

**Consultation And Coordination Plan
For EPA's Proposed Rulemaking Revising The UST Regulations
November 2011**

Information On The Underground Storage Tank Proposal

EPA is proposing revisions to strengthen the federal underground storage tank (UST) requirements. This is the first time EPA has proposed significant revisions to the federal UST regulations since they were promulgated in 1988. To ensure parity in implementing the national UST program, EPA is proposing secondary containment and operator training requirements that will apply in Indian country and in states that have not obtained state program approval. The Energy Policy Act of 2005 requires states meet certain requirements (for example, operator training and secondary containment) in order to receive grant money from EPA. Operator training and secondary containment requirements implemented by states currently do not apply in Indian country.

The proposed changes will also improve EPA's original 1988 UST regulations by closing some regulatory gaps, accommodating new technologies, and focusing on properly operating and maintaining existing UST systems. This proposal improves prevention and detection of UST releases, which are one of the leading sources of groundwater contamination.

EPA is requesting comments on the proposed changes to the regulations. EPA is proposing to revise the UST technical regulation in 40 CFR part 280 by:

- Adding secondary containment requirements for new and replaced tanks and piping
- Adding operator training requirements for UST system owners and operators
- Adding periodic operation and maintenance requirements for UST systems
- Removing certain deferrals
- Adding new release prevention and detection technologies
- Updating codes of practice
- Making editorial and technical corrections

For more information, see EPA's underground storage tank website at www.epa.gov/oust. For the complete proposed regulation, see www.epa.gov/oust/fedlaws/proposedregs.html.

Opportunities For Tribes To Participate

EPA has done extensive outreach on this proposed rulemaking. In 2008, we sent letters to federally recognized Indian tribes announcing the beginning of the rulemaking process. We also held a series of conference calls with tribal workgroup members to hear ideas from tribes on potential changes to the underground storage tank regulations. We considered all of the ideas from the tribes, as well as ideas from other interested stakeholders, and are now proposing revisions to the underground storage tank regulations.

The table below lays out the process and timeline for government to government consultation and coordination through the consultation process, which runs from November 18, 2011 through

February 16, 2012. In addition written comments can be sent to USTTribalConsultation@epa.gov or Elizabeth McDermott at mcdermott.elizabeth@epa.gov or 1200 Pennsylvania Avenue, NW, MC: 5401P, Washington, DC 20460.

Following consultation and the public review process for the proposed rule, EPA will develop a final rule. Responses to comments received during the consultation process will be published upon completion of that final rule.

In addition to the earlier coordination conference calls we held on potential changes to the underground storage tank regulations, we plan to consult on the proposed changes to the regulations through two conference calls on January 5, 2012 at 2 pm Eastern Standard Time (EST) and January 26, 2012 at 2 pm EST.

Tribal Consultation And Coordination Process And Timeline

Date	Event	Contact Information
November 18, 2011 – February 16, 2012	Time frame for tribal consultation	Elizabeth McDermott 703-603-7175 or mcdermott.elizabeth@epa.gov or 1200 Pennsylvania Avenue, NW, MC:5401P, Washington, DC 20460
November 18, 2011	Link to proposed changes to the underground storage tank regulations	OUST website at www.epa.gov/oust/fedlaws/proposedregs.html
January 5, 2012 from 2 pm – 3 pm (EST)	Tribal consultation conference call	Conference Call Number: 1-866-299-3188 Conference Code: 7036037162
January 26, 2012 from 2 pm – 3 pm (EST)	Tribal consultation conference call	Conference Call Number: 1-866-299-3188 Conference Code: 7036037162