

BIODIESEL BLENDS IN UNDERGROUND STORAGE TANKS

Authority Cited: Title 23, Division 3, Chapter 16 California Code of Regulations (23 CCR) §2631.2

A. Introduction

As of June 1, 2009, California enacted emergency regulations that temporarily allow the storage of some Biodiesel blends in double-walled underground storage tank (UST) systems. Specific variance conditions must be met before such storage is allowed. The requirements vary depending on the Biodiesel concentration. The purpose of this document is to inform UST owners and operators of the current regulatory status for storage of Biodiesel blends in UST systems. Fuel blends containing less than 1% Biodiesel are not subject to the variance requirements described in this document. **B100 and fuel blends containing more than B20 (20% Biodiesel) cannot be stored in USTs.**

B. Definitions

Biodiesel - Means a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, that meets the requirements of the American Society for Testing and Materials (ASTM) Standard Specification D-6751, and the registration requirements of the United States Environmental Protection Agency as a fuel and as a fuel additive under the Clean Air Act (Title 42 United States Code §7401). [23 CCR §2631.2(b)]

Biodiesel Blend - Means a fuel that contains 1% to 99.99% Biodiesel blended with Diesel. [23 CCR §2631.2(c)]

Where a Biodiesel blend is designated BX, X represents the percentage of the fuel, by volume, that is Biodiesel (i.e., B20 means a Biodiesel blend that contains 20% Biodiesel, by volume). [23 CCR §2631.2(d)]

C. Requirements for Temporary Variances Allowing Storage of Certain Biodiesel Blends

[23 CCR §2631.2(e) & (f)]

Requirements for Fuel Blends Containing 1% to 20% Biodiesel

Fuel blends containing up to 20% Biodiesel (B20) may be stored in a UST system provided that:

1. The UST system is a double-walled system (tank and piping) meeting the applicable construction requirements contained in Health and Safety Code (HSC) §25290.1 or 25290.2, or 25291 [other than paragraph (a)(7)]; and
2. The leak detection methods otherwise meet the requirements of 23 CCR §2643; and
3. The UST and components are approved by an independent testing organization (e.g., Underwriters Laboratories) for the storage of petroleum diesel pursuant to 23 CCR §2631(b); and
4. The UST owner/operator complies with all applicable requirements contained in California's UST law and regulations and any operational requirements contained in the UST operating permit issued by the local agency; and
5. The UST owner submits to the local UST regulatory agency:
 - a. A Notice of Intent, signed by the owner, to utilize release detection methods or equipment pursuant to the variance established in 23 CCR §2631.2(f); and
 - b. A written statement by the owner that the leak detection methods and equipment function with the Biodiesel blend stored or intended to be stored. This statement must be supported by

- documentation from the manufacturer of the release detection method or equipment; and
- c. An updated Unified Program Consolidated Form (UPCF) Operating Permit Application – Tank Information form identifying the Biodiesel blend stored or to be stored; and

Requirements for Fuel Blends Containing More Than 5% Biodiesel

In addition to the above, the UST owner must submit to the local UST regulatory agency:

- a. A Notice of Intent, signed by the owner, to store a Biodiesel blend greater than B5 and up to and including B20 in the UST pursuant to the variance established in 23 CCR §2631.2(e); and
- b. A written statement from the owner that the UST and components are compatible with the Biodiesel blend stored or to be stored. This statement must be supported by documentation from the UST manufacturer, a nationally-recognized Biodiesel association, or a nationally-recognized research organization with applicable expertise.

D. Expiration of Temporary Variances

1. The 23 CCR §2631.2(e) variance allowing storage of Biodiesel in concentration greater than B5, but not more than B20, will expire on whichever of the following dates occurs first: [23 CCR §2631.2(g)]
 - a. Ninety (90) days after the date of any decision by the applicable certification organization that determines that the certification for USTs that contain the Biodiesel blend stored are included in the standard petroleum diesel approval.
 - b. Ninety (90) days after the date of any decision by the applicable certification organization that determines that materials or components of the UST for which the variance was obtained are not compatible with the Biodiesel blend stored.
 - c. June 1, 2012.
2. When the above variance expires, the UST owner must empty the UST and arrange for the local agency to inspect the UST system before any other substance can be stored. [23 CCR §2631.2(i)]
3. The 23 CCR §2631.2(f) variance from the leak detection equipment certification requirements of §2643(f) will expire on June 1, 2012. [23 CCR §2631.2(h)]

E. Additional Information

1. USTs currently containing B100 or Biodiesel blended fuels greater than B20 are considered to be in non-compliant status. Continued use of a non-compliant UST system may result in the revocation of your UST operating permit, and fines.
2. If you suspect that your UST system may be experiencing structural problems or has had an unauthorized release, immediately remove the product from the UST system and report the release to the local agency.
3. UST system compatibility information is available on the California Biodiesel Alliance's website at: www.californiabiodieselalliance.org/USTCompliance/tabid/63/Default.aspx.
4. Additional information regarding Biodiesel storage is available on the State Water Resources Control Board's website at: www.waterboards.ca.gov/water_issues/programs/ust/regulatory/biodiesel_regs.shtml.