.gov/fdsys/pkg/FR-2015-07-15/pdf/2015-15914.pdf. In addition, EPA developed a brochure about implementation time frames, available at www.epa.gov/ust/implementation-time-frames-2015-underground-storage-tank-requirements.
Implementation - SPA	States have three years to obtain SPA or redo their SPA application. I assume that gives them 3 years to write a rule. If the operation and maintenance requirements have to be initiated within three years of the effective date of the rule, does that give SPA states 3 years or 6 years to start O&M requirements? Added: September 2015	In **states without state program approval (SPA) and in Indian country**, the 2015 federal requirements apply according to time frames specified in the 2015 UST regulation. In **states with SPA**, none of the 2015 federal requirements apply until a state adopts the federal requirements or if a state does not adopt the federal requirements, until EPA withdraws approval of SPA for that state. Owners and operators in states with SPA must continue to meet the state UST requirements. States with SPA have 3 years from October 13, 2015, which is the effective date of the 2015 UST regulation, to revise their regulations and submit a revised SPA application. States can give owners the same amount of time to meet the state requirements as the federal regulation gives owners to meet the federal requirements (that is, three years after the effective date of the state regulation.) However, EPA expects that many states will impose shorter time frames than those in the federal requirements and may even impose more stringent requirements than the federal regulation.
State Program Approval		
SPA And Meeting The Operator Training Requirement	Where in the preamble or regulations does it state that if the state meets the operator training requirement of the statute (and not the new regulations) they do not have to change their program requirements?	EPA agreed very early in the federal regulatory development process that we would allow states to continue to implement their state-specific operator training programs according to EPA's *Grant Guidelines To States For Implementing The Operator Training Provision Of The Energy Policy Act Of 2005*, despite differences that may exist with the operator training requirements in the 2015 UST regulation. The revised SPA regulation at § 281.39 – Operator Training, states: "In order to be considered no less stringent than the corresponding federal requirements for operator training, the state must have an operator training program that meets the minimum requirements of section 9010 of the Solid Waste

Topic	Question	Answer
	Added: September 2015	Disposal Act." EPA developed operator training grant guidelines that meet section 9010 of the Solid Waste Disposal Act. As long as a state meets the grant guidelines, it will be in compliance with § 9010 and, therefore, in compliance with § 281.39. So a state with SPA would meet the operator training requirement even if it is different from the 2015 UST regulation. Note that in non-SPA states, both state and federal operator training requirements apply.
Spill Prevention And Containment Sumps		
Spill Bucket Testing On Stage I Vapor Recovery Lines	If an owner has spill containment buckets installed on the Stage I fittings on the UST systems, would those be required to be tested every 3 years as well (or monitored monthly)? Or would they not require a test because they are not attached to the tank fill? Added: September 2015	40 CFR part 280.20(c)(1)(i) only requires spill prevention equipment where the transfer hose is detached from the fill pipe. There is no requirement in the 2015 UST regulation for containment around a Stage I vapor recovery port. While it would be prudent to test any containment around the vapor recovery port, the 2015 UST regulation does not require owners and operators to perform this testing since the containment is not required by the UST regulation. Please note that the 2015 UST regulation requires testing of the containment if both the fill pipe and vapor recovery port are located in a single containment area.
Containment Sump Testing	Do dispenser sumps need to be tested once every three years if the double walled piping is closed to the sump (i.e., the piping is double-walled throughout the dispenser and the containment sump is not used as part of the secondary containment of the piping)? If the double-walled piping is open under the dispenser allowing a leak to drain into the dispenser sump or the (submersible turbine pump) STP sump, then do the dispenser containment sumps and the STP sump have to be tested once every three years? Added: September 2015	The requirement to test sumps, or have double-walled sumps with periodic monitoring, hinges on whether that sump is used as part of the piping secondary containment when interstitial monitoring is used as release detection for the piping. The requirement to test the sump is independent of whether the sump is open or closed or whether sensors reside in that sump or somewhere else. And it applies to any containment sump used for piping interstitial monitoring, independent of whether the containment sump is old or new. Any sump used as part of the secondary containment system that is interstitially monitored must either be double-walled with periodic monitoring of the space between the sump walls or be tested once every three years. For the question about closed piping under dispensers, in this case, the under-dispenser containment (UDC) does not need to be tested because the UDC is not part of the piping secondary containment where interstitial monitoring is used. If the outer wall of the double-walled piping is open in the UDC or ends at the UDC wall, then the UDC would be considered secondary containment for the single-walled piping in the UDC, independent of whether the UDC was open or closed to the STP sump. In this case, the UDC is part of the secondary containment and interstitial monitoring for the piping and would have to be tested once every 3 years or be double walled with periodic monitoring of the space between the walls. Either the UDC would need to be open to the STP so that regulated substance can flow to the STP or a sensor would need to be installed in a closed UDC.
Containment Sump Testing	Is containment sump testing required for double-wall piping	No. The 2015 UST regulation does not require containment sump testing if the release detection method for the piping is something other than interstitial monitoring.

Topic	Question	Answer
	systems that use sump sensors as a good management practice but rely on a method other than interstitial monitoring to meet the piping release detection requirement? Added: December 2015	While EPA does not require this testing, some states may treat redundant release detection systems differently. Owners and operators should check with their UST implementing agencies to determine applicable requirements.
Containment Sump Testing	If an UST system is installed after April 11, 2016 and it has both UDC's and tank top sumps, but utilizes electronic line leak detection with positive shutdown, will the sumps need to be tested every three years? Added: December 2015	Yes. These sumps, if used for piping interstitial monitoring, must either be tested once every three years or be double-walled with periodic interstitial monitoring of the space between the containment sump walls [see § 280.35]. The 2015 UST regulation does not provide any special allowance regarding sump testing for an UST system with an electronic line leak detector having positive shutdown.
UDC Testing	Are tank owners required to test all UDC or only UDC used for both secondary containment and interstitial monitoring of pipes? Added: September 2015	Periodic testing of containment sumps, including UDC, is required only when the containment sump is used for secondary containment of the piping and when interstitial monitoring is used for release detection of that piping. The location of the interstitial monitoring device is not a factor in determining whether periodic testing is required. For example, an owner or operator has UDC that is used as the secondary containment for piping where regulated substances can drain to another sump that is monitored with a sensor. In this case, UDC must meet the periodic testing requirement because it is used as part of secondary containment and interstitial monitoring of the piping.
UDC	Are tank owners required to install UDC if only several components of the dispenser system are replaced, but not the entire dispenser system (for example a shear valve but not flexible connectors)? Or, are tank owners required to install UDC if *any single* component of the dispenser system is replaced? Added: September 2015	The 2015 UST regulation at § 280.20(f) indicates that a dispenser system is considered new when both the dispenser and the equipment needed to connect the dispenser to the underground storage tank system are installed. That equipment may include check valves, shear valves, unburied risers or flexible connectors, or other transitional components that connect the dispenser to the underground piping. This means that the UDC requirement is not triggered until the dispenser and everything between the dispenser and the underground piping is installed. Note that most states have already implemented their own requirements for secondary containment and UDC. The 2015 UST regulation primarily applies to owners and operators of UST systems in Indian country.
UDC	Will the replacement of a dispenser at a site trigger the need to add a containment sump and sensor monitoring?	If an existing dispenser and the equipment used to connect the dispenser to the underground piping are removed and replaced with a new dispenser, then the under-dispenser containment requirement is triggered for that dispenser [see § 280.20(f)].

Topic	Question	Answer
	Added: December 2015	EPA does not require owners and operators to add sensors for monitoring under-dispenser containment when the UDC requirement is triggered. Owners and operators may need to add sensors to UDC areas to meet the periodic monitoring requirement for sumps that cannot be visually inspected or to meet the piping interstitial monitoring requirement when piping is installed or replaced after April 11, 2016 [see § 280.20(f)(2)].
Spill Bucket Testing	Are tank owners required to test double wall spill buckets if the interstitial space is periodically checked and found to have integrity? Added: September 2015	Spill containment testing is not required if the integrity of both walls of a double-walled spill bucket is periodically monitored. However, owners and operators must test double-walled spill buckets if they choose not to periodically monitor the integrity of both walls; see § 280.35(a)(1)(i). The frequency of periodic monitoring in the 2015 UST regulation for spill buckets is typically 30 days – the frequency required in the walkthrough inspection.
Liquid Tight Sumps	EPA states that both new and existing containment sumps used for interstitial monitoring must be "liquid tight". Does EPA require that sumps and under dispenser containment are liquid tight on top, whether they have a lid or cover or not? Added: September 2015	For UDC, the 2015 UST regulation at § 280.20(f)(2) indicates that UDC must be liquid tight on its sides, bottom, and at any penetrations. It does not indicate that UDC must be liquid tight on top. For other containment sumps, § 280.35(a)(1)(ii) indicates that the containment sump must be tested once every 3 years to ensure the equipment is liquid tight. There are no further details in the 2015 UST regulation for containment sump testing. However, we know that using a liquid to test a containment sump does not test the top or lid of the containment sump. In addition, in our observation of vacuum testing demonstrations, we note that the lids are removed for this testing. Based on this information, EPA does not think containment sumps must be liquid tight on top, whether or not they have a lid or cover.
Secondary Containment And Interstitial Monitoring		
Secondary Containment And Interstitial Monitoring	After April 2016 new installations must use interstitial monitoring for leak detection. Can locations installed prior to April 2016 that have all components necessary to perform interstitial monitoring use another form of Leak Detection? For example(s): could DW tanks use SIR or CSLD? Could double walled piping use 3 gph LLDs and annual line tightness testing? Added: September 2015	The 2015 federal UST requirement for secondary containment and interstitial monitoring only applies to tanks and piping installed after April 11, 2016. Any owner or operator who has a petroleum tank installed on or before April 11, 2016 may choose to use any of the release detection options listed in Subpart D of the UST regulation. The release detection options apply to secondarily-contained piping installed on or before April 11, 2016, too. Note that some states have had secondary containment requirements in place for a while, so owners and operators will need to check with the state in which the USTs reside to determine their requirements.
Interstitial Monitoring	Do new or replacement fiberglass clad steel tanks need interstitial monitoring?	The 2015 UST regulation requires all underground storage tanks and piping to have secondary containment and interstitial monitoring when installed or replaced after April 11, 2016. A fiberglass clad steel tank is not considered secondarily contained unless it has two steel walls. However, a steel tank

Topic	Question	Answer
	Added: September 2015	jacketed with fiberglass is a secondarily contained tank. Check with the state in which the tank resides because many states already have secondary containment and interstitial monitoring requirements in place.
Piping Run Definition	How do I apply the piping run definition when there is more than one STP (either manifolded or in line)? How do I apply the piping run definition if the piping has both a suction pump and a pressurized pump? Added: December 2015	Each UST site may have unique characteristics that require implementing agencies to think about how to apply the piping run definition. As a general rule of thumb, EPA considers all piping downstream from a single submersible turbine pump (STP) to be part of a single piping run. Likewise, all piping upstream from the suction pump to the storage tank would be part of a single piping run. Below are a few examples to assist implementing agencies apply the piping run definition in § 280.12. Example 1: If an owner or operator has two STPs on a single tank where piping leaves each STP and then joins together at some later point, these are two piping runs with some of the same piping attributed to each piping run. If the 50 percent threshold to replace the piping is triggered on the part of the piping shared by both STPs, then secondary containment is triggered for both piping runs. If the secondary containment is only triggered for one of the piping runs, then secondary containment is only required for the entirety of that one piping run. Example 2: If an owner or operator has one STP with piping that goes to a second STP followed by more piping, these are two piping runs. The first piping run goes from the STP at the tank to the dispensers and the second piping run goes from the STP in the middle of the piping to the dispensers. Again, some piping is shared by both piping runs and if the 50 percent threshold is triggered on the shared piping, then secondary containment would be required for both piping runs. Example 3: If an owner or operator has a suction piping system from the tank to some point in the middle of the piping followed by a pressurized piping system from the suction pump to the end of the piping, these are two piping runs. The suction piping run begins at the tank and runs to the suction pump; the pressurized piping run begins at the pressure pump and continues to its endpoint. Example 4: If an owner or operator has an STP with pressurized piping beginning at the tank followed by a suction pump at some point in the piping, these are two piping runs. For this configuration, there probably needs to be some intermediate storage from which the suction pump draws the regulated substance. This scenario assumes the pressurized piping pumps regulated substance to an intermediate storage area where it is then drawn using a suction system. Again, EPA considers these as two piping runs. The pressurized piping run is from the pressure pump to the intermediate storage. The suction piping run goes from the intermediate storage to the suction pump. Note that in all of these examples, the UST regulation does not regulate any aboveground piping.
Day Tanks	Do day tanks that are considered underground storage tanks need secondary containment if they are less than 1,100 gallons?	Generally, yes. Day tanks that are part of a regulated UST system installed after April 11, 2016 must be secondarily contained and have interstitial monitoring [see § 280.20]. If day tanks were installed prior to October 13, 2015, owners and operators would have until October 13, 2018 to begin meeting the release detection requirements in subpart D of the 2015 UST regulation.

Topic	Question	Answer
	Added: December 2015	The only exception is if an owner or operator has an aboveground day tank associated with an airport hydrant system or field-constructed tank where the overall system meets EPA's definition of UST system. In this case, the aboveground day tank is partially excluded from most of the 2015 UST regulation, including secondary containment and interstitial monitoring [see § 280.10(c)].
Overfill Protection		
Overfill Prevention Inspections	Are tank owners required to pull the automatic shut off device out of the tank during the periodic overfill inspection process? Added: September 2015	The 2015 UST regulation at § 280.35(a)(2) indicates the inspection must ensure overfill prevention equipment is set to activate at the correct level and will activate when regulated substance reaches that level. The 2015 UST regulation does not require the automatic shutoff device to be removed during the inspection. However, EPA is not aware of any way to properly inspect the shutoff device to ensure it is set at the correct level without removing it.
Overfill Prevention Inspections	Some UST systems use two or more of the overfill prevention options listed in the federal UST regulation. Do owners and operators have to inspect all overfill devices used on the tank or only the one being used to meet the overfill prevention requirement. Added: December 2015	From EPA's perspective, only the method of overfill prevention being used to meet the UST regulation must meet the overfill prevention inspection requirement in § 280.35. One note: owners and operators must ensure any secondary overfill methods they use do not interfere with the primary method they use to meet the overfill prevention requirement. Some states may require inspections of all overfill prevention equipment used on the UST system. Please check with implementing agencies to determine their requirements.
Ball Float Valves	If a tank owner or operator is using a high level alarm set to 90 percent capacity to meet the overfill prevention requirements, can the tank owner still install a ball float valve after October 13, 2015 set at a higher level as a second line of defense? Added: December 2015	Owners and operators may not use flow restrictors in vent lines (also called ball float valves) to meet the overfill prevention requirement when overfill prevention equipment is installed or replaced after October 13, 2015. The preamble to the 2015 UST regulation (see July 13, 2015 *Federal Register*, Vol. 80, No. 135, page 41600, 2nd column at www.gpo.gov/fdsys/pkg/FR-2015-07-15/pdf/2015-15914.pdf) indicates that flow restrictors can continue to be used for reasons other than meeting the overfill prevention requirement so long as the flow restrictor does not interfere with the operation of the overfill prevention equipment being used. From EPA's perspective, owners and operators may install a flow restrictor in their tank for other purposes, as long as the flow restrictor does not interfere with the overfill prevention equipment being used. Owners and operators should check with their state UST implementing agencies since those requirements may be more stringent.
Internal Lining		
Internal Lining For Reasons Other Than Meeting The Tank Corrosion	The 2015 UST regulation no longer allows internal lining to meet the corrosion protection requirement for existing tanks. Can an owner or operator add	Although owners and operators may no longer line their UST systems to meet the corrosion protection requirement for tanks [see § 280.21(b)(1)], they may internally line their tanks for other reasons. For example, owners and operators may internally line their tanks for compatibility reasons or to add secondary containment to their tanks.

Topic	Question	Answer
Protection Requirement	an internal lining for reasons other than meeting the corrosion protection requirement? Added: December 2015	
Walkthrough Inspections		
Sump Inspection	If a tank owner uses SIR, what must the tank owner inspect on a monthly basis? How does ATG and SIR impact sump inspection? If using ATG and SIR, would sump inspections be required more often than once per year? Added: September 2015	For the release detection part of the walkthrough inspection described in § 280.36, owners and operators using statistical inventory reconciliation (SIR) must ensure their SIR records are reviewed and current. In addition, if they use any electronic equipment, for example an automatic tank gauge (ATG) if SIR data is gathered from the ATG, they must look at it to make sure it is on and operating normally. The annual containment sump inspection part of the walk through inspection is required for all containment sumps and is independent of the release detection method used. The 2015 UST regulation does not require containment sump inspections more often than annually.
Walkthrough Inspection For Emergency Generator USTs	How does the 30 day walkthrough inspection apply to remote, unmanned emergency generator UST systems? Added: September 2015	EPA provides some additional flexibility to the 30 day walkthrough inspection for remote, unmanned facilities. The 2015 UST regulation allows checks of the spill containment area before each delivery at these facilities, since someone should be on-site for the delivery, instead of once every 30 days if deliveries are received less frequently than every 30 days. Remember to keep records of the delivery in this case. In addition, the preamble to the 2015 UST regulation indicates that owners and operators who monitor their release detection system remotely may check the release detection equipment and records remotely every 30 days, as long as the release detection system at the UST system location is determined to be in communication with the remote monitoring equipment.
Electronic Monitoring Of Sumps	EPA allows the installation of electronic monitoring of sumps that cannot be accessed for inspection. If a sump has electronic monitoring, do inspections and testing need to be performed? Added: September 2015	The periodic monitoring of under-dispenser containment (UDC) at § 280.20(f)(2) only applies to UDC where access to the components in the UDC is not possible. This provision was included because some fire code officials interpret the fire codes to require the sump be filled with stone or dirt for fire safety. In this case, components in the containment sump are not accessible, so EPA requires containment sumps where components cannot be accessed for inspection be periodically monitored for leaks from the dispenser system. Annual walkthrough inspections must be conducted on all containment sumps, independent of whether a sump has electronic monitoring, though it is possible the owner or operator may not see much if, for example, the sump is filled with dirt or stone. Three year testing of containment sumps is also required even if a sump has electronic monitoring, except when the containment sump is double-walled and the integrity of both walls is periodically monitored.

Topic	Question	Answer
Release Detection		
Release Detection Testing Of Electronic Line Leak Detectors (ELLDs)	Do electronic line leak detectors (ELLDs) used to meet the 0.2 or 0.1 gph release detection requirement have to be tested by simulating a 0.2 or 0.1 gph leak? Added: September 2015	The 2015 UST regulation at § 280.40(a)(3)(iii) specifically requires annual testing of automatic line leak detectors (ALLD) be performed by simulating a leak to test the performance standard of the equipment - that is, ensure it is capable of detecting a leak rate of 3 gallons per hour (gph) at 10 pounds per square inch line pressure within 1 hour. EPA's annual testing requirement for release detection equipment targets electronic and mechanical components typically permanently installed on the UST system. EPA did not specifically include equipment such as line tightness testing as part of the annual testing requirement since this equipment is typically not permanently installed and is brought in and removed by third-party service providers. Some states allow owners and operators to use ALLDs to meet the pressurized piping leak detection requirements, specifically, as equivalents to monthly monitoring that targets a 0.2 gph leak rate and the annual line tightness testing requirement that must meet a 0.1 gph leak rate. While the 2015 UST regulation does not specifically say owners and operators must test ALLDs at 0.2 or 0.1 gph, owners and operators who use their ALLD to meet EPA's requirements for 0.2 or 0.1 gph testing must test that device for proper operation according to § 280.40(a)(3). Although not explicitly stated in the 2015 UST regulation, one way to test an ALLD for proper operation would be to simulate a 0.2 or 0.1 gph leak. Note that such a test must be conducted according to manufacturer's instructions; a code of practice developed by a nationally recognized association or independent testing laboratory; or requirements determined by the implementing agency to be no less protective of human health and the environment. EPA is not aware of any manufacturer's instructions or codes of practice that currently include this testing. EPA plans to work with code-making groups and add this testing before the release detection testing requirement becomes effective.
Compatibility		
Compatibility – B100	Is B100 a regulated substance in the 2015 UST regulation? Added: September 2015	In order to be a regulated substance, B100, which is 100 percent biodiesel, must be petroleum or a CERCLA-listed hazardous substance. Petroleum is defined to be a complex blend of hydrocarbons. B100 is not a hydrocarbon, so B100 stored in an UST would not meet the definition of petroleum. In addition, B100 is not on the CERCLA list of hazardous substances. Therefore, USTs storing 100 percent biodiesel are not regulated under the 2015 UST regulation. EPA understands that most biodiesel is blended with some regular diesel. If the biodiesel is blended with some diesel, then USTs storing that blend would be regulated as petroleum USTs under the 2015 UST regulation.
Release Reporting		
Implementing Agency Notification	If the owner immediately responds to the alarm of liquid in an interstitial space, the liquid is removed, repairs made (if necessary) and everything is back in normal operating	Liquid in the interstitial space of secondarily contained systems is an unusual operating condition except when the interstitial space is filled with a liquid, such as brine for interstitial monitoring. Alarms must be investigated and their cause determined to ensure a release of product to the environment has not occurred. If the alarm is caused by liquid in the interstice and the liquid is immediately removed according to § 280.50(c)(2)(i) and defective system equipment is immediately repaired or replaced

Topic	Question	Answer
	condition within 24 hours, is notification of the interstitial alarm condition still required to be made to the implementing agency within that 24 hour period? Added: December 2015	according to § 280.50(c)(2)(ii), then owners and operators are not required to notify implementing agencies. Owners and operators should check with their state UST implementing agencies since those requirements may be more stringent.
Temporarily Out Of Use Facilities		
Temporarily Out Of Use Facilities	Do the new UST regulations apply to temporarily out of use (TOU) facilities? Added: September 2015	Yes. But EPA excluded TOU facilities from some of the 2015 requirements. See 40 CFR part 280.70 for specific requirements related to TOU tanks. In addition, EPA's website also describes the TOU requirements in the 2015 UST regulation; see www.epa.gov/ust/resources-owners-and-operators#closing.
Partially Excluded USTs		
Financial Responsibility	How do the financial responsibility requirements in subpart H apply to UST systems partially excluded from the federal UST regulation at § 280.10(c)? Added: December 2015	The financial responsibility requirements do not apply to these partially excluded UST systems [see § 280.90]: • Wastewater treatment tank systems • UST systems containing radioactive material regulated under the Atomic Energy Act of 1954 • UST systems that are part of an emergency generator system at nuclear power generation facilities licensed by the Nuclear Regulatory Commission (NRC) and subject to NRC requirements regarding design and quality criteria. According to § 280.90, the financial responsibility requirements do apply to aboveground storage tanks associated with airport hydrant fuel distribution systems and UST systems with field-constructed tanks, as discussed in the 2015 UST regulation.