

**Navajo Nation EPA Storage Tank Program
Program Guidance No. 1**

**Treatment of Compartmentalized Tanks For Purposes of Calculating Annual Tank Fees
Pursuant to § 1572 of the Navajo Nation Storage Tank Act (NNSTA)**

I. Introduction

Section 1572 of the Navajo Nation Underground Storage Tank Act (NNSTA) requires the owner and/or operator of underground storage tanks (USTs) and of aboveground storage tanks (ASTs) to pay an annual fee to the Navajo Nation EPA for each tank for which the owner/operator is responsible. Some owners and operators have asked whether compartmentalized tanks are considered to be one or two tanks for purposes of calculating the annual tank fee. This guidance responds to that question.

II. Calculating Fees for Compartmentalized Tanks

The Navajo Nation EPA (NNEPA) treats separate compartments in USTs and ASTs as separate tanks for purposes of assessing annual tank fees, and has done so ever since it began administering the NNSTA (amended on February 2012). Annual tank fees are deposited in the Storage Tank Fund Account for the Storage Tank Program (STP) established under NNSTA § 1576, and this account is used for the administration and implementation of the ST Program. The costs of administration and implementation of the NNSTA are in many instances doubled for compartmentalized tanks: for example, when a tank is compartmentalized, each compartment is required to have separate release detection tests, including mechanical line leak detector tests and annual line tightness tests. Also, each compartment has separate submersible pumps, spill and overfill protection, and automatic tank gauges. In addition, the work required for NNEPA inspections of tanks and tank records is increased in the case of compartmentalized tanks. Because compartmentalized tanks increase the burdens of administering and implementing the ST Program, NNEPA treats them as separate tanks when calculating the annual tank fees. It is also notable that several states, including California, take a similar approach, although the neighboring states of Arizona and New Mexico do not.

Any further questions regarding this issue should be directed to the Navajo Nation Storage Tank Program at:

Navajo Nation Environmental Protection Agency
Waste Regulatory Compliance Department
Post Office Box 3089
Window Rock, AZ 86515

Main Phone: (928) 871-7993
Fax Number: (928) 871-7783