(ii) The following statutes and regulations are part of the approved state program, although not incorporated by 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 9.06 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]
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 115B, Environmental Response and Liability

M. S. 115B.17 State response to releases; subd. 4: Access to information and property
M. S. 115B.175 Voluntary Response Actions; Liability Protection; Procedures
M. S. 115B.177 Owner of Real Property Affected by Off-Site Release
M. S. 115B.178 Association with Release; Commissioner’s Determination
M. S. 115B.18 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.117 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
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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

(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.045 Kickbacks [insofar as it applies to individuals other than UST system owners and operators.] M. S. 115C.055 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.] M. S. 115C.113 Storage tank access restrictions [insofar as it applies to individuals other than UST system owners and operators.] 

(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.] 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 status.] M. S. 116.492 Basement storage tanks; removal [insofar as it applies to a class of tanks not regulated under the federal program.] M. S. 116.492 Tank installers training and certification [insofar as it applies to individuals other than UST system owners and operators.] M. S. 116.492 Storage tanks not regulated under the federal program.

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 Rules, Chapter 7150—Minnesota Pollution Control Agency, Water Quality Division, Underground Storage Tanks Program

7150.0010 Applicability [insofar as subp. 2 does not exclude from regulation liquid traps or associated gathering lines directly
related to oil and gas production and gathering operations.\]
7150.0010 Applicability [insofar as subp. 2(H)\]
does not exclude from regulation heating\nstorage tanks with a storage capacity of\ngreater than 1,100 gallons.\]
7150.0010 Applicability [insofar as subp. 5\does not exclude owners and operators of\nhot oil storage tanks with a storage\ncapacity of greater than 1,100 gallons from\nnotification requirements.\]
7150.0030 Definitions [insofar as subp. 51 in-\cludes vessels, enclosures, and structures—\nwhich are exempt from the federal pro-
gram—in the definition of UST.\]
7150.0300 General Requirements for All Un-
derground Storage Tank Systems [insofar \n3 imposes release detection sched-
ule requirements on hazardous material\ntanks not regulated under the federal pro-
gram.]\]
(3) Minnesota Rules, Chapter 7510—De-
partment of Public Safety, Fire Marshal\nDivision, Fire Safety\n7510.3670 Liquefied Petroleum Gases; Sec-tion 8203: Installation of Containers [inso-
far as it regulates ASTs.\]
(2) Statement of legal authority. (i) \n“Attorney General’s Statement,” signed by the State Attorney General\non September 12, 2000, though not in-
corporated by reference, is referenced\nas part of the approved underground\nstorage tank program in accordance\nwith Subtitle I of RCRA, 42 U.S.C. 6991 et seq.
(ii) Letter from the Attorney General of\nMinnesota to EPA, September 12, 2000, though not incorporated by re-
ference, is referenced as part of the ap-
proved underground storage tank pro-
gram in accordance with Subtitle I of \nRCRA, 42 U.S.C. 6991 et seq.
(3) Demonstration of procedures for ade-
quate enforcement. The “Demonstra-
tion of Procedures for Adequate Enforce-
ment” submitted as part of the origi-
nal application on May 11, 2000, though not in-
corporated by reference, is referred-
enced as part of the approved underground\nstorage tank program in accordance\nwith Subtitle I of RCRA, 42 U.S.C. 6991 et seq.
(4) Program Description. The program\ndescription and any other material\nsubmitted as part of the original appli-
cation on May 11, 2000, though not in-
corporated by reference, are referenced\nas part of the approved underground\nstorage tank program in accordance
with Subtitle I of RCRA, 42 U.S.C. 6991 et seq.

 § 282.74 Mississippi State-Adminis-
tered Program.
(a) The State of Mississippi is ap-
proved to administer and enforce an\nunderground storage tank program in\nlieu of the federal program under sub-
title I of the Resource Conservation\nand Recovery Act of 1976 (RCRA), as\namended, 42 U.S.C. 6991 et seq. The\nState’s program, as administered by\nthe Mississippi Department of Environ-
mental Quality, was approved by EPA\npursuant to 42 U.S.C. 6991c and part 281\nof this chapter. EPA approved the Mis-
sissippi program on June 11, 1990 and it\nwas effective on July 11, 1990.
(b) Mississippi has primary responsi-
bility for enforcing its underground\nstorage tank program. However, EPA\nretains the authority to exercise its in-
spection and enforcement authorities\nunder sections 9005 and 9006 of subtitle\nI of RCRA, 42 U.S.C. 6991d and 6991e, as\nwell as under other statutory and regu-
laratory provisions.
(c) To retain program approval, Mis-
sissippi must revise its approved pro-
gram to adopt new changes to the fed-
eral subtitle I program which make it\nmore stringent, in accordance with sec-
tion 9004 of RCRA, 42 U.S.C. 6991c, and\n40 CFR part 281, subpart E. If Mis-
sissippi obtains approval for the re-
vised requirements pursuant to section \n9004 of RCRA, 42 U.S.C. 6991c, the newly\napproved statutory and regulatory pro-
visions will be added to this subpart\nand notice of any change will be pub-
lished in the FEDERAL REGISTER.
(d) Mississippi has final approval for\nthe following elements submitted to\nEPA in the State’s program applica-
tion for final approval and approved by\nEPA on June 11, 1990. Copies may be

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