

ENERGY POLICY ACT IMPLEMENTATION

Status of the CNMI's Compliance (2016)

1. DELIVERY PROHIBITION

Delivery prohibition programs prohibit product delivery to underground storage tanks that have one or more compliance violations, as determined by a state or territory.

- The CNMI currently does not have a Red Tag or Green Tag Program in place to determine eligibility or ineligibility to receive product. It should be noted that the USTs in the CNMI do not have a history of serious violations and have been able to correct any deficiency observed by the UST inspector within a reasonable time.
- The UST program has drafted policy for delivery prohibition. This policy is under review by the Assistant Attorney General.

2. FEDERAL FACILITIES REPORT

Section 1528 of the Energy Policy Act of 2005 requires a compliance report from each federal agency that owns or operates one or more underground storage tanks, or manages land on which one or more underground storage tanks are located.

- There are no federal facilities in the CNMI with USTs.

3. FINANCIAL RESPONSIBILITY AND INSTALLER CERTIFICATION

Section 1530 of the Energy Policy Act of 2005 requires states receiving federal funds under Subtitle I of the Solid Waste Disposal Act to require either evidence of financial responsibility and installer certification or secondary containment and under-dispenser containment for new and replaced underground storage tank systems.

- There have not been any new USTs installed in the CNMI since this Act in 2005.
- The CNMI has published its UST Regulation in the Commonwealth Register on February 28, 2016, Volume 38. The proposed regulation includes the requirement of secondary containment and under-dispenser containment for new and replaced UST systems.
- Should there be no significant changes, the UST regulation shall be published in the Commonwealth Register on April 28, 2016 as "adopted" and shall be effective 10 calendar days after the date of publication, which shall be May 8, 2016.

4. INSPECTING USTs

Section 1523 of the Energy Policy Act of 2005 states that EPA or a state receiving funding under Subtitle I of the Solid Waste Disposal Act shall conduct on-site inspections to determine compliance within two years for all tanks not inspected since December 22, 1998. After completion of these inspections, EPA or a state receiving funding under Subtitle I shall conduct an on-site inspection of each underground storage tank regulated under Subtitle I at least once every three years.

- The CNMI inspected all USTs within the two years as required.
- The CNMI continues to inspect all UST facilities annually prior to the permit to operate renewals.

5. OPERATOR TRAINING

Section 1524 of the Energy Policy Act of 2005 states that EPA, in coordination with states, must develop training guidelines for three distinct classes of operators who operate and maintain federally regulated underground storage tank systems. States receiving funding under Subtitle I shall develop state-specific training requirements consistent with EPA's guidelines. The state-specific training requirements must: Be developed in cooperation with tank owners and operators; Take into consideration training programs implemented by owners and operators; and Be appropriately communicated to tank owners and operators.

- The CNMI has provided operator training for Class A & B operators in 2012 and again in 2014. Since that time, all Class A, B & C operators have obtained operator training through the approved UST operator training vendors. The list of approved operator training vendors is listed on the BECQ website, <http://deq.gov.mp/sec.asp?secID=48>.

- The UST Regulation in the Commonwealth Register on February 28, 2016, Volume 38, includes the operator training requirement.
- Should there be no significant changes, the UST regulation shall be published in the Commonwealth Register on April 28, 2016 as "adopted" and shall be effective 10 calendar days after the date of publication, which shall be May 8, 2016.

6. PUBLIC RECORD

Section 1526 of the Energy Policy Act of 2005 requires states receiving federal funds under Subtitle I of the Solid Waste Disposal Act to maintain, update at least annually, and make available to the public a record of underground storage tanks regulated under this subtitle. The public record shall include (to the maximum extent practicable, for each year) the number, sources, and causes of underground storage tank releases, the record of compliance by underground storage tanks in the state with Subtitle I or approved state program, and data on equipment failures.

- Each year, the CNMI publishes its Underground Storage Tank public record, as required. The current public record is available online at <http://deq.gov.mp/sec.asp?secID=39>

7. SECONDARY CONTAINMENT

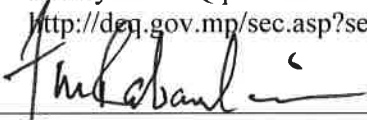
Section 1530 of the Energy Policy Act of 2005 requires states receiving federal funds under Subtitle I of the Solid Waste Disposal Act to require either secondary containment and under-dispenser containment for new and replaced underground storage tank systems or evidence of financial responsibility and installer certification. Secondary containment requires that new or replaced tanks and piping within 1,000 feet of an existing community water system or an existing potable drinking water well must be secondarily contained (this includes interstitial monitoring). New dispenser systems within 1,000 feet of an existing community water system or an existing potable drinking water well must have under-dispenser spill containment. This requirement does not apply to repairs meant to restore a tank, pipe, or dispenser to operating condition.

- There have not been any new USTs installed in the CNMI since this Act in 2005.
- The CNMI has published its UST Regulation in the Commonwealth Register on February 28, 2016, Volume 38. The proposed regulation includes the requirement of secondary containment and under-dispenser containment for new and replaced UST systems.
- Should there be no significant changes, the UST regulation shall be published in the Commonwealth Register on April 28, 2016 as "adopted" and shall be effective 10 calendar days after the date of publication, which shall be May 8, 2016.

8. STATE COMPLIANCE REPORTS ON GOVERNMENT USTs

Section 1526 of the Energy Policy Act of 2005 requires each state to submit a report regarding each noncompliant underground storage tank located in its jurisdiction that is owned or operated by the federal, state, or local government. A copy of the report is to be submitted to EPA's Administrator by August 8, 2007.

- Each year DEQ publishes this report as required. The current report is available online at <http://deq.gov.mp/sec.asp?secID=39>



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Date