§ 282.87 Oregon State-Administered Program.

(a) The State of Oregon 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 Oregon Department of Environmental Quality, was approved by EPA pursuant to 42 U.S.C. 6991c and Part 281 of this Chapter. EPA published the notice of final determination approving the Oregon underground storage tank program on September 16, 2011, and it became effective on that date.

(b) Oregon has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its corrective action, inspection and enforcement authorities under sections 9003(h), 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991b(h), 6991d and 6991e, as well as its authority under other statutory and regulatory provisions.

(c) To retain program approval, Oregon 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 Oregon 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) Oregon has final approval for the following elements submitted to EPA in its program application as of September 16, 2011.

(1) State statutes and regulations. (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 et seq. with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR Part 51. To enforce any edition other than that specified in this section, the Environmental Protection Agency must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of the material at NARA, call 202–741–6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Copies of Oregon’s program application may be obtained from the Underground Storage Tank Program, Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, Oregon, 97204.


(B) Oregon Regulatory Requirements Applicable to the Underground Storage Tank Program, 2009.

(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:

(i) Oregon Revised Statutes, Chapter 183, Administrative Procedures Act, 2009, insofar as the provisions and procedures apply to the underground storage tank program.

(B) Oregon Revised Statutes, Chapter 465, Hazardous Waste and Hazardous Materials I (Removal or Remedial Action: Sections 465.200–465.482 and Sections 465.900–465.995), insofar as these provisions apply to matters involving an “underground storage tank” as that term is defined in ORS 466.706(21), as limited by the exclusions listed in ORS 466.710, except that the term does not include a tank used for storing heating oil for consumptive use on the premises where stored. The following Sections are part of the approved state program, although not incorporated by reference herein for enforcement purposes: Sections 465.205 through 465.250, 465.257 through 465.300, 465.310 through 465.335, 465.400 through 465.435, 465.445 through 465.455 and 465.900.

(C) Oregon Revised Statutes, Chapter 466, Hazardous Waste and Hazardous Materials II (Oil Storage Tanks: Sections 466.706–466.920 and Sections 466.990–466.995), insofar as these provisions apply to matters involving an “underground storage tank” as that term is defined in ORS 466.706(21), as limited by the exclusions listed in ORS 466.710, except that the term does not include a tank used for storing heating oil for consumptive use on the premises where stored. The following Sections are part of the approved state program, although not incorporated by reference herein for enforcement purposes: Sections 466.205 through 466.250, 466.257 through 466.300, 466.310 through 466.335, 466.400 through 466.435, 466.445 through 466.455 and 466.900.
oil for consumptive use on the premises
where stored. The following Sections
are part of the approved state program,
although not incorporated by reference
herein for enforcement purposes: Sections
466.715 through 466.735, 466.746,
466.760, 466.775 through 466.790, 466.810
through 466.830, 466.845, 466.901 through 466.920 and
466.994 through 466.995.

(d) Chapter 468 Environmental Qual-
ity Generally, insofar as these provi-
sions apply to matters involving an
“underground storage tank” as that
term is defined in ORS 466.706(21), as
limited by the exclusions listed in ORS
466.710, except that the term does not
include a tank used for storing heating
oil for consumptive use on the premises
where stored. The following Sections
are part of the approved state program,
although not incorporated by reference
herein for enforcement purposes: Sec-
tions 468.005 through 468.050, 468.090
through 468.140 and 468.963.

(ii) The regulatory provisions in-
clude:

(1) Oregon Administrative Rules,
Chapter 340, Division 11: Section 340–11–
0545.

(2) Oregon Administrative Rules,
Chapter 340, Division 12: Sections 340–
0067 (with the exception of subpara-
graphs (1) (k) and (1) and (2) (g) through
(j)), 340–012–0074 (with the exception of sub-
paragraph (1) (g)) and 340–012–0170
insofar as this applies to violations in-
volving an underground storage tank.

(3) Oregon Administrative Rules,
Chapter 340, Division 122: Sections 340–
122–0074 through 340–122–0079 and 340–

(4) Oregon Administrative Rules,
Chapter 340, Division 122: Section 340–
142–0120.

(5) Oregon Administrative Rules,
Chapter 340, Division 150: Sections 340–
150–0150 through 340–150–0152, 340–150–

(6) Oregon Code of Civil Procedure
33C.

(7) Oregon Administrative Rules,
Chapter 690, Division 240, insofar as
these provisions apply to matters in-
volving an “underground storage tank”
as that term is defined in ORS
466.706(21), as limited by the exclusions
listed in ORS 466.710, except that the
background.
July 19, 2010, though not incorporated by reference, are referenced as 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 Memorandum of Agreement between EPA Region 10 and the Oregon Department of Environmental Quality, signed by the EPA, Regional Administrator on July 11, 2011, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 et seq.

[77 FR 25368, Apr. 30, 2012]

§ 282.88 Pennsylvania State-Administered Program.

(a) The Commonwealth of Pennsylvania’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 Pennsylvania Department of Environmental Protection, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the Pennsylvania underground storage tank program on September 11, 2003, and approval was effective on September 11, 2003.

(b) The Commonwealth 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, the Commonwealth 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 the Commonwealth 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) The Commonwealth has final approval for the following elements submitted to EPA in the State’s program application for final approval. On September 11, 2003, EPA published a rule approving the State’s program in the Federal Register, 66 FR 53520. That approval became effective on September 11, 2003. Copies of the Commonwealth’s program application may be obtained from the Pennsylvania Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Storage Tank Program, Rachel Carson State Office Building, Harrisburg, PA 17105–8762.

(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) Pennsylvania Regulatory Requirements Applicable to the Underground Storage Tank Program, 2002.

(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) Storage Tank and Spill Prevention Act of 1989, Public Law 169, No. 32 35 PS Section 6021.107 Powers and duties of department (insofar as paragraphs (b), (c), (e), and (f) grant the department enforcement authorities)

(2) Title 35. Health and Safety; Chapter 44. Environmental Hearing Board Act

35 P.S. Section 7514 Jurisdiction

(3) Title 71. Article IV. Organization of Departmental Administrative Boards and Commissions and of Advisory Boards and Commissions 71 P.S. Section 180–1 Environmental Quality Board

(4) Title 71. Article XIX–A. Powers and Duties of the Department of Environmental Resources, its Officers and...