

**District of Columbia Department of Energy and the Environment**  
**Underground Storage Tank Program**

Updated 01.10.23



**FREQUENTLY ASKED QUESTIONS**

**A. New Regulatory Requirements – February 21, 2020**

**1. When was the most recent update of the UST Regulations?**

The most recent update of the UST Regulations, incorporating the requirements of the Federal Energy Policy Act 2005 and Updated Federal UST Regulations 40 CFR 280, was published in the DC Register on February 21, 2020.

**2. In what areas is DC Regulations more stringent than the Federal Requirements?**

DC promulgated the revised UST regulations to meet the 2015 EPA amendments on February 21, 2020. Owners and operators had until October 13, 2021, to come into compliance with the newer requirements below, all other requirements were established since 2009 our prior regulations revision and are already enforceable:

- Annual Fees-new (removals, small heating oil, VRAP) and increases for various services as we do not have funds for corrective action like most states.
- Aged tanks >30 years to be tested and permanently closed within 5 years of the regulations.
- Operator Training A and B Refresher after 5 years
- Hydrostatic sump test water must be sent offsite for safe disposal
- Overfill alarms must be BOTH audible and visible to the delivery driver
- Sumps must be ten (10) gallons capacity of larger
- Soil sampling report must be submitted before new installations
- Removal of old ball floats and other inactive equipment from the ground.
- Others (mainly LUST Corrective Action)

**3. What is DC's aged tanks requirement and when will this be enforced?**

**30-year-old tank regulation:**

- i. *20DCMR 5700.10 Each owner or operator of a UST that is more than thirty (30) years old shall remove the tank from the ground in accordance with Chapter 61 within five (5) years of February 21, 2020.*
- ii. *20 DCMR 5700.11 Each owner or operator of a UST that is more than thirty (30) years old shall perform a tightness test within one (1) year of February 21, 2020, and if the UST fails, remove the UST within one (1) year of the date of the test failure.*

As of February 2020, all tanks over 30 years old must be tested for tightness. If they fail, they must be put into temporary closure and removed from the ground within a year. If tested 'tight' they must be tested annually and then removed from the ground or be temporarily closed before February 21, 2025. DOEE will begin to enforce aged tank requirements after 2025. Correspondences are sent with annual registration; additional reminders went out in January 2023 to owners with tanks >28 years old.

**4. What is DC's aged tanks universe?**

As of January 2023, DC has > 405 tanks over 28 years old at more than 220 facilities, i.e., >57% of our tanks in DC are aged and will be affected by this regulation.

**5. Does DC regulate field-constructed, airport hydrants, and emergency generator tanks?**

Yes, we do. All USTs that are field constructed, airport hydrant systems, and emergency generators including day tanks, (if 10% of the system is underground) are regulated in DC, and they all need to maintain release detection, corrosion protection, overfill protection, financial responsibility, and all the other tanks requirements.

**6. What is the minimum capacity for new spill buckets?**

New spill buckets must be at least ten (10) gallons capacity.

**7. Has DC Phased out Stage II vapor recovery and regulated decommissioning?**

Yes, stage II decommissioning is regulated by the DC Air Quality Division. Stage II Vapor Recovery requirement is part of the District's Air Quality regulations in 20 DCMR Chapter 7. Please seek our permission for inspection before.

**8. Is sampling required before UST installation?**

Yes, as of February 21, 2020, sampling of the installation pit for TPH-DRO, TPH-GRO, BTEX, PAHs, and Naphthalene analysis is required before the new tanks are approved for burial. The DOEE UST/LUST Ward inspector should arrange an installation inspection.

**9. Can I continue to use ball floats for overfill in the District?**

No. Flow restrictors in the vent lines (ball floats) may no longer be used to meet the overfill prevention requirement at new installations and when an existing flow restrictor is replaced. Owners must install a different type of overfill prevention device, such as a shutoff valve in fill pipes or alarms.

**10. Do temporarily closed tanks with product need to maintain Cathodic Protection, Financial Responsibility, and Annual registration?**

Yes, they do for the life of the tank until it is removed. If the tank contains more than an inch of regulatory product, then it must also maintain cathodic protection (if made of steel/metal) and release detection equipment.

**11. Can I pay any UST fees online?** Yes, all fees can now be paid online: for registration, contractors' certification, VRAP applications, permits for tank install, removal, and closure-in-place, DOEE UST Registration, and VRAP: <https://dcwebforms.dc.gov/pay/doee6> (You Need an Invoice First from the UST Program).

**12. What is the requirement for internally lined tanks?**

Closure of internally lined tanks that fail the internal lining inspection and cannot be repaired according to a code of practice. Also, lined tanks must be tested and repaired or replaced every 10 years.

**13. What are the compatibility requirements in the District?**

All UST systems (tanks, lines, and components/ancillary equipment, must be compatible with the product stored in the District, including biofuels, E10, E515, etc.

**14. Can I access UST information online or update my tanks information?**

Yes, see this link on public records [Public Records Related to Underground Storage Tank \(UST\) Systems | ddoe \(dc.gov\)](#) or do an online FOIA application for me with specific site details if available.

DOEE is working on scanning all our records to make these available online by 2024, including owners' and operators' access to update their tank information.

**15. What are the spill bucket test requirements?**

Spill buckets must be tested for tightness at the time of installation and every three (3) years thereafter if single-walled or if double-walled with interstitial monitoring but without monthly checks.

**16. What are the testing requirements for containment sumps?**

Containment sumps (including UDCs) used as part of an interstitial monitoring system must also be tested at the time of installation and every 3 years thereafter if single-walled or if double-walled with interstitial monitoring but without monthly checks.

**17. How often is release detection testing equipment tested for functionality?**

All release detection equipment, such as ATGs and line leak detectors should be tested annually for functionality.

**18. How often are walk-through inspections required in DC?**

Walk-through inspections are required once every 30 days in the District, see the DC form online.

**19. What has DOEE done to meet the Federal Energy Policy Act Requirements of 2005?**

The district has recently revised its regulations to incorporate the new Energy Policy Act requirements for Public Records, Secondary Containment, Operator Training, and Delivery Prohibition.

**20. Where can I find the Operator Training Requirements for DOEE?**

The new Operator Training Requirements mandated by the Energy Policy Act can be found in the District's Underground Storage Tank Regulations Title 20 DCMR, Chapter 65. Additional information and guidance have been placed on our website (<https://doee.dc.gov/service/delivering-training-class-or-class-b-operators-usts>) and on fact sheets that are made available to the public.

**21. Which training providers are currently approved by DOEE to conduct Class A, B, and C Operator Training?**

DOEE is accepting applications from independent third-party contractors wishing to provide training for the District's Operator Training Program. Once contractors have been approved, their names will be posted on our website and online links will be provided to contact them. As of January 2023, DC has approved 17 training vendors.

**22. Would my operator training certificate expire?**

Yes, after 5 years, retraining is required for all classes or operator training, unless a major violation occurred requiring retraining at that time.

**23. What Tags will DOEE be using to enforce a delivery prohibition on Facilities?**

DOEE currently uses a green tag program to enforce its delivery prohibition regulations. The "green tag" is not an actual "tag," but a current year DOEE UST Registration Certificate. If the Registration Certificate is not on display at the facility or is expired, then delivery of the product should not be made at that facility.

DOEE will soon begin using a yellow tag program (instead of red, as was initially proposed) in conjunction with the green tag program. The yellow tag will consist of a tag or lock with the words "DO NOT FILL" written on it. Yellow tags will be placed on a tank's fill port to prevent the delivery

of products to facilities that have been deemed to be in serious violation of the Regulations. Accordingly, delivery should not be made for tanks with a yellow tag.

Pursuant to the new regulations, all product delivery companies must verify that each facility has a current Registration Certificate on display that is not expired and that the facility does not have any yellow tags on its tanks, prior to making delivery of the product. All facilities that either does not have a current Registration Certificate or have received a yellow tag will be listed in the “Delivery Prohibition List” ( <https://doee.dc.gov/node/11962> ).

**24. What information has DOEE made available to the public as a result of the Energy Policy Act requirements?**

DOEE will post information on its website (<https://doee.dc.gov/node/11732> ), no later than December 31 of each year, regarding 1) the number of UST tanks, facilities, and inspections in the District; 2) percent of overall UST regulatory compliance within the District; and 3) the confirmed releases from underground storage tanks within the District and sources and causes of the releases.

**B Standard Operating Procedures**

**25. What do UST and LUST mean?**

UST stands for Underground Storage Tank and LUST stands for Leaking Underground Storage Tank. The UST and LUST programs are authorized to regulate USTs that store petroleum products and some hazardous materials. Please consult 20 DCMR § 5501.3 for a list of products that are exempted from regulation under these programs.

**26. What is the deadline for me to register my tanks with DOEE?**

Tank owners will receive a registration invoice annually in October requiring them to renew their tank registration for the upcoming year by November 30<sup>th</sup> of each year. Failure to do so will result in fines and penalties. In addition, the facility will be placed on our delivery prohibition list until the registration has been renewed. New tank systems will receive an invoice within 30 days after the completion of installation and submittal of the Notification form. This registration shall be effective for the remainder of the current calendar year. They will receive their tank registration invoice and all other existing tank owners in October for the upcoming year. Invoices will only be sent once. Not receiving an invoice is not an excuse for not registering your tank(s) with DOEE on an annual basis.

**27. How are many active USTs and UST Facilities known to DOEE?**

As of January 2023, there are approximately <411 active UST Facilities and <733 active tanks in the District of Columbia. These include federal and district-only regulated tanks. There are about 240 active federally regulated UST Facilities in the District. Significant compliance inspections (SOC) of these facilities are conducted at least once every 3 years by EPA and DOEE. These numbers constantly change due to new installations and removals. A list of the district’s active tanks is updated semiannually on our website or through FOIA.

**28. What are the reporting requirements for new and old tank owners when purchasing or selling Properties with known USTs?**

The District requires owners/operators to disclose any information which is known regarding USTs existing on their property or USTs removed during their ownership prior to sale. New owners of active USTs are also required to register these tanks with DOEE. This requirement may be found at 20 DCMR, Chapter 56 <https://doee.dc.gov/page/ust-forms-guidance-and-public-documents> . Failure to comply is a violation by both the seller and the buyer.

**29. What are the tank labeling requirements for USTs in the District of Columbia?**

The District follows the American Petroleum Institute (API) industry markings or color codes API RP 1637, updated April 200. This standard can be found or purchased on their website. [API RP 1637 pdf free download - API standards list \(freestandardsdocuments.com\)](#). See example [2022-9-27-API-RP-1637-Color-Code-Chart \(oklahoma.gov\)](#) The District's tank labeling requirements can be found at 20 DCMR, Chapter 59.

**30. Which Inspector is responsible for UST in my Ward?**

A listing of all the Wards and the assigned Inspector can be found on DOEE's UST Website, USTB has 8 inspectors, 4 handle UST cases, and 4 handle LUST cases. See <https://doee.dc.gov/page/underground-storage-tanks-contact-info>.

**31. Where can I find applicable soil and groundwater standards for Petroleum contaminants?**

The district's soil and groundwater standards (Tier 0,1, and 2) can be found in the Regulations. The soil standards were revised in 2011. In addition, a guidance document entitled DC Risk-Based Corrective Action Technical Guidance (DC RBCA) has the soil and groundwater standards. A copy of this document can be obtained directly from our office, as well as on this website.

**32. I have a heating oil UST of 1100-gallon capacity or less. What is required of me?**

Heating oil USTs that are less than 1100 gallons and petroleum USTs that are less than 110 gallons are not required to register with the District and are therefore exempt from regulation by DOEE with the following exceptions: in the event of a leak as of February 2020; and whenever they are being removed (a permit from DCRA and DOEE UST Branch, fees and DOEE inspection are required).

**33. I wish to remove a UST from my property. Am I required to call DOEE for an inspection and obtain a DCRA Permit?**

Yes, you are required to obtain a DCRA (now DOB) Permit which should be certified by DOEE, regardless of the tank capacity and product stored. In addition, you are required to contact DOEE at least 24 hours before the removal to make an appointment for a DOEE inspector to be present during the removal of the tank and to perform an inspection immediately following removal.

**34. Are UDC and interstitial sensors required to be discriminatory, allowing for positive pressure shutdown of the system?**

Although highly recommended this is not currently a regulatory requirement in DC.

**35. Where do I report UST-related complaints?**

Any complaints concerning USTs can be reported to the DOEE Director or directly to the UST Program, by telephone (202-535-2600), email ([ust.doee@dc.gov](mailto:ust.doee@dc.gov)), fax (202-535-1383) or by visiting our office.

**36. How do I handle a UST leak or emergency?**

In cases of a leak/emergency the owner/operator should immediately contact the Mayor's Command Center who is the First respondent to emergencies at (202) 727-1000 or the 311 City-Wide Call Center. The call center will then contact all agencies which need to respond to the emergency. The owner/operator should also contact DOEE's Director to ensure that we are aware of the situation and give our program the pertinent information concerning the leak/emergency.

**37. Who regulates Aboveground Storage Tanks in the District? Whom should I call about an AST emergency?**

Above-ground Storage Tanks (ASTs) are currently regulated by the DC Fire BOCA codes primarily. The DC Fire Prevention Branch of FEMS is charged with regulating ASTs in the District. DOEE does not have the authority to regulate AST operations but our USTB, Land Remediation and Development Branch and Water Quality Divisions may provide oversight of the release and cleanup of petroleum products from ASTs.

**38. How do I obtain a permit for construction assessments, installation, removal, upgrades, or other activities?**

All permits to perform work in the District can be obtained online, they are issued/obtained from the former DCRA, now Department of Buildings (DOB), 1100 4th Street, SW, Washington, DC 20024, Phone: (202) 671-3500 or email [dob@dc.gov](mailto:dob@dc.gov) or DLCP for business licenses DLCP Business license: [DLCP \(dc.gov\)](http://DLCP(dc.gov)) Clean Hands Certificate: [MyTax DC](http://MyTaxDC)

All UT permits come through DOEE, UST Branch online, but require a separate permit fee for DOEE, \$150 or \$250 per tank. Please contact DOB for further information on permitting or you can visit their website at <https://permitwizard.dcra.dc.gov/landing-21860>

Please note that DOEE must sign off on the permit application before it goes to DCRA. In addition to the DCRA permit, you must also complete the UST Activity Notification Form and deliver this to DOEE five (5) days in advance of the UST activity you are planning. This form may be obtained from the DOEE UST website at <https://doee.dc.gov/node/11772> , under the section titled “[documents](#)”.

**39. What is the required timeframe for me to submit activity and facility notification forms to DOEE?**

DOEE UST program requires that the activity notification form be submitted to the office at least five (5) days prior to the scheduled date of activity. You are also required to call DOEE at least 24 hours prior to the scheduled activity to make an appointment for a DOEE inspector to be present during the tank activity and to perform an inspection immediately following the activity.

DOEE requires that a Notification form or in the case of removal/abandonment in place, a closure report also be submitted to our office upon completion of the project and within 30 days of bringing the new UST system into use. This requirement may be found in 20 DCMR, Chapter 56.

**40. Where can I find certified UST Contractors and Risk Assessors?**

A listing of DC Certified UST Contractors and Risk Assessors can be obtained from the DOEE UST Program. The listing is also available on the DOEE website at the following link: <https://doee.dc.gov/service/obtain-certification-usts> .

**41. How do I apply to become a DC Certified UST Contractor, UST Technician, Risk Assessor or Corrosion expert?**

An application package must be completed and submitted along with your DC business license, insurance, technical training qualification, clean hands certificate, records/case studies of work done in the last the 3 years, and the required fee. A questionnaire/small test will be administered by DOEE to test your familiarity with the DC UST regulations before a certificate of approval is issued. Certificates are usually valid for 1 to 2 years depending on the amount of the fee paid. To renew your certification, a new application must be submitted with the required fee. Please contact our office for further guidance.

**42. How many open LUST cases does DOEE have?**



As of January 2023, they are <140 open LUST cases in the District of Columbia, as of November 2022. Approximately 80% are federally regulated facilities and approximately 20% are District regulated only. These numbers constantly change due to new installations and removals, see our annual public records statistics on our website. A list of the district's active tanks is updated quarterly and can be obtained through the Freedom of Information Act (FOIA) for a nominal fee- [Freedom of Information Act \(FOIA\) Requests | ddoe \(dc.gov\)](#).

#### **43. What is green remediation and how is the LUST Program handling this?**

Green remediation (GR) is a holistic life cycle approach to cleanup, using technologies and practices that enhance environmental, social, and economic impacts. *EPA's definition of green remediation is - the practice of considering all environmental effects of remedy implementation and incorporating options to maximize the net environmental benefit of cleanup actions. The EPA primer on green remediation outlines the principles and describes the opportunities to reduce the footprint of cleanup activities throughout the life of a project. Best management practices (BMPs) outlined in this document help decision-makers, communities, and other stakeholders (such as project managers, field staff, and engineering contractors) identify new strategies in terms of sustainability.* DOEE LUST Program is currently drafting a green remediation guidance tool and encourages all site assessments and cleanups to implement green and sustainable remediation, which also supports our DOEE/EPA Climate Change initiatives. A useful checklist to assist consultants with identifying and quantifying green remediation will be placed on our website. Stakeholders are welcome to use existing GR tools (such as EPA, ASTM, and ITRC) and guidance as well.

#### **44. How is DOEE handling Environmental Justice?**

Environmental Justice (EJ) is a new strategic initiative for DC Government and DOEE as of 2021, embracing EPA's EJ goals. It is a new way of thinking to balance all equity concerns in all communities, regardless of location, including disadvantaged communities, as we continue to protect human health and the environment. USTB is employing this initiative by prioritizing SOC inspections in EJ communities, doing more public involvement/participation, offering more compliance assistance or stricter enforcement when necessary, and seeking and suggesting funding opportunities, e.g., for cleanup of contaminated sites where the RP cannot afford to and so forth. EPA's definition of *Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. This goal will be achieved when everyone enjoys:*

- *The same degree of protection from environmental and health hazards, and*
- *Equal access to the decision-making process to have a healthy environment in which to live, learn, and work.*

#### **For Additional Information or Clarifications please contact:**

District of Columbia Department of Energy and the Environment  
Environmental Services Administration  
Toxic Substance Division  
Underground Storage Tank Branch

**Attention: Branch Chief**

1200 First Street, NE, Fifth Floor, Washington, DC 20002.

Tel: (202) 565-2600 Fax: (202) 535-1383

Email: [ust.doe@dc.gov](mailto:ust.doe@dc.gov)

Website: <https://doee.dc.gov/service/underground-storage-tank-program>

For EPA <https://www.epa.gov/ust/underground-storage-tank-ust-technical-compendium-about-2015-ust-regulations>

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