

## Selected Violations of Federal Underground Storage Tank Regulations

### SUBPART B -- UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION, AND NOTIFICATION

#### §280.20 Performance standards for new UST systems

Regulatory Citation	Violation	Violations Appropriate for Regulatory Field Citations (Penalty Amount)
§280.20(a)(1)	Installation of an improperly constructed fiberglass-reinforced plastic tank	\$490
§280.20(a)(2)	Installation of an improperly designed and constructed metal tank that fails to meet corrosion protection standards	\$490
§280.20(a)(2)(i)	Installation of a metal tank with unsuitable dielectric coating	\$250
§280.20(a)(2)(ii)	Installation of an improperly designed cathodic protection system for a metal tank	\$490
§280.20(a)(2)(iii)	Improper Installation of cathodic protection system for a metal tank	\$250
§280.20(a)(2)(iv)	Improper operation and maintenance of tank cathodic protection system	\$250
§280.20(a)(3)	Installation of an Improperly constructed steel-fiberglass-reinforced-plastic tank	\$490
§280.20(b)(1)	Installation of Improperly constructed fiberglass-reinforced plastic piping	\$490
§280.20(b)(2)	Failure to provide any cathodic protection for metal piping	\$490
§280.20(b)(2)(i)	Installation of piping with unsuitable dielectric coating	\$250
§280.20(b)(2)(ii)	Installation of improperly designed cathodic protection for metal piping	\$490
§280.20(b)(2)(iii)	Improper Installation of cathodic protection system for piping	\$250
§280.20(b)(2)(iv)	Improper operation and maintenance of cathodic protection system for metal piping	\$250
§280.20(c)	Failure to use a spill prevention system and an overfill prevention system	\$490
§280.20(c)(1)(i)	Installation of inadequate spill prevention equipment In a new tank	\$250
§280.20(c)(1)(ii)	Installation of inadequate overfill prevention equipment in a new tank	\$250
§280.20(d)	Failure to install tank in accordance with accepted codes and standards	\$250
§280.20(d)	Failure to install piping in accordance with accepted codes and standards	\$250
§280.20(e)	Failure to provide any certification of UST installation	\$250

Original values provided in Directive 9610.16, October 6, 1993 have been adjusted for inflation by multiplying by 1.63238 in accordance with July 27, 2016 Amendments to EPA's Civil Policies to Implement the 2016 Civil Monetary Penalty Inflation Adjustment Rule (Effective August 1, 2016).

### §280.21 Upgrading of existing UST systems

Regulatory Citation	Violation	Violations Appropriate for Regulatory Field Citations (Penalty Amount)
§280.21(a)	Failure to perform replacement, upgrade, or closure for existing substandard tank systems	\$2,120
§280.21(b)	Failure to meet all tank upgrade standards	\$490
§280.21(b)(1)(i)	Improper Installation of interior lining for tank upgrade requirements	\$250
§280.21(b)(1)(ii)	Failure to meet Interior lining Inspection requirements for tank upgrade	\$250
§280.21(b)(2)(i)	Failure to ensure that tank is structurally sound before installing cathodic protection	\$250
§280.21(b)(2)(ii)	Failure to conduct monthly release detection monitoring for upgraded tank under 10 years of age	\$490
§280.21(b)(2)(iii)	Failure to meet tightness test requirements for a tank upgraded with cathodic protection	\$250
§280.21(b)(2)(iv)	Failure to meet requirements for testing for corrosion holes for a tank upgraded with cathodic protection	\$250
§280.21(c)	Failure to Install any cathodic protection for metal piping upgrade requirements	\$490
§280.21(c)	Failure to meet piping tightness test requirements for metal piping after upgrade with cathodic protection	\$250
§280.21(d)	Failure to provide spill or overfill prevention system for an existing tank	\$490

### §280.22 Notification requirements

Regulatory Citation	Violation	Violations Appropriate for Regulatory Field Citations (Penalty Amount)
§280.22(a) or	Failure to notify state or local agency within 30 days of bringing an UST system into use	\$490
§280.22(b)	Failure to notify designated state or local agency of existing tank	\$490
§280.22(c)	Failure to submit a separate notification form identifying all known tanks for each site where tanks are located	\$250
§280.22(e)	Failure to certify on notification form UST system requirements of proper installation, cathodic protection, financial responsibility, and release detection	\$250
§280.22(f)	Failure to provide installer certification of compliance with installation requirements on notification form	\$250
§280.22(g)	Failure to inform tank purchaser of notification requirements	

## SUBPART C -- GENERAL OPERATING REQUIREMENTS

### 280.30 Spill and overfill control

Regulatory Citation	Violation	Violations Appropriate for Regulatory Field Citations (Penalty Amount)
§280.30(a)	Failure to take necessary precautions to prevent overfill/spillage during the transfer of product	\$490
§280.30(b)	Failure to report a spill/overfill	
§280.30(b)	Failure to Investigate and clean up a spill/overfill	

### 280.31 Operation and maintenance of corrosion protection

Regulatory Citation	Violation	Violations Appropriate for Regulatory Field Citations (Penalty Amount)
§280.31(a)	Failure to operate and maintain corrosion protection system continuously	\$250
§280.31(b)	Failure to ensure proper operation of cathodic protection system	\$250
§280.31(c)	Failure to inspect impressed current systems every 60 days	\$250
§280.31(d)	Failure to maintain records of cathodic protection inspections	\$80

### 280.32 Compatibility

Regulatory Citation	Violation	Violations Appropriate for Regulatory Field Citations (Penalty Amount)
§280.32	Failure to ensure that UST system is made of or lined with materials compatible with substance stored	\$250

### 280.33 Repairs allowed

Regulatory Citation	Violation	Violations Appropriate for Regulatory Field Citations (Penalty Amount)
§280.33(a)	Failure to repair UST system in accordance with accepted codes and standards	\$250
§280.33(b)	Failure to repair fiberglass-reinforced UST in accordance with accepted codes and standards	\$250
§280.33(c)	Failure to replace metal piping that has released product	\$250
§280.33(c)	Failure to repair fiberglass-reinforced piping in accordance with manufacturers specifications	\$250
§280.33(d)	Failure to ensure that repaired tank systems are tightness tested within 30 days of completion of repair	\$490
§280.33(e)	Failure to test cathodic protection system within 6 months of repair of an UST system	\$250
§280.33(f)	Failure to maintain records of each repair to an UST system	\$80

### 280.34 Reporting and recordkeeping

Regulatory Citation	Violation	Violations Appropriate for Regulatory Field Citations (Penalty Amount)
For violations of reporting and recordkeeping, see appropriate regulatory section (e.g., reporting of releases will be under Subpart D).		
§280.34(a)(1) or	Failure to submit notification for UST system	\$490
§280.34(a)(1)	Failure to submit certification of a new installation with notification form	\$490
§280.34(b)(1)	Failure to maintain analysis of site corrosion potential if corrosion protection equipment is not used	\$80
§280.34(b)(2)	Failure to maintain corrosion protection equipment operation documentation	\$80
§280.34(b)(3)	Failure to maintain documentation of UST system repairs	\$80
§280.34(b)(4)	Failure to maintain documentation of compliance with release detection requirements	\$80
§280.34(c)(1) or	Failure to maintain records at UST site and immediately available for inspection	\$80
§280.34(c)(2)	Failure to maintain records at a readily available alternative site	\$80

**SUBPART D -- RELEASE DETECTION**

**280.40 General requirements for all UST systems**

**(Applies only to petroleum tanks)**

<b>Regulatory Citation</b>	<b>Violation</b>	<b>Violations Appropriate for Regulatory Field Citations (Penalty Amount)</b>
§280.40(a)	Failure to provide adequate release detection method	\$490
§280.40(b)	Failure to notify implementing agency when release detection indicates release	
§280.40(c)	Failure to provide any release detection method by phase-in date	\$250
§280.40(d)	Failure to close any UST system that cannot meet release detection requirements	\$490

**280.41 Requirements for petroleum UST systems**

<b>Regulatory Citation</b>	<b>Violation</b>	<b>Violations Appropriate for Regulatory Field Citations (Penalty Amount)</b>
§ 280.41(a) or	Failure to monitor tanks at least every 30 days, if appropriate	\$490
§280.41(a)(1) or	Failure to conduct tank tightness testing every 5 years, if appropriate	\$490
§ 280.41(a)(2)	Failure to conduct annual tank tightness testing, if appropriate	\$490
§280.41(b)(1)(i)	Failure to equip pressurized piping with automatic line leak detector	\$490
§280.41(b)(1)(ii)	Failure to have annual tank tightness test or perform monthly monitoring on pressurized piping	\$490
§ 280.41(b)(2)	Failure to conduct line tightness test or use monthly monitoring on suction piping	\$490

**280.42 Requirements for hazardous substance UST systems**

<b>Regulatory Citation</b>	<b>Violation</b>	<b>Violations Appropriate for Regulatory Field Citations (Penalty Amount)</b>
§280.42(a)	Failure to provide release detection for an existing hazardous substance tank system	\$490
§280.42(b)	Failure to provide adequate release detection for a new hazardous substance UST system	\$490
§280.42(b)(1)	Failure to provide adequate secondary containment of tank for a hazardous substance UST	\$490
§280.42(b)(2)	Failure to provide adequate double-walled tank/adequate lining for a hazardous substance UST	\$490
§280.42(b)(3)	Failure to provide adequate external liners for a hazardous substance UST	\$490
§280.42(b)(4)	Failure to provide adequate secondary containment of piping for a hazardous substance UST	\$490

### 280.43 Methods of release detection for tanks

Regulatory Citation	Violation	Violations Appropriate for Regulatory Field Citations (Penalty Amount)
§280.43(a)	Inadequate operation or maintenance of inventory control	\$490
§280.43(a)(1)-(6)		\$80 each
§280.43(b)	Inadequate operation or maintenance of manual tank gauging	\$490
§280.43(b)(1)-(4)*		\$80 each
§280.43(c)	Inadequate operation or maintenance of tank tightness testing	\$250
§280.43(d)	Inadequate operation or maintenance of automatic tank gauging	\$490
§280.43(d)(1)-(2)		\$250 each
§280.43(e)	Inadequate operation or maintenance of vapor monitoring	\$490
§280.43(e)(1)-(7)#		\$250 each
§280.43(f)	Inadequate operation or maintenance of ground-water monitoring	\$490
§280.43(f)(1)-(8)@		\$250 each
§280.43(g)	Inadequate operation or maintenance of interstitial monitoring	\$490

### 280.44 Methods of release detection for piping

Regulatory Citation	Violation	Violations Appropriate for Regulatory Field Citations (Penalty Amount)
§280.44	Failure to provide any release detection for underground piping	\$490
§280.44(a) or	Failure to provide adequate line leak detector system for underground piping	\$250
§280.44(b)	Failure to provide adequate line tightness testing system for underground piping system	\$250
§260.44(c)	Inadequate use of applicable tank release detection methods	\$250

### 280.45 Release detection recordkeeping

Regulatory Citation	Violation	Violations Appropriate for Regulatory Field Citations (Penalty Amount)
§280.45	Failure to maintain records of release detection monitoring	\$250
§280.45(a)	Failure to document all release detection performance claims for 5 years after installation	\$80
§280.45(b)	Failure to maintain results of sampling, testing or monitoring for release detection for at least 1 year or failure to retain results of tightness testing until next test is conducted	\$80
§280.45(c)	Failure to document calibration, maintenance, and repair of release detection	\$80

\* If citing more than 3 subsections, cite instead §280.43(b) or §280.41 (a)

# If citing more than 1 subsection, cite instead §280.43(e)

@ If citing more than 1 subsection, cite instead §280.43(f)

**SUBPART E -- RELEASE REPORTING, INVESTIGATION, AND CONFIRMATION**

**280.50 Reporting of suspected release**

<b>Regulatory Citation</b>	<b>Violation</b>	<b>Violations Appropriate for Regulatory Field Citations (Penalty Amount)</b>
§280.50(a)-(c)	Failure to report a suspected release within 24 hours to the implementing agency	

**280.52 Release investigation and confirmation steps**

<b>Regulatory Citation</b>	<b>Violation</b>	<b>Violations Appropriate for Regulatory Field Citations (Penalty Amount)</b>
§280.52(a)-(b)	Failure to investigate and confirm a release (if appropriate) using accepted procedures	

**280.53 Reporting and cleanup of spills and overfills**

<b>Regulatory Citation</b>	<b>Violation</b>	<b>Violations Appropriate for Regulatory Field Citations (Penalty Amount)</b>
§280.53(a)	Failure to report a spill/overfill (if appropriate) to implementing agency within 24 hours (or other specified time period)	
§280.53(b)	Failure to contain and immediately clean up a spill/overfill of less than 25 gallons	
§280.53(b)	Failure to contain and immediately clean up a hazardous substance spill/overfill	

**SUBPART F -- RELEASE RESPONSE AND CORRECTIVE ACTION**

**280.61 Initial Response**

<b>Regulatory Citation</b>	<b>Violation</b>	<b>Violations Appropriate for Regulatory Field Citations (Penalty Amount)</b>
§280.61	Failure to take initial response actions within specified time period after a release is confirmed	

**280.62 Initial abatement measures and site check**

<b>Regulatory Citation</b>	<b>Violation</b>	<b>Violations Appropriate for Regulatory Field Citations (Penalty Amount)</b>
§280.62	Failure to perform initial abatement measures and submit report within 20 days (or other specified time) of release confirmation	

**280.63 Initial site characterization**

<b>Regulatory Citation</b>	<b>Violation</b>	<b>Violations Appropriate for Regulatory Field Citations (Penalty Amount)</b>
§280.63	Failure to submit report on initial site characterization within 45 days (or other specified time) of release confirmation	

**280.64 Free product removal**

<b>Regulatory Citation</b>	<b>Violation</b>	<b>Violations Appropriate for Regulatory Field Citations (Penalty Amount)</b>
§280.64	Failure to perform free product removal and submit report within 45 days (or other specified time) of release confirmation	

## SUBPART G OUT-OF-SERVICE UST SYSTEMS AND CLOSURE

### 280.70 Temporary closure

Regulatory Citation	Violation	Violations Appropriate for Regulatory Field Citations (Penalty Amount)
§280.70(a)	Failure to continue operation and maintenance of corrosion protection system in a temporarily closed tank system	\$250
§280.70(a)	Failure to continue operation and maintenance of release deflection in a temporarily closed tank system	\$490
§280.70(b)	Failure to comply with temporary closure requirements for a tank system for 3 or more months	\$490
§280.70(b)(1)-(2)		\$250 each
§280.70(c)	Failure to permanently close or upgrade a temporarily closed tank system after 12 months	\$490

### 280.71 Permanent closure and changes-in-service

Regulatory Citation	Violation	Violations Appropriate for Regulatory Field Citations (Penalty Amount)
§280.71(a)	Failure to notify implementing agency of a closure or change-in-service	\$490
§280.71(b)	Failure to remove all liquids and sludges for tank closure	\$490
§280.71(b)	Failure to remove closed tank from the ground or fill tank with an inert solid for tank closure	\$490
§280.71(c)	Failure to empty and clean tank system and conduct a site assessment prior to a change-in-service	

### 280.72 Assessing the site at closure or change-in-service

Regulatory Citation	Violation	Violations Appropriate for Regulatory Field Citations (Penalty Amount)
§280.72(a)	Failure to measure (if required) for the presence of a release before a permanent closure	
§280.72(b)	If contaminated soil, contaminated ground water, or free product is discovered, failure to begin corrective action	

### 280.74 Closure records

Regulatory Citation	Violation	Violations Appropriate for Regulatory Field Citations (Penalty Amount)
§280.74	Failure to maintain closure records for at least 3 years	\$490
§280.74	Failure to maintain change-in-service records for at least 3 years	\$490

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**SUBPART H -- FINANCIAL RESPONSIBILITY**

**280.93 Amount and scope of required Financial Responsibility**

<b>Regulatory Citation</b>	<b>Violation</b>	<b>Violations Appropriate for Regulatory Field Citations (Penalty Amount)</b>
§280.93(a)	Failure to comply with financial responsibility requirements by the required phase-in time	\$250
§280.93(a)(1)-(2)	Failure to meet the requirement for per-occurrence coverage of insurance.	\$250
§280.93(b)(1)-(2)	Failure to meet the requirement for annual aggregate coverage of Insurance.	\$250
§280.93(f)	Failure to review and adjust financial assurance after acquiring new or additional USTs	\$250

**280.94 Allowable mechanisms and combinations of mechanisms**

<b>Regulatory Citation</b>	<b>Violation</b>	<b>Violations Appropriate for Regulatory Field Citations (Penalty Amount)</b>
§280.94	Use of an unapproved mechanism or combination of mechanisms to demonstrate financial responsibility	\$250

**280.95 Financial test of self-insurance**

<b>Regulatory Citation</b>	<b>Violation</b>	<b>Violations Appropriate for Regulatory Field Citations (Penalty Amount)</b>
§280.95	Use of falsified financial documents to pass financial test of self-insurance	

**280.110 Reporting by owner or operator**

<b>Regulatory Citation</b>	<b>Violation</b>	<b>Violations Appropriate for Regulatory Field Citations (Penalty Amount)</b>
§280.110(a)(1)	Failure to report evidence of financial responsibility to the implementing agency within 30 days of detecting a known or suspected release	\$250
§280.110(a)2	Failure to report evidence of financial responsibility to the implementing agency if the provider becomes incapable of providing financial assurance and the owner or operator Is unable to obtain alternate coverage within 30 days.	\$250
§280.110(b)	Failure to report evidence of financial responsibility to the implementing agency when new tanks are installed	\$250

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### 280.111 Recordkeeping

Regulatory Citation	Violation	Violations Appropriate for Regulatory Field Citations (Penalty Amount)
§280.111	Failure to maintain copies of the financial assurance mechanism(s) used to comply with financial responsibility rule and certification that the mechanism is in compliance with the requirements of the rule at the UST site or place of business	\$250