

# EAGLE MOUNTAIN CITY STAFF MEMO

TO: Mayor Westmoreland, City Council, and Planning Commission

FROM: S. Peter Kane, Planning Manager

DATE: 18 June 2020

SUBJECT: State of Utah Oversight Regarding Underground Storage Tanks at Gas Stations

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Related to the proposed 7-Eleven development in Eagle Mountain, staff has been looking into what state regulations and processes exist that relate to the health and safety oversight at gas stations. Residents in the area of the proposed project have raised concerns related to traffic, air quality, and health.

## **OVERSIGHT**

There are three organizations/divisions that have oversight with gas stations – more specifically underground storage tanks (USTs):

- The Utah Division of Environmental Response and Remediation (DERR)
- The Utah Division of Air Quality (DAQ)
- The Utah County Health Department (County Health)

## **PERMITTING**

For the installation or replacement of any new USTs, the following steps must occur (in addition to any local ordinance requirements):

1. Installation permit applied for through DERR
2. DERR grants an installation permit to complete the work
3. County Health oversees the installation and/or removal of USTs. They act as a third-party check between the installer and property owner.
4. After installation and passing of required testing, DERR issues a Certificate of Compliance (COC)

## **INSTALLATION**

Since 2008, any new tank and pipes must be double-walled and ongoing monitoring setup between tanks and lines. A stage one vapor recovery system is required to capture any vapors during the delivery process. Each location is required to have an owner-operator trained on the inspection requirements and process.

## **ONGOING**

Once the USTs are installed and receive a COC, the USTs are subject to ongoing reporting and testing to ensure compliance and safety through the life of the tanks. The ongoing compliance is overseen by DAQ with assistance from County Health.

Inspections are handled based on risk. New stations are considered “green” and low risk. Higher risk sites get inspected every year – based on things like age and type of equipment as well as whether they are in compliance.

Ongoing testing will evaluate the tanks and lines – inspections of those items. There are various testing requirements for monthly, annual, and 3-year testing. Testing of the soil only occurs when there’s a release or the tanks are being closed out.

## **STATE DISCUSSION**

Sean Warner, environmental scientist with DERR and the Utah County contact, has offered to participate virtually to answer any questions about state oversight and permitting.

## **ADDITIONAL INFO**

- DERR’s UST Compliance Info  
<https://deq.utah.gov/environmental-response-and-remediation/compliance-section-ust>
- DAQ’s Gasoline Transfer and Storage Fact Sheet  
<https://documents.deq.utah.gov/air-quality/fact-sheets/DAQ-2018-001499.pdf>
- EPA’s UST Requirements and Info  
<https://www.epa.gov/ust/learn-about-underground-storage-tanks-usts>

## **LOCAL CASE STUDIES**

*Herriman* – A few years ago, Herriman’s Planning Commission approved a conditional use for a gas station abutting a residential neighborhood. The decision was appealed by neighbors citing unmitigated detrimental impacts such as noise, fumes, and health concerns. The Planning Commission’s approval was upheld, which led to an appeal of that first appeal, and the 3<sup>rd</sup> District Court again upheld the Planning Commission’s decision. Due to the lengthy legal process, the gas station was never built. The lot is still vacant to this day.

The City’s looked at adding in requirements for setbacks from residences, but has not found any substantive information to qualify doing so.

*Lehi* – A 7-Eleven was recently approved in the city and is under construction at the NE corner of 2100 N and 2300 W. During the approval process, there was significant public concern raised related to the potential exposure to benzene (as noted in the EMC resident petition). One of those studies (a French one) was determined to not relate as the French gas station didn’t have the vacuum systems and other mitigations that are required here to minimize benzene leaks and exposure. The Planning Commission approval of the gas station was appealed by the neighbors, but the hearings examiner upheld the Planning Commission’s decision and found that there wasn’t enough evidence to show significant detriments to the health, safety, and welfare of the residents based on what was presented.

The City is currently exploring potential setback requirements, but have not made a formal proposal at this point. They are considering a 300 foot requirement between the tanks/pumps and a home.