reference herein for enforcement purposes.

(A) The statutory provisions include: Massachusetts General Laws, Chapter 148, Section 4; Sections 38D, 38F, 38I through 38H; Massachusetts General Law, Chapter 21E. The Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, Amended 1992 Massachusetts General Laws, Sections 7, 9, and 11, and Chapter 21J, Sections 2–4; and, Massachusetts General Law, Chapter 185, Section 3.

(B) The regulatory provisions include: Massachusetts Board of Fire Prevention Rules, 527 CMR Sections 9.07(J); and, Massachusetts Environmental Protection Rules, and those provisions of 310 CMR Sections 40.0000 Subparts A–O only insofar as they pertain to the regulation of underground storage tanks in Massachusetts and are not incorporated by reference and only insofar as they are not broader in scope than the federal requirements.

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) Massachusetts Board of Fire Prevention Rules, Sections 9.03 through 9.04 which pertain to aboveground tanks; 9.05A(4) insofar as it refers to upgrade requirements for new or replacement underground tanks for consumptive use on the premises; 9.06 (A) and (B) insofar as they refer to aboveground tanks; and 9.07(J) insofar as it refers to aboveground tanks, and those provisions of 310 CMR 40.0000 Subparts A–O insofar as they do not relate to underground storage tanks and with respect to underground storage tanks insofar as they are broader in scope than the federal requirements.

(B) [Reserved]

(2) Statement of legal authority. (i) “Attorney General’s Statement for Final Approval,” signed by the Attorney General of Massachusetts on August 18, 1993, though not incorporated by reference, is part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 et seq.

(ii) Letter from the Attorney General of Massachusetts to EPA, August 18, 1993, though not incorporated by reference, is part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 et seq.

(3) Demonstration of procedures for adequate enforcement. The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the original application in December 1991, though not incorporated by reference, is part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 et seq.

(4) Program description. The Program Description (PD) and any other material submitted as part of the original application in December 1991, though not incorporated by reference, are part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 et seq.

(5) Memorandum of Agreement. The April 30, 1995, EPA and the Massachusetts Department of Public Safety and the Massachusetts Department of Environmental Protection Memorandum of Agreement (MOA), though not incorporated by reference, is part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 et seq.

[61 FR 56136, Oct. 31, 1996]

§ 282.73 Minnesota State-Administered Program.

(a) The State of Minnesota’s underground storage tank program is approved in lieu of the Federal program in accordance with Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 et seq. The State’s program, as administered by the Minnesota Pollution Control Agency, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the Minnesota underground storage tank program on November 30, 2001, and approval was effective on December 31, 2001.

(b) Minnesota has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 9005 and
9006 of Subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) To retain program approval, Minnesota must revise its approved program to adopt new changes to the Federal Subtitle I program that make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Minnesota obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) Minnesota has final approval for the following elements submitted to EPA in the State’s program application for final approval. On November 30, 2001, EPA published a rule approving the State’s program in the FEDERAL REGISTER, 66 FR 59713. That approval became effective on December 31, 2001. Copies of Minnesota’s program application may be obtained from the Minnesota Pollution Control Agency, UST/LUST Program, 520 Lafayette Road North, St. Paul, MN 55155–3898.

(1) State statutes and regulations. (i) The provisions cited in paragraph (d)(1)(i) of this section are incorporated by reference as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 et seq.


(B) Minnesota Regulatory Requirements Applicable to the Underground Storage Tank Program, 2000.

(ii) EPA considered the following statutes and regulations in evaluating the State program, but did not incorporate them by reference.

(A) The statutory provisions include:

(1) Minnesota Statutes, Chapter 13, Government Data Practices

M. S. 13.08 Civil remedies
M. S. 13.09 Penalties

(2) Minnesota Statutes, Chapter 115, Water Pollution Control; Sanitary Districts

M. S. 115.04 Disposal Systems and Point Sources; subd. 1, 2, 3: Information; Examination of records; Access to premises
M. S. 115.071 Enforcement
M. S. 115.072 Recovery of Litigation Costs and Expenses

(3) Minnesota Statutes, Chapter 113B, Environmental Response and Liability

M. S. 113B.17 State response to releases; subd. 4: Access to information and property
M. S. 113B.175 Voluntary Response Actions; Liability Protection; Procedures
M. S. 113B.177 Owner of Real Property Affected by Off-Site Release
M. S. 113B.18 Association with Release; Commissioner’s Determination
M. S. 113B.19 Failure to Take Requested Action; Civil Penalties; Action to Compel Performance; Injunctive Relief

(4) Minnesota Statutes, Chapter 115C, Petroleum Tank Release Cleanup

M. S. 115C.04 Liability for Response Costs
M. S. 115C.05 Civil Penalty
M. S. 115C.09 Reimbursement; subd. 5(b), 6: Return of reimbursement; Fraud
M. S. 115C.113 Orders
M. S. 115C.12 Appeal of reimbursement determination

(5) Minnesota Statutes, Chapter 116, Pollution Control Agency

M. S. 116.07 Powers and Duties; subd. 9(b): Orders; investigations
M. S. 116.072 Administrative Penalties
M. S. 116.073 Field Citations
M. S. 116.091 Systems and Facilities
M. S. 116.11 Emergency Powers

(6) Minnesota Statutes, Chapter 116B, Environmental Rights

M. S. 116B.03 Civil Actions
M. S. 116B.07 Relief

(B) The regulatory provisions include:

(1) Minnesota Rules of Civil Procedure

Rule 24.01 Intervention of Right
Rule 24.02 Permissive Intervention

(2) Minnesota Rules, Chapter 2890, Petroleum Tank Releases

2890.0100 Review and Determination
2890.0110 Right to Appeal
2890.0130 Action on Notice of Lien Filing

(3) Minnesota Rules, Chapter 7000, Procedural Rule

M. S. 7000.0300 Duty of Candor
M. S. 7000.0900 Informal Complaints
M. S. 7000.1200 Inspection of Public Records
M. S. 7000.1300 Confidential Information

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(iii) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the approved program, and are not incorporated by reference. These provisions are not federally enforceable.

(A) The statutory provisions include:

1. **Minnesota Statutes, Chapter 115C, Petroleum Tank Release Cleanup**
   - **M. S. 115C.03** Response to releases [insofar as subd. 10 imposes recordkeeping requirements on contractors and consultants.]
   - **M. S. 115C.05** Kickbacks [insofar as it applies to individuals other than UST system owners and operators.]
   - **M. S. 115C.06** Consultants’ or Contractors’ duty to notify [insofar as it imposes notification requirements on contractors and consultants.]
   - **M. S. 115C.08** Petroleum tank fund [insofar as subd. 3 imposes a petroleum tank release cleanup fee on petroleum distributors.]
   - **M. S. 115C.11** Consultants and contractors; sanctions [insofar as it applies to individuals other than UST system owners and operators.]
   - **M. S. 115C.111** Consultant and contractor sanctions; actions based on conduct occurring before March 14, 1996 [insofar as it applies to individuals other than UST system owners and operators.]
   - **M. S. 115C.112** Consultant and contractor sanctions; actions based on conduct occurring on and after March 14, 1996 [insofar as it applies to individuals other than UST system owners and operators.]

(B) The regulatory provisions include:

1. **Minnesota Rules, Chapter 7105—Minnesota Pollution Control Agency, Water Quality Division, Underground Storage Tanks: Training**
   - **7105.0010** Definitions [insofar as subp. 25 includes vessels, enclosures, and structures—which are exempt from the federal program—in the definition of UST.]
   - **7105.0030** General Provisions; Certification requirements and deadlines; Certificate availability [insofar as subp. 1 and 2 require training for individuals not regulated under the federal program.]
   - **7105.0040** Exclusions [insofar as it does not exclude from regulation heating oil storage tanks with a capacity of greater than 1,100 gallons.]
   - **7105.0050** Contractor Certification
   - **7105.0060** Supervisor Certification
   - **7105.0070** Standards of Performance
   - **7105.0080** Storage Tank Service Provider Training Course Requirements
   - **7105.0090** Examinations and Diplomas
   - **7105.0100** Approval of Certification Training Courses
   - **7105.0110** Sanctions
   - **7105.0120** Fees
   - **7105.0130** Incorporation by Reference

(2) **Minnesota Statutes, Chapter 116, Pollution Control Agency**

- **M. S. 116.46** Definitions [insofar as subd. 8 includes vessels, enclosures, or structures—which are exempt from the federal program—in the definition of UST.]
- **M. S. 116.47** Exemptions [insofar as paragraph (2) does not exclude from regulation USTs of 1,100 gallon capacity or more used to store heating oil for consumptive use.]
- **M. S. 116.48** Notification requirements [insofar as subd. 1(b) requires that the owner of an AST must notify the MPCA of the tank’s status.]
- **M. S. 116.48** Notification requirements [insofar as subd. 2 imposes requirements on owners who discover an abandoned AST.] (B) The regulatory provisions include:

   - **M. S. 116.48** Notification requirements [insofar as subd. 3 imposes notification requirements on owners of ASTs removing a tank from service or changing the tank’s service.]
   - **M. S. 116.48** Notification requirements [insofar as subd. 4 places notification requirements on persons transferring the title to regulated substances to be placed directly into an UST.]
Environmental Protection Agency

§ 282.74 Mississippi State-Administered Program.

(a) The State of Mississippi is approved to administer and enforce an underground storage tank program in lieu of the federal program under subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 et seq. The State’s program, as administered by the Mississippi Department of Environmental Quality, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the Mississippi program on June 11, 1990 and it was effective on July 11, 1990.

(b) Mississippi has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Mississippi must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Mississippi obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the Federal Register.

(d) Mississippi has final approval for the following elements submitted to EPA in the State’s program application for final approval and approved by EPA on June 11, 1990. Copies may be obtained from the Underground Storage Tank Program, Mississippi Department of Environmental Quality, 2380