

New Diesel Labeling Requirement

On June 1, 2006, all diesel dispensers were to have a label that tells customers what the sulfur content of the fuel is, or risk fines of up to \$32,500 per day.

The pump label mandate is part of EPA's ultra-low-sulfur-diesel (ULSD) rule, which requires refiners to lower the sulfur content of fuel to 15 ppm. During a transition period, ULSD that is delivered into tanks and mixed with fuel that has a higher sulfur content will not meet the 15 ppm sulfur requirement; by October 15, all retail markets must sell 15 ppm ULSD.

This means one label may have to be put on dispensers now, and another, different label by October 15. The "low sulfur" labels must state that the fuel is a maximum 500 ppm and warn that it is prohibited in model-year 2007 trucks. The ULSD labels must state that the fuel is a maximum 15 ppm, required for use in 2007 vehicles and recommended for use in all on-road diesel vehicles.

The labeling requirement reportedly applies to dispensers used by private fleets, as well as retail dispensers. Marine diesel dispensers are not subject to the labeling requirement until June 1, 2007.

A new web site with comprehensive information about ULSD is available via a link from the PSTIF web site.

Legislative Report

The 2006 session of the Missouri General Assembly ended on May 12. Though no bills passed that directly affect the PSTIF, readers may be interested in the following:

SB1020 – Requires all persons who manufacture, install or repair petroleum storage tanks or piping to have a financial responsibility mechanism to pay for

costs of cleanup if a leak results from improper manufacture, installation or repair.

SB1146 – Allows someone aggrieved by a claim payment decision to file a lawsuit without first appealing to the PSTIF Board of Trustees, if they desire. (The bill is not specific to the PSTIF, but affects all similar state boards and commissions.)

HB1270 – Mandates that all gasoline sold in Missouri after 1/1/08 be ethanol-blended, unless ethanol is not available for a price equal to or less than petroleum.

HB1559 – Protects convenience stores who donate surplus food to charitable organizations from certain criminal and civil liabilities.

On-Line Training

Many tank owners and operators have taken advantage of the free on-line training courses being offered by the PSTIF, in partnership with the Petroleum Equipment Institute. A limited number of courses were purchased by the PSTIF Board of Trustees for use by its insured UST owners. The courses are designed to teach convenience store managers what they need to know about UST leak prevention and detection equipment.

Don't miss this opportunity! Courses can be accessed at www.pstif.org.

Inspections

More than 1,000 insured tank locations have been inspected in the last few months, and the PSTIF's contract inspectors are finishing their work this spring. Thanks goes to all insured owners/operators who have cooperated with the inspectors and responded so quickly to the inspectors' findings. This mutual effort will prevent leaks and claims – saving both you and us substantial sums of money!

New Federal UST Law

The U.S. EPA has announced it will issue several draft guidance documents to implement the new federal UST law this summer. Since there will be no formal rulemaking, there will be no formal public comment period. However, EPA is inviting comments from interested persons as it issues various draft guidelines.

To receive an email notice when draft guidelines are posted on EPA's web site, go to <http://www.epa.gov/OUST/index.htm> and click on "Sign Up to Receive Draft Grant Guidelines." Most of the provisions in the new law require states to take certain actions or risk losing federal funds; thus, the new UST requirements will be in the form of "grant guidelines."

Addition to Well Construction Code

A new area known as "Special Area 3" has been defined in Missouri's Well Construction Code. It includes portions of Franklin County within and south of the city of New Haven. The new rule requires special advice be sought from DNR's Wellhead Protection Section at 573-368-2165 before drilling any new wells, and requires special procedures and consultation with the Department before deepening any existing well in the area.

The new rule, which went into effect on April 30, 2006, can be reviewed under "Laws and Regulations" on the PSTIF web site; click on "DNR Regulations," then go to "Well Construction Code," page 25.

Landfarms

In the past, some tank owners took petroleum-contaminated soil and land-farmed it to allow the volatile gasoline constituents to evaporate. Landfarms could be constructed either on the

tank site itself or on a separate property. In a few locations, a "commercial landfarm" was constructed and received petroleum-contaminated soil from various tank sites. These landfarms were regulated by the DNR's Water Pollution Control Program, and landfarm operators were required to obtain a permit from that program.

Recently DNR issued a memorandum signaling a change in its practices. Now, regulatory oversight of situations where soil is landfarmed on the tank site will be provided by the Tanks Section as part of its review of the corrective action plan for the tank site. If petroleum-contaminated soil is transported offsite to a remote location, a site-specific permit for the landfarm must be obtained from DNR's Water Protection Program. "Commercial landfarms" will no longer be allowed.

The 2/6/06 memo is posted on the PSTIF web site under "RBCA Technical Bulletins."

Tanks Info on DNR Web Site

MDNR's Tanks Section Chief, Ken Koon, has announced several improvements to the Tanks Section web site to make it more user friendly. One new feature provides an easier way to contact Tanks Section staff. Under "Quick Links," click on "Contact Us" for a list of staff, phone numbers and email addresses.

DNR's web site can be readily accessed from the "Links" on the PSTIF home page, www.pstif.org.

Meet Your Trustees

From his resume, you'd think Tom Kolb's full-time job is serving on boards and committees. Besides serving on the PSTIF Board of Trustees since March 2003, Tom has been on the board of the Missouri Petroleum Marketers and Convenience Store Association for nine years and is currently president of that organization. He also has contributed time as officer and board member of the Missouri Motor Carriers Association and the Fuel Marketers Trust Fund. He serves on the St. Joseph's Cathedral Parish Council and has donated time, expertise and resources to The United Way, Boy Scouts and the Helias Foundation.



As if these volunteer duties weren't demanding enough, Tom earns a paycheck as president of Midland Oil and Midland Transports, and vice-president and secretary of Jefferson City Oil Company. Amazingly, he also finds time for his wife Brenda and three children. We are truly grateful for Tom's willingness to serve as a PSTIF trustee. When you see him, thank him!

Latest Leaks is a newsletter of the Missouri Petroleum Storage Tank Insurance Fund.

www.pstif.org

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