

JIM. GIBBONS
Governor



STATE OF NEVADA
STATE ENVIRONMENTAL COMMISSION

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January 08, 2008

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Ms. Brenda Erdoes, Legislative Counsel

C/o Debra. Corp
Legislative Counsel Bureau (LCB), Legal Division
401 South Carson Street
Carson City, Nevada 89701-4747

Re: Regulation P2008-04: Secondary Containment for Underground Storage Tanks

Dear Ms. Corp:

Enclosed for "drafting" by the LCB Legal Division is a proposed permanent regulation that would amend NAC 459.9921 to 459.999. The proposed regulation requires the use of secondary containment with leak detection on all new or replaced underground storage tanks and piping regulated under Subtitle I of the Resource Conservation and Recovery Act and Nevada Revised Statutes 459.800 to 459.856. The proposed regulation also creates a requirement for under-dispenser containment at motor vehicle fuel dispensers connected to a regulated underground storage tank.

The regulation is based on requirements developed by the US Congress in the Energy Policy Act of 2005. **Additional information about this proposed regulation is contained in the attached background document.**

If you have any questions about this regulation please contact Mr. Scott Smale at 687-9384.

Sincerely,

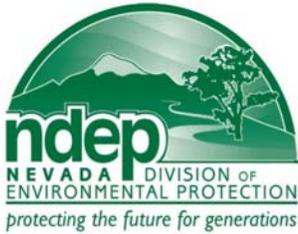
John B Walker

John B. Walker
Executive Secretary

JBW

Enclosure

ecc: Rose Marie Reynolds, Deputy Attorney General
Tom Porta, NDEP
Jim Najima, NDEP - BCA
Scott Smale, NDEP - BCA



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

Background Information

Proposed Regulations of the State Environmental Commission - January 2008

P2008-04: Secondary Containment for Underground Storage Tanks: The proposed regulation requires the use of secondary containment with leak detection on all new or replaced underground storage tanks and piping regulated under Subtitle I of the Resource Conservation and Recovery Act and Nevada Revised Statutes 459.800 to 459.856. The proposed regulation amends existing provisions governing storage tanks in Nevada Administrative Code 459.9921 to 459.999. The regulations are based on requirements developed by the US Congress in the Energy Policy Act of 2005.

Secondary containment means a release prevention and detection system that consists of an inner (primary) and outer (secondary) barrier with a method for monitoring the space in between that meets the release detection requirements in 40 CFR 280.43(g). Secondary containment is required on all newly installed regulated underground storage tanks and any installed piping. Additionally, secondary containment is required on all replaced tanks and piping, though in the case of replacement, the requirement only applies to the specific underground tank or piping that is replaced and not to other underground tanks and connected pipes comprising the system that remain in place.

The proposed regulation also creates a requirement for under-dispenser containment at motor vehicle fuel dispensers connected to a regulated underground storage tank. This requirement applies only to dispensers of motor vehicle fuel. Under-dispenser containment must be liquid-tight, be compatible with the substance conveyed by the piping, and allow for visual inspection or monitoring. The requirement for under-dispenser containment applies to newly installed and replaced dispensers.

The new requirements for containment do not apply to repairs that are meant to restore an underground tank, pipe, or dispenser to operating condition. The regulation also contains an exemption from secondary containment for systems that are not within 1,000 feet of any existing community water system or any existing potable drinking water well.