

Environmental Protection Agency

§ 282.2

PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

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APPENDIX A TO PART 282—STATE REQUIREMENTS INCORPORATED BY REFERENCE IN PART 282 OF THE CODE OF FEDERAL REGULATIONS

AUTHORITY: 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

SOURCE: 58 FR 58625, Nov. 2, 1993, unless otherwise noted.

Subpart A—General Provisions

§ 282.1 Purpose and scope.

This part sets forth the applicable state underground storage tank programs under section 9004 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6991c and 40 CFR part 281. “State” is defined in 42 U.S.C. 1004(31) as “any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.”

§ 282.2 Incorporation by reference.

(a) Material listed as incorporated by reference in part 282 was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER.

(b) Copies of materials incorporated by reference may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this 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 materials incorporated by reference may be obtained or inspected at the EPA UST Docket, located at 1235 Jefferson Davis

Highway, First Floor, Arlington, VA 22202 (telephone number: 703–603–9231), or send mail to Mail Code 5305G, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and at the library of the appropriate Regional Office listed below:

(1) Region 1 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont): 5 Post Office Square—Suite 100, Boston, MA 02109–3912.

(2) Region 2 (New Jersey, New York, Puerto Rico, Virgin Islands): Federal Office Building, 26 Federal Plaza, New York, NY 10278.

(3) Region 3 (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia): 841 Chestnut St. Building, Philadelphia, PA 19107.

(4) Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee): 345 Courtland St., NE, Atlanta, GA 30365.

(5) Region 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin): 77 West Jackson Boulevard, Chicago, IL 60604.

(6) Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas): 1445 Ross Avenue, Dallas, TX 75202–2733.

(7) Region 7 (Iowa, Kansas, Missouri, Nebraska): 11201 Renner Boulevard, Lenexa, Kansas 66219.

(8) Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming): 999 18th Street, Denver, CO 80202–2405.

(9) Region 9 (Arizona, California, Hawaii, Nevada, Guam, American Samoa, Commonwealth of the Northern Mariana Islands): 75 Hawthorne Street, San Francisco, CA 94105.

(10) Region 10 (Alaska, Idaho, Oregon, Washington): 1200 Sixth Avenue, Seattle, WA 98101.

(c) For an informational listing of the state and local requirements incorporated in part 282, see appendix A to this part.

[58 FR 58625, Nov. 2, 1993, as amended at 69 FR 18803, Apr. 9, 2004; 76 FR 49674, Aug. 11, 2011; 78 FR 37978, June 25, 2013]

§§ 282.3–282.49 [Reserved]

Subpart B—Approved State Programs

§ 282.50 Alabama State-Administered Program.

(a) The State of Alabama 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 Alabama Department of Environmental Management, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA published the notice for final determination on the approved Alabama underground storage tank program concurrently with this notice and it will be effective on March 25, 1997.

(b) Alabama 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, Alabama 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 Alabama 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) Alabama will have final approval for the following elements submitted to EPA in Alabama’s program application for final approval and to be published in the FEDERAL REGISTER concurrently with this notice, and to be effective on March 25, 1997. Copies of Alabama’s underground storage tank program may be obtained from the Ground Water Branch, Alabama Department of Environmental Management, 1751 W.L.

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Dickinson Drive, Montgomery, Alabama 36130.

(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.*

(A) Alabama Statutory Requirements Applicable to the Underground Storage Tank Program, 1996.

(B) Alabama Regulatory Requirements Applicable to the Underground Storage Tank Program, 1996.

(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: Code of Alabama 1975, Title 22, Chapter 36, Section 9 and Code of Alabama 1975, Title 22, Chapter 22A, Section 5(19).

(B) The regulatory provisions include: none.

(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) Code of Alabama 1975, Title 22, Chapter 36, Section 5, insofar as it refers to underground storage tank regulation fees.

(B) Code of Alabama 1975, Title 22, Chapter 36, Section 7, insofar as it refers to rules and regulations to establish and protect wellhead areas from contaminants.

(C) Alabama Department of Environmental Management Administrative Code Section 335-6-15-.05, insofar as it requires notification of underground storage tank systems taken out of operation on or before January 1, 1974.

(D) Alabama Department of Environmental Management Administrative Code Section 335-6-15-.45, insofar as it requires underground storage tank regulation fees.

(E) Alabama Department of Environmental Management Administrative Code R. 335-6-15-.47, insofar as it refers to financial responsibility for hazardous substance underground storage tank systems.

(2) *Statement of legal authority.* (i) “Attorney General’s Statement for

Final Approval”, signed by the Attorney General of Alabama on June 8, 1992, 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.*

(ii) Letter from the Attorney General of Alabama to EPA, June 8, 1992, 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.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the final application in July 1994 and revised in March 1995, 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.*

(4) *Program description.* The program description and any other material submitted as part of the final application in July 1994 and revised in March 1995, 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 4 and the Alabama Department of Environmental Management, signed by the EPA, Regional Administrator on August 2, 1996, 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.*

[62 FR 3614, Jan. 24, 1997]

§§ 282.51–282.52 [Reserved]

§ 282.53 Arkansas State-Administered Program.

(a) The State of Arkansas 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 Arkansas Department of Pollution Control and

Ecology, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the Arkansas program on February 14, 1995 and it was effective on April 25, 1995.

(b) Arkansas 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, Arkansas 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 Arkansas 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) Arkansas has final approval for the following elements submitted to EPA in Arkansas' program application for final approval and approved by EPA on February 14, 1995. Copies may be obtained from the Underground Storage Tank Program, Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, AR 72219-8913.

(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.*

(A) Arkansas Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Arkansas Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(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:

(1) *Arkansas Code Annotated, Title 8, Chapter 1, Subchapter 1—General Provisions:*

(i) § 8-1-107 Inspections—Definitions—Investigations—Inspection Warrant—Exceptions—Penalties

(2) *Arkansas Code Annotated, Title 8, Chapter 4, Subchapter 1—General Provisions:*

(i) § 8-4-103 Criminal, Civil, and Administrative Penalties

(3) *Arkansas Code Annotated, Title 8, Chapter 7, Subchapter 8—Regulated Substance Storage Tanks:*

(i) § 8-7-802 Department and commission—powers and duties

(ii) § 8-7-806 Penalties

(iii) § 8-7-809 Corrective actions—Orders of director

(B) The regulatory provisions include:

(1) *Arkansas Department of Pollution Control and Ecology Regulation Number 12—Storage Tank Regulation:*

(i) Chapter 2, Section 4: Access to Records

(ii) Chapter 2, Section 5: Entry and Inspection of Underground Storage Tank Facilities

(iii) Chapter 8, Section 1: Violations

(iv) Chapter 8, Section 2: Penalty Policy and Administrative Procedures

(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) Statutes.

(1) *Arkansas Code Annotated, Title 8, Chapter 7, Subchapter 8—Regulated Substance Storage Tanks.*

(i) § 8-7-802 Department's Powers and Duties (Insofar as it applies to aboveground storage tanks.)

(ii) § 8-7-805 License Requirement (Insofar as it applies to individuals other than UST owners and operators.)

(2) *Arkansas Code Annotated, Title 8, Chapter 7, Subchapter 9—Petroleum Storage Tank Trust Fund Act.*

(i) § 8-7-903 Rules and Regulations—Powers of department (Insofar as (c) addresses aboveground storage tanks.)

(ii) Reserved.

(B) Regulations.

(1) *Arkansas Department of Pollution Control and Ecology Regulation Number 12—Storage Tank Regulation.*

(i) Chapter 2, Section 6: Entry and Inspection of Aboveground Storage Tank

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Facilities (Insofar as it applies to aboveground storage tanks.)

(ii) Chapter 3, Section 1: Underground and Aboveground Storage Tank Registration Fees (Insofar as it applies to aboveground storage tanks.)

(iii) Chapter 5: Licensing of Tank Installers and Service Personnel (Insofar as it applies to individuals other than UST system owners and operators.)

Section 1: Purpose
Section 2: Definitions
Section 3: Applicability
Section 4: General Requirements
Section 5: Contractor Licensing
Section 6: Individual Licensing
Section 7: Experience Requirements
Section 8: Written Examination
Section 9: Approval of Comparable Licensing Programs
Section 10: Reciprocity
Section 11: Denial of Licenses
Section 12: Renewal of Licenses
Section 13: Duties and Obligations
Section 14: Department Approval of Training and Continuing Education
Section 15: Complaints
Section 16: Investigations; Enforcement; Penalties
Section 17: Department Actions Against Licenses.

(iv) Chapter 6: Licensing of Tank Testers (Insofar as it applies to individuals other than UST system owners and operators.)

Section 1: Purpose
Section 2: Definitions
Section 3: Applicability
Section 4: General Requirements
Section 5: Company Licensing
Section 6: Individual Licensing
Section 7: Experience Requirements
Section 8: Approval of Comparable Licensing Programs
Section 9: Reciprocity
Section 10: Denial of Licenses
Section 11: Renewal of Licenses
Section 12: Duties and Obligations
Section 13: Department Approval of Training and Continuing Education
Section 14: Complaints
Section 15: Investigation; Enforcement; Penalties
Section 16: Department Actions Against Licenses

(2) *Statement of legal authority.* (i) “Attorney General’s Statement for Final Approval”, signed by the Attorney General of Arkansas on September 21, 1994, 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.*

(ii) Letter from the Attorney General of Arkansas to EPA, September 21, 1994, 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.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the original application on September 26, 1994, 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.*

(4) *Program description.* The program description and any other material submitted as part of the original application on September 26, 1994, 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 6 and the Arkansas Department of Pollution Control and Ecology, signed by the EPA Regional Administrator on February 14, 1995, 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.*

[61 FR 1214, Jan. 18, 1996]

§§ 282.54–282.55 [Reserved]

§ 282.56 Connecticut State-Administered Program.

(a) The State of Connecticut 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 Connecticut Department of Environmental Protection, was approved by EPA pursuant to 42 U.S.C. 6991c and 40 CFR part 281. EPA approved the Connecticut program on June 27, 1995, and

the approval was effective on August 4, 1995.

(b) Connecticut 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, Connecticut 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 Connecticut 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) Connecticut has final approval for the following elements submitted to EPA in Connecticut's program application for final approval EPA and approved by EPA on June 27, 1995, effective on August 4, 1995. Copies may be obtained from the Underground Storage Tank Program, Connecticut Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106. The elements are listed as follows:

(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.*

(A) Connecticut Statutory Requirements Applicable to the Underground Storage Tank Program, 1996.

(B) Connecticut Regulatory Requirements Applicable to the Underground Storage Tank Program, 1996.

(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:

(1) *Legal Authorities for Compliance Monitoring and Inspections.* Connecticut General Statutes, Sections 22a-6(a)(5), 22a-336, 54-33a.

(2) *Legal Authorities for Enforcement Response.* Connecticut 22a-430(d), 22a-431, 22a-432, 22a-433, 22a-435, 22a-438, 52-471, 52-473, 52-474, 52-480 and 52-481.

(3) *Public Participation in the State Enforcement Process.* Connecticut General Statutes, Sections 4-177a, 22a-6, 22a-16, 22a-18, 22a-19, 52-107, and 52-474.

(B) Regulatory provisions include: *Public Participation in the State Enforcement Process.* (R.C.S.A.) Sections 22a-3a-6-(k).

(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) Section 22a-449(d)-1 of the Regulations of Connecticut State Agencies for the Control of the Nonresidential Underground Storage and Handling of Oil and Petroleum Liquids; and

(B) Requirements, including those for registration and permanent closure, for tanks greater than 2,100 gallons containing heating oil consumed on the premises where stored.

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval," signed by the Attorney General of Connecticut on December 21, 1994, though not incorporated by reference, is referenced as part of the State's approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Connecticut to EPA, December 21, 1994, though not incorporated by reference, is referenced as part of the State's 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 1994, though not incorporated by reference, is referenced as part of the State's approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program description.* The program description and any other material submitted as part of the original application in December 1994, though not incorporated by reference, are referenced

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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.* On October 16, 1995, EPA and the Connecticut Department of Environmental Protection signed the Memorandum of Agreement. Though not incorporated by reference, the Memorandum of Agreement is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[61 FR 41509, Aug. 9, 1996]

§§ 282.57–282.59 [Reserved]

§ 282.60 Georgia State-Administered Program.

(a) The State of Georgia 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 Georgia Department of Natural Resources, Environmental Protection Division, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the Georgia program on April 29, 1991 and it was effective on July 9, 1991.

(b) Georgia 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, Georgia 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 Georgia 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) Georgia has final approval for the following elements submitted to EPA

in Georgia's program application for final approval and approved by EPA on April 29, 1991. Copies may be obtained from the Underground Storage Tank Management Program, Georgia Environmental Protection Division, 4244 International Parkway, Suite 100, Atlanta, GA 30354.

(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.*

(A) Georgia Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Georgia Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(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 the following sections of the Georgia Underground Storage Tank Act:

12-13-5—Rules and regulations; enforcement powers,
12-13-8—Investigations,
12-13-14—Corrective action for violations of chapter, rules, etc., and for release of regulated substance into environment,
12-13-15—Injunctions and restraining orders,
12-13-16—Hearings and review,
12-13-17—Judgement by superior court,
12-13-19—Violations; imposition of penalties,
12-13-20—Action in emergencies, and
12-13-22—Representation by Attorney General

(B) The regulatory provisions include the following sections of Rules of Georgia Department of Natural Resources, Environmental Protection Division, Underground Storage Tank Management:

391-3-15-.01(2)—Authority, and
391-3-15-.14—Enforcement

(2) *Statement of legal authority.* (i) "Attorney General's Certification of 'No Less Stringent' Objectives And 'Adequate Enforcement' Authorities Implementing The Underground Storage Tank Program", signed by the Attorney General of Georgia on February 20, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank

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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 on February 20, 1990, 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.*

(4) *Program description.* The program description and any other material submitted as part of the original application in February 1990, 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 4 and the Georgia Department of Natural Resources, signed by the EPA Regional Administrator on July 10, 1991, 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.*

[61 FR 4225, Feb. 5, 1996]

§ 282.61 Hawaii State-Administered Program.

(a) The State of Hawaii’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 Hawaii Department of Health, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the Hawaii underground storage tank program on September 25, 2002, and approval was effective on September 30, 2002.

(b) Hawaii 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, Hawaii 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 Hawaii 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) Hawaii has final approval for the following elements submitted to EPA in the State’s program application for final approval. On September 25, 2002, EPA published a rule approving the State’s program in the FEDERAL REGISTER, 67 FR 60161. That approval became effective on September 30, 2002. Copies of Hawaii’s program application may be obtained from the Hawaii Department of Health, Solid and Hazardous Waste Branch, 919 Ala Moana Boulevard, Suite 212, Honolulu, HI 96814.

(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.*

(A) Hawaii Statutory Requirements Applicable to the Underground Storage Tank Program, 2001.

(B) Hawaii Regulatory Requirements Applicable to the Underground Storage Tank Program, 2001.

(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 of the Hawaii Revised Statutes:

(1) Hawaii Revised Statutes, Chapter 342L, Underground Storage Tanks.

Section 342L-1 Definitions (insofar as “complaint” sets forth enforcement authorities)

Section 342L-2 Administration

Section 342L-3 Powers; rulemaking; appointment of hearings officers

Section 342L-7 Authority to obtain information and data, inspect, and require and conduct activities; penalties for disclosure

Section 342L-8 Enforcement

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Section 342L-9 Emergency powers; procedures
Section 342L-10 Penalties
Section 342L-11 Administrative penalties
Section 342L-12 Injunctive relief
Section 342L-12.5 Intervention
Section 342L-13 Appeal
Section 342L-15 Public records; confidential information
Section 342L-17 Other action not barred
Section 342L-18 Enforcement by state and county authorities
Section 342L-19 Other powers of department not affected
Section 342L-20 Effect of laws, ordinances, and rules
Section 342L-21 Priority in courts
Section 342L-30 Notification requirements (insofar as paragraph (i) of this section grants the Department authority to assess penalties for noncompliance)
Section 342L-51 Leaking underground storage tank fund
Section 342L-52 Response to suspected or confirmed releases (insofar as it sets forth enforcement authorities)
Section 342L-53 Cost recovery

(2) Hawaii Revised Statutes, Chapter 342D, Water Pollution.

Section 342D-8 Inspection of premises
Section 342D-9 Enforcement
Section 342D-10 Emergency powers; procedures
Section 342D-11 Injunctive relief
Section 342D-12 Appeal
Section 342D-14 Public records; confidential information; penalties
Section 342D-30 Civil penalties
Section 342D-31 Administrative penalties
Section 342D-32 Negligent violations
Section 342D-33 Knowing violations
Section 342D-34 Knowing endangerment
Section 342D-35 False statements
Section 342D-36 Treatment of single operational upset
Section 342D-37 Responsible corporate officer as “person”
Section 342D-39 Disposition of collected fines and penalties
Section 342D-52 Testing of water and aquatic and other life

(3) Hawaii Revised Statutes, Chapter 128D, Environmental Response Law.

Section 128D-4 State response authorities; uses of fund (insofar as it sets forth enforcement authorities for certain corrective actions)

(B) The regulatory provisions include; Hawaii Administrative Rules, Chapter 11-281, Underground Storage Tanks:

Section 11-281-03 Definitions (insofar as “complaint” sets forth enforcement au-

thorities; and insofar as “field citation” and “force majeure” relate to the Department’s enforcement authorities)
Section 11-281-80 Public participation for corrective action plans (insofar as paragraph (j) of this section sets forth enforcement authorities)
Section 11-281-121 Purpose
Section 11-281-122 Applicability
Section 11-281-123 Issuance and contents of a field citation
Section 11-281-124 Notice of citation
Section 11-281-125 Field citation order and settlement agreement
Section 11-281-126 Correcting violations; paying the settlement amount; and signing the settlement agreement
Section 11-281-127 Method of payment
Section 11-281-128 Field citation penalty amounts for settlement
Section 11-281-131 Appendices VII and VIII (insofar as they relate to the Department’s field citation program)

(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; Hawaii Revised Statutes, Chapter 342L, Underground Storage Tanks:

Section 342L-1 Definitions (“owner” insofar as it includes persons who hold indicia of ownership to protect an interest in a tank system; “permit” insofar as it sets forth a permitting program; and “regulated substance” insofar as it includes other substances as designated by the Department)
Section 342L-4 Permits; procedures for (insofar as it establishes a permitting program)
Section 342L-5 Variances allowed (insofar as variances exceed the scope of the federal program)
Section 342L-6 Variances; procedures for (insofar as variances exceed the scope of the federal program)
Section 342L-14 Fees (insofar as it grants the director authority to establish fees for registering underground storage tanks)
Section 342L-16 Non-liability of department personnel (insofar as it was specifically not authorized in the FEDERAL REGISTER notice of program approval)
Section 342L-23 Directory of underground storage tank service providers (insofar as it was specifically not authorized in the FEDERAL REGISTER notice of program approval)
Section 342L-31 Permit requirements and transfer of permit (insofar as it requires

owners and operators to obtain permits to install or operate UST systems)

Section 342L–50 Definitions (insofar as the definition of “owner” defines lenders as operators and subjects such lenders to requirements other than the corrective action requirements)

(B) The regulatory provisions include the following sections of Hawaii Administrative Rules, Chapter 11–281, Underground Storage Tanks:

Section 11–281–03 Definitions (“farm tank” insofar as it regulates tanks on farms that are not used for farm or commercial purposes; “regulated substance” insofar as the Department can designate other substances; “reportable quantity” insofar as it sets forth a reporting threshold of 10 lbs. for trichloropropane; and “underground storage tank” insofar as its designation of farm tanks exceeds the scope of the federal regulations)

Section 11–281–23 Permit required (insofar as it relates to the permitting program)

Section 11–281–24 Application for a permit (insofar as paragraphs (a), (b), (c)(3), and (c)(4) of this section relate to the permitting program)

Section 11–281–25 Permit (insofar as paragraphs (a) and (b) of this section relate to the permitting program)

Section 11–281–26 Permit renewals (insofar as it relates to the permitting program)

Section 11–281–27 Action on and timely approval of an application for a permit (insofar as it relates to the permitting program)

Section 11–281–28 Permit conditions (insofar as it relates to the permitting program)

Section 11–281–29 Modification of permit and notice of change (insofar as it relates to the permitting program)

Section 11–281–30 Revocation or suspension of permit (insofar as it relates to the permitting program)

Section 11–281–31 Change in owner or operator for a permit (insofar as it relates to the permitting program)

Section 11–281–32 Variances allowed (insofar as variances exceed the scope of the federal program)

Section 11–281–33 Variance applications (insofar as variances exceed the scope of the federal program)

Section 11–281–34 Maintenance of permit or variance (insofar as it relates to the permitting program)

Section 11–281–35 Fees (insofar as it establishes registration fees)

Section 11–281–45 Reporting and record-keeping (insofar as paragraph (b)(3) of this section addresses posting of signs;

and paragraph (c)(6) of this section requires maintenance of permit records)

Section 11–281–73 Posting of signs (insofar as there is no analogous provision in the federal regulations)

Section 11–281–131 Appendices II, IV, V, and VI of this section (insofar as they address permit application and transfer procedures and variances)

(2) *Statement of legal authority.* (i) “Attorney General’s Statement,” signed by the State Attorney General on October 12, 2000, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Hawaii to EPA, October 12, 2000, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with 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 on May 23, 2001, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application on May 23, 2001, though not incorporated by reference, are referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 9 and the Hawaii Department of Health, signed by the EPA Regional Administrator on September 13, 2002, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[73 FR 53744, Sept. 17, 2008]

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§§ 282.62–282.64 [Reserved]

§ 282.65 Iowa State-Administered Program.

(a) The State of Iowa 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 Iowa Department of Natural Resources, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the Iowa program on March 7, 1995 and it was effective on May 8, 1995.

(b) Iowa 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, Iowa 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 Iowa 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) Iowa has final approval for the following elements submitted to EPA in Iowa's program application for final approval and approved by EPA on March 7, 1995. Copies may be obtained from the Underground Storage Tank Program, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa, 50319.

(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.*

(A) Iowa Statutory Requirements Applicable to the Underground Storage Tank Program, 1994

(B) Iowa Regulatory Requirements Applicable to the Underground Storage Tank Program, 1994

(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: Code of Iowa, Chapter 455B, Sections 103(4), 109, 111, 112, 475, 476, 477 and 478.

(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) Code of Iowa, Chapter 455B, Sections 113, 114 and 115 insofar as they apply to certified laboratories; 479 insofar as it applies to account dispersion; Chapter 455G, Sections 1–20 insofar as they apply to the comprehensive petroleum underground storage tank fund.

(B) Iowa Administrative Code, Rule 567, Chapter 134.1–5 insofar as they apply to the registration of groundwater professionals; 135.3(4) insofar as it applies to farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.

(2) *Statement of legal authority.* (i) “Attorney General's Statement for Final Approval”, signed by the Attorney General of Iowa on December 22, 1993, 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.*

(ii) Letter from the Attorney General of Iowa to EPA, dated December 22, 1993, 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.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the original application in March of 1994, 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.*

(4) *Program description.* The program description and any other material submitted as part of the original application in March 1994, 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 7 and the Iowa Department of Natural Resources, signed by the EPA Regional Administrator on June 22, 1994, 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.*

[60 FR 12632, Mar. 7, 1995]

§ 282.66 Kansas State-Administered Program.

(a) The State of Kansas 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 Kansas Department of Health and Environment, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the Kansas program on June 6, 1994 and it was effective on July 6, 1994.

(b) Kansas 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, Kansas 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 Kansas 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) Kansas has final approval for the following elements submitted to EPA in Kansas' program application for final approval and approved by EPA on June 6, 1994. Copies may be obtained from the Underground Storage Tank Program, Kansas Department of Health and Environment, Forbes Field, Building 740, Topeka, Kansas, 66620-0001.

(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.*

(A) Kansas Statutory Requirements Applicable to the Underground Storage Tank Program, 1994

(B) Kansas Regulatory Requirements Applicable to the Underground Storage Tank Program, 1994

(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: Kansas Statutes Annotated, Chapter 65, Public Health, Article 34, Kansas Storage Tank Act, Sections 108, 109 and 113.

(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) Kansas Statutes Annotated, Chapter 65, Article 34, Sections 105(2) insofar as it applies to aboveground storage tanks, (8) insofar as it applies to tank tightness tester qualifications, (11) & (12) insofar as it applies to licensing tank installers and fees for these licenses, (13) insofar as it applies to aboveground storage tanks; 106 insofar as it applies to aboveground storage tanks; 110 insofar as it applies licensing of tank installers and contractors; 111 insofar as it applies suspension of licenses; 112 insofar as it applies to agreements between secretary and local governments; 114 & 114a insofar as it applies to the storage tank release trust fund; 116 & 117 insofar as it applies to the storage tank release fund; 118 insofar as it applies to corrective action for aboveground storage tanks;

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119–125 insofar as it applies to the storage tank release fund; 126 & 127 insofar as it applies to the third party liability insurance plan; 128 insofar as it applies to the storage tank fee fund; 129 & 130 insofar as it applies to the aboveground petroleum storage tank release trust fund.

(B) Kansas Department of Health and Environment Permanent Administrative Regulations, Chapter 28, Article 44, Section 18 insofar as it applies to registration of non-regulated underground storage tanks; 20–22 insofar as they require underground storage tank installers, tank tightness testers and contractors to be licensed; 23(b)(5) insofar as it applies to heating oil tanks.

(2) *Statement of legal authority.* (i) “Attorney General’s Statement for Final Approval”, signed by the Attorney General of Kansas on August 23, 1993, 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.*

(ii) Letter from the Attorney General of Kansas to EPA, August 23, 1993, 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.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the original application in September, 1993, 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.*

(4) *Program description.* The program description and any other material submitted as part of the original application in September 1993, 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 7 and the Kansas Department of Health and Environment, signed by the EPA Regional Administrator on April 29, 1994, 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.*

[59 FR 49212, Sept. 27, 1994]

§ 282.67 [Reserved]

§ 282.68 Louisiana State-Administered Program.

(a) The State of Louisiana 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 Louisiana Department of Environmental Quality, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the Louisiana program on July 24, 1992 and it was effective on September 4, 1992.

(b) Louisiana 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, Louisiana 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 Louisiana 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) Louisiana has final approval for the following elements submitted to EPA in Louisiana’s program application for final approval and approved by EPA on July 24, 1992. Copies may be obtained from the Underground Storage Tank Program, Louisiana Department of Environmental Quality, 7290 Bluebonnet Road, Baton Rouge, LA 70810–1612.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of

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the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Louisiana Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Louisiana Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(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:

(1) *Louisiana Revised Statutes, Title 30*

- § 2012 Enforcement Inspections
- § 2025 Enforcement
- § 2026 Citizen Suits
- § 2077 Remediation of Pollution
- § 2172 Policy and Purpose
- § 2275 Demand by Secretary; Remedial Action

(B) The regulatory provisions include:

(1) *Louisiana Environmental Regulatory Code, Part XI: Underground Storage Tanks, Chapter 15—Enforcement:*

- § 1501 Inspection and Entry
- § 1503 Failure to Comply
- § 1505 Investigations: Purposes, Notice

(iii) The following 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) *Louisiana Environmental Regulatory Code, Part XI: Underground Storage Tanks*

(1) *Chapter 13—Certification Requirements for Persons Who Install, Repair, or Close Underground Storage Tank Systems* [Insofar as it applies to individuals other than UST owners and operators.]

- § 1301 Applicability
- § 1303 Definitions
- § 1305 Categories of Certification and Requirements for Issuance and Renewal of Certificates
- § 1307 Certification Examinations
- § 1309 Approval of Continuing Training Courses
- § 1311 Denial of Issuance or Renewal of a Certificate or Revocation of a Certificate
- § 1313 UST Certification Board

(2) *Statement of legal authority.* (i) “Attorney General’s Statement for Final Approval”, signed by the Attor-

ney General of Louisiana on September 12, 1991, 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.*

(ii) Letter from the Attorney General of Louisiana to EPA, September 12, 1991, 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.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the original application on October 15, 1991, 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.*

(4) *Program description.* The program description and any other material submitted as part of the original application on October 15, 1991, 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 6 and the Louisiana Department of Environmental Quality, signed by the EPA Regional Administrator on May 14, 1992, 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.*

[61 FR 1212, Jan. 18, 1996]

§ 282.69 Maine State-Administered Program.

(a) The State of Maine 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 Maine Department of Environmental Protection, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the Maine program

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on February 18, 1992, and the approval was effective on March 18, 1992.

(b) Maine has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 3007, 7003, 9005 and 9006 of RCRA, 42 U.S.C. 6927, 6973, 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Maine 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 Maine 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) Maine has final approval for the following elements submitted to EPA in Maine's program application for final approval and approved by EPA on February 18, 1992. Copies may be obtained from the Underground Storage Tank Program, Maine Department of Environmental Protection, AMHI Complex-Ray Building, Hospital Street, Augusta, ME 04333. The elements are listed below:

(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.*

(A) Maine Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Maine Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(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: Title 38 Maine Revised Statutes Annotated, Sections 561 through 570.

(B) The regulatory provisions include: Maine Regulations for Registration, Installation, Operation and Clo-

sure of Underground Oil Storage Facilities Chapter 691 Section 1 through 13.

(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) Title 38 Maine Statutes Annotated, Section 565, insofar as it refers to registration requirements for tanks greater than 1,100 gallons containing heating oil consumed on the premises where stored.

(B) Maine Environmental Protection Regulations Chapter 691, Section 6 regulations of heating oil facilities for consumption on premises, Section 9 facilities for underground storage of heavy oils.

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval", signed by the Attorney General of Maine on December 5, 1991, 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.*

(ii) Letter from the Attorney General of Maine to EPA, is referenced as 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 November 1991, 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.*

(4) *Program description.* The program description and any other material submitted as part of the original application in December 20, 1991, 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 I and the Maine Department of Environmental Protection, signed by the EPA Regional Administrator on November, 1992, though not

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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.*

[61 FR 6555, Feb. 21, 1996]

§ 282.70 [Reserved]

§ 282.71 Massachusetts State-Administered Program.

(a) The State of Massachusetts 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 Massachusetts Department of Public Safety (now called the Massachusetts Department of Fire Services) and the Massachusetts Department of Environmental Protection, was approved by EPA pursuant to 42 U.S.C. 6991c and 40 CFR Part 281. EPA approved the Massachusetts program on March 3, 1995, which was effective on April 17, 1995.

(b) Massachusetts 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 RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Massachusetts 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 Massachusetts 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) Massachusetts has final approval for the following elements submitted to EPA in Massachusetts' program application for final approval and approved by EPA on March 3, 1995. Copies may be obtained from the Underground Storage Tank Program, Massachusetts Department of Environmental Protection, 1 Winter Street, Boston, MA 02108

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or Massachusetts Department of Fire Services, P.O. Box 1025, State Road, Stowe, MA 01775. The elements are listed below:

(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.*

(A) Massachusetts Statutory Requirements Applicable to the Underground Storage Tank Program at Massachusetts General Laws, Chapter 148, Section 13 Paragraph 3 and Sections 38, 38A-38C, and 38E; Massachusetts General Laws, Chapter 21E, Sections 2, 3A(e) and 3(c), 4, 5, 6, 8.

(B) Massachusetts Regulatory Requirements Applicable to the Underground Storage Tank Program at 527 CMR 9.00-9.02 and 9.05, 9.06(C), (D) and (E), and 9.07(A)-(I) and 9.07((K)-(L)); 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 only insofar as they are not broader in scope than the federal requirements. Note that reserved sections of 310 CMR 40.0000 *et seq.* are not incorporated by reference.

(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

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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]

§ 282.72 [Reserved]

§ 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.*

(A) Minnesota Statutory Requirements Applicable to the Underground Storage Tank Program, 2000.

(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.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

(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.065 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.]

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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.]

(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 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.]

M. S. 116.48 Notification requirements [insofar as subd. 5 imposes notification requirements on sellers of ASTs.]

M. S. 116.48 Notification requirements [insofar as subd. 6 imposes notification requirements on owners who plan to transfer ownership of property containing an AST.]

M. S. 116.491 Tank installers training and certification [insofar as it applies to individuals other than UST system owners and operators.]

M. S. 116.492 Basement storage tanks; removal [insofar as it applies to a class of tanks not regulated under the federal program.]

(B) The regulatory provisions include:

(1) *Minnesota Rules, Chapter 7105—Minnesota Pollution Control Agency, Water Quality Division, Underground Storage Tanks: Training* (In addition to the other specific reasons noted, the following sections of Chapter 7105 are

broader in scope, insofar as they set forth training requirements for persons 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 oil storage tanks with a storage capacity of greater than 1,100 gallons.]

7150.0010 Applicability [insofar as subp. 5 does not exclude owners and operators of heating oil storage tanks with a storage capacity of greater than 1,100 gallons from notification requirements.]

7150.0030 Definitions [insofar as subp. 51 includes vessels, enclosures, and structures—which are exempt from the federal program—in the definition of UST.]

7150.0300 General Requirements for All Underground Storage Tank Systems [insofar as subp. 3 imposes release detection schedule requirements on hazardous material tanks not regulated under the federal program.]

(3) *Minnesota Rules, Chapter 7510—Department of Public Safety, Fire Marshal Division, Fire Safety*

7510.3670 Liquefied Petroleum Gases; Section 8203: Installation of Containers [insofar as it regulates ASTs.]

(2) *Statement of legal authority.* (i) “Attorney General’s Statement,” signed by the State Attorney General on September 12, 2000, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Minnesota to EPA, September 12, 2000, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with 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 on May 11, 2000, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application on May 11, 2000, though not incorporated by reference, are referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 5 and the Minnesota Pollution Control Agency, signed by the EPA Regional Administrator on November 14, 2001, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[70 FR 29360, May 24, 2005]

§ 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 Environ-

mental 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 Highway 80 West, Jackson, MS 39289-0385.

(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.*

(A) Mississippi Statutory Requirements Applicable to the Underground Storage Tank Program, 1996.

(B) Mississippi Regulatory Requirements Applicable to the Underground Storage Tank Program, 1996.

(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:
(1) Mississippi Code of 1972, Title 49, Sections 49-17-401 through 49-17-435,

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Underground Storage Tank Act of 1988, as amended.

- 49-17-415 Obligations of owners and operators of tanks; powers of commission or representatives
- 49-17-427 Proceedings before commission; penalties for violations of Sections 49-17-401 through 49-17-433
- 49-17-431 Appeal rights

(2) Mississippi Code of 1972, Title 49, Chapter 17, Pollution of Waters, Streams, and Air.

- 49-17-17 Powers and duties
- 49-17-27 Emergency orders; public notice of emergency situations
- 49-17-31 Proceedings before commission
- 49-17-33 Hearings
- 49-17-35 Request for hearing
- 49-17-41 Administrative appeals; appeals to chancery court; appeals to supreme court
- 49-17-43 Penalties

(3) Mississippi Code of 1972, Title 49, Chapter 2, Department of Environmental Quality.

- 49-2-9 Commission on Environmental Quality; powers and duties
- 49-2-13 Powers and duties of executive director

(4) Mississippi Code of 1972, Title 17, Chapter 17, Solid Wastes Disposal.

17-17-29 Penalties; injunction; recovery of cost of remedial action; disposition of fines

(B) The regulatory provisions include:

(1) Mississippi Groundwater Protection Trust Fund Regulations.

Section XX Enforcement Actions

(2) [Reserved]

(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) The statutory provisions include:

(1) Mississippi Code of 1972, Title 49, Sections 49-17-401 through 49-17-433, Underground Storage Tank Act of 1988.

49-17-429 Certification to install, alter or remove underground storage tanks

(2) [Reserved]

(B) The regulatory provisions include:

(1) Underground Storage Tank Regulations for the Certification of Persons

who Install, Alter, and Remove Underground Storage Tanks.

- Section I General Intent
- Section II Legal Authority
- Section III Definitions
- Section IV Applicability
- Section V General Requirements
- Section VI Certification Requirements
- Section VII Testing
- Section VIII Certification
- Section IX Certification Renewals
- Section X Continuing Education
- Section XI Lapsed Certification
- Section XII Revocation, Denial, and Non-Renewal of Certificates
- Section XIII Enforcement and Appeals
- Section XIV Property Rights

(2) Mississippi Groundwater Protection Trust Fund Regulations.

- Section IV Immediate Response Action Contractor (IRAC) Application Process
- Section V IRAC Application Review
- Section VI IRAC Performance Standards
- Section VII Denial of IRAC Applications
- Section VIII Removal from the Approved List of IRAC's
- Section IX Engineering Response Action Contractor (ERAC) Application Process
- Section X ERAC Submittal of Documentation Requested By the Department
- Section XI ERAC Performance Standards
- Section XII Removal from the Approved List of ERAC's
- Section XIII Denial of ERAC Applications

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval", signed by the State Attorney General on August 15, 1989, 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.*

(ii) Letter from the Attorney General of Mississippi to EPA, August 15, 1989, 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.*

(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures for Adequate Enforcement" submitted as part of the original application on August 14, 1989, 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.*

(4) *Program description.* The program description and any other material submitted as part of the original application on August 14, 1989, 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 4 and the Mississippi Department of Environmental Quality, approved by the EPA Regional Administrator, as part of the delegation package which received final program approval on June 11, 1990, 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.*

[62 FR 28366, May 23, 1997]

§§ 282.75–282.77 [Reserved]

§ 282.78 Nevada State-Administered Program.

(a) The State of Nevada 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 Nevada Division of Environmental Protection was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the Nevada program on December 24, 1992 and it was effective March 30, 1993.

(b) Nevada 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, Nevada must revise its approved program to adopt new changes to the Federal Subtitle I program, which makes it more stringent in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Nevada obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly ap-

proved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) Nevada has final approval for the following elements submitted to EPA in Nevada’s program application for final approval and approved by EPA on December 24, 1992. Copies may be obtained from the Nevada State Office Library, Board Room, 100 Stewart Street, Carson City, Nevada 89710.

(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.*

(A) Nevada Statutory Requirements Applicable to the Underground Storage Tank Program, 1992.

(B) Nevada Regulatory Requirements Applicable to the Underground Storage Tank Program, 1992.

(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: Nevada Revised Statutes 459 Underground Storage Tank Program (1992) Sections 459.826, 459.830, 459.832, 459.834, 459.844, 459.846, 459.848, 459.850, 459.852, 459.854, and 459.856.

(B) The regulatory provisions include: none.

(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: none.

(2) *Statement of legal authority.* (i) “Attorney General’s Statement of Final Approval,” signed by the Attorney General of Nevada on December 1, 1992, 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.*

(ii) Letter from the Attorney General of Nevada to EPA, dated December 1, 1992, 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.*

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(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the original application of October 1, 1992, 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.*

(4) *Program description.* The program description and any other material submitted as part of the original application in October 1992, 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 9 and the Nevada Division of Environmental Protection, signed by the EPA Regional Administrator on December 17, 1992, 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.*

[63 FR 38500, July 17, 1998]

§ 282.79 New Hampshire.

(a) The State of New Hampshire 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 New Hampshire Department of Environmental Services, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA's approval was effective on July 19, 1991.

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

(c) To retain program approval, New Hampshire must revise its approved program to adopt 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 New Hampshire 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 section and notice of any change will be published in the FEDERAL REGISTER.

(d) New Hampshire has final approval for the following elements submitted to EPA in New Hampshire's program application for final approval and approved by EPA on June 19, 1991, becoming effective on July 19, 1991. Copies may be obtained from the Underground Storage Tank Program, New Hampshire Department of Environmental Services, 6 Hazen Drive, Concord, NH 03302-0095.

(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.*

(A) New Hampshire Statutory Requirements Applicable to the Underground Storage Tank Program, 1993.

(B) New Hampshire Regulatory Requirements Applicable to the Underground Storage Tank Program, 1993.

(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: New Hampshire Revised Statutes Annotated (Supplement 1988) Sections 146-C:9a, 146-C:10, and 146-C:10a; 147 A:1 through 147-A:13; 541-A:1 through 541-A:10; 91-A:1 through 91-A:8.

(B) The regulatory provisions include: New Hampshire Code of Administrative Rules (1990) Part Env. C-602.08; Part He-P 1905.

(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) The statutory provisions include: New Hampshire Revised Statutes Annotated (Supplement 1988) Section 146-C:1.XII, insofar as it refers to heating oil for consumptive use on the premises where stored.

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(B) The regulatory provisions include: New Hampshire Code of Administrative Rules (1990) Sections Env-Ws 411.01 and 411.02, insofar as they refer to heating oil for consumptive use on the premises where stored.

(2) *Statement of legal authority.* (i) “Attorney General’s Statement for Final Approval”, signed by the Attorney General of New Hampshire on November 1, 1990, 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.*

(ii) Letter from the Attorney General of New Hampshire to EPA, November 1, 1990, 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.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures For Adequate Enforcement” submitted as part of the original application in December 1990, 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.*

(4) *Program description.* The program description and any other material submitted as part of the original application in December 1990, 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 I and the New Hampshire Department of Environmental Services, signed by the EPA Regional Administrator on August 8, 1991, 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.*

§ 282.80 [Reserved]

§ 282.81 **New Mexico State-Administered Program.**

(a) The State of New Mexico is approved to administer and enforce an underground storage tank program in lieu of the federal program under Sub-

title 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 New Mexico Environmental Improvement Board, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the New Mexico program on August 21, 1990 and it was effective on November 16, 1990.

(b) New Mexico 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, New Mexico 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 New Mexico 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) New Mexico has final approval for the following elements submitted to EPA in New Mexico’s program application for final approval and approved by EPA on August 21, 1990. Copies may be obtained from the Underground Storage Tank Program, New Mexico Environmental Improvement Board, 1190 St. Francis Drive, Santa Fe, NM 87503.

(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.*

(A) New Mexico Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) New Mexico Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by

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reference herein for enforcement purposes.

(A) The statutory provisions include:

(1) *New Mexico Statutes 1978 Annotated, Chapter 74, Environmental Improvement.*

(i) Article 4: Hazardous Wastes.

74-4-4.2 Permits; Issuance; Denial; Modification; Suspension; Revocation

74-4-4.3 Entry; Availability of Records

74-4-10 Enforcement; Compliance Orders; Civil Penalties

74-4-11 Penalty; Criminal

74-4-12 Penalty; Civil

74-4-13 Imminent Hazards; Authority of Director; Penalties

74-4-14 Administrative Actions; Judicial Review

(ii) Article 6: Water Quality.

74-6-7 Administrative Action; Judicial Review

74-6-10 Penalties Enforcement; Compliance Orders; Penalties; Assurance of Discontinuance

74-6-10.1 Civil Penalties

74-6-10.2 Criminal Penalties

74-6-11 Emergency; Powers of Delegated Constituent Agencies; Penalties

(iii) Article 6B: Ground Water Protection.

74-6B-5 Department's Right of Entry and Inspection

(B) The regulatory provisions include:

(1) *State of New Mexico Environmental Improvement Board Underground Storage Tank Regulations.*

(i) Part X: Administrative Review.

§ 1000 Informal Review

§ 1001 Review By the Director on Written Memoranda

§ 1002 Public Participation

(2) *New Mexico Rules Governing Appeals From Compliance Orders Under the Hazardous Waste Act and the Solid Waste Act.*

(i) Part I: General Provisions.

§ 101 Authority

§ 102 Scope of Rules; Applicability of Rules of Civil Procedure

§ 103 Definitions

§ 104 Use of Number and Gender

§ 105 Powers and Duties of the Director, Hearing Officer, and Hearing Clerk

§ 106 Computation and Extension of Time

§ 107 Ex Parte Discussions

§ 108 Examination of Documents Filed

§ 109 Settlement; Consent Agreement

(ii) Part II: Document Requirements.

§ 201 Filing, Service, and Form of Documents

§ 202 Filing and Service of Documents Issued by Hearing Officer

§ 203 Compliance Order

§ 204 Request for Hearing; Answer to Compliance Order

§ 205 Notice of Docketing; Notice of Hearing Officer Assignment

§ 206 Motions

(iii) Part III: Prehearing Procedures and Discovery.

§ 301 General Rules Regarding Discovery

§ 302 Identity of Witnesses

§ 303 Production of Documents

§ 304 Request for Admissions

§ 305 Subpoenas

§ 306 Other Discovery

(iv) Part IV: Hearing Procedures.

§ 401 Scheduling the Hearing

§ 402 Evidence

§ 403 Objections and Offers of Proof

§ 404 Burden of Presentation; Burden of Persuasion

(v) Part V: Post-Hearing Procedures.

§ 501 Filing the Transcript

§ 502 Proposed Findings, Conclusions and Orders

§ 503 Recommended Decision

§ 504 Final Order by Director

§ 505 Judicial Review

(vi) Part VI: Miscellaneous Provisions.

§ 601 Liberal Construction

§ 602 Severability

§ 603 Supersession of Prior Rules

§ 604 Savings Clause

(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) New Mexico Statutes 1978 Annotated, Chapter 74, Environmental Improvement.

(1) 74-4-4.4 Underground Storage Tanks; Registration; Installer Certification; Fees [Insofar as it applies to individuals other than UST owners and operators.]

(B) State of New Mexico Environmental Improvement Board Underground Storage Tank Regulations.

(1) Part I: General Provisions.

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§ 103 Applicability [Insofar as it does not exclude UST systems with *de minimis* concentrations of regulated substances; emergency spill or overflow containment UST systems expeditiously emptied after use; UST systems that are part of emergency generator systems at nuclear power generation facilities; airport hydrant fuel distribution systems; and UST systems with field-constructed tanks; and does not defer emergency power generator UST systems.]

(2) Part XIV: Certification of Tank Installers [Insofar as it applies to individuals other than UST owners and operators.]

- § 1400 Purpose
- § 1401 Legal Authority
- § 1402 Definitions
- § 1403 Applicability
- § 1404 General Requirements
- § 1405 Contractor Certification
- § 1406 Individual Certification
- § 1407 Experience Requirements
- § 1408 Written Examination
- § 1409 On-Site Examination
- § 1410 Approval of Comparable Certification Programs
- § 1411 Denial of Certificates
- § 1412 Renewal of Certificates
- § 1413 Installer Duties and Obligations
- § 1414 Division Approval of Training and Continuing Education
- § 1415 Complaints
- § 1416 Investigations, Enforcement, Penalties
- § 1417 Division Actions Against Certificates

(2) *Statement of legal authority.* (i) “Attorney General’s Statement for Final Approval”, signed by the Attorney General of New Mexico on June 25, 1990, 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.*

(ii) Letter from the Attorney General of New Mexico to EPA, June 25, 1990, 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.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the original application on September 25, 1989, 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.*

(4) *Program description.* The program description and any other material submitted as part of the original application on September 25, 1990, 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 6 and the New Mexico Environmental Improvement Board, signed by the EPA Regional Administrator on September 13, 1990, 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.*

[61 FR 1217, Jan. 18, 1996]

§ 282.82 [Reserved]

§ 282.83 North Carolina State-Administered Program.

(a) The State of North Carolina 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 North Carolina Department of Environment and Natural Resources, Division of Waste Management, UST Section, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the North Carolina program on April 26, 2001 with an effective date of August 14, 2001.

(b) North Carolina 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, North Carolina 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 North Carolina obtains approval for the revised requirements

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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) North Carolina has final approval for the following elements submitted to EPA in the State's program application for final approval and approved by EPA on April 26, 2001. Copies may be obtained from the North Carolina Department of Environment and Natural Resources, Division of Waste Management, UST Section, 2728 Capital Blvd., Raleigh, NC 27604.

(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.*

(A) North Carolina Statutory Requirements Applicable to the Underground Storage Tank Program, 1997.

(B) North Carolina Regulatory Requirements Applicable to the Underground Storage Tank Program, 1997 and 1998.

(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:

(1) General Statutes of North Carolina, Chapter 143—State Departments, Institutions, and Commissions; Article 21, Water and Air Resources

§143-215.6A Enforcement procedures: civil penalties

§143-215.6B Enforcement procedures: criminal penalties

§143-215.6C Enforcement procedures: injunctive relief

(2) General Statutes of North Carolina, Chapter 143—State Departments, Institutions, and Commissions; Article 21A, Oil Pollution and Hazardous Substances Control

§143-215.79 Inspections and investigations; entry upon property

§143-215.88A Enforcement procedures: civil penalties

§143-215.88B Enforcement procedures: criminal penalties

§143-215.91A Limited liability for volunteers in oil and hazardous substance abatement

§143-215.94 Joint and several liability

§143-215.94F Limited amnesty

§143-215.94G Authority of the Department to engage in cleanups; actions for fund reimbursement (Insofar as (e) outlines enforcement authorities.)

§143-215.94K Enforcement

§143-215.94W Enforcement procedures: civil penalties

§143-215.94Y Enforcement procedures: criminal penalties

§143-215.94Z Enforcement procedures: injunctive relief

(3) General Statutes of North Carolina, Chapter 143B—Executive Organization Act of 1973

§143B-282 Environmental Management Commission—Creation; powers and duties

§143B-282.1 Environmental Management Commission—quasi-judicial powers; procedures

(4) General Statutes of North Carolina, Chapter 150B—Administrative Procedure Act

§150B-23 Commencement; assignment of administrative law judge; hearing required; notice; intervention

(5) General Statutes of North Carolina, Chapter 1A—Rules of Civil Procedure

Rule 24 Intervention

(B) The regulatory provisions include:

(1) North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2N, Underground Storage Tanks

Section .0100 General Considerations (Insofar as .0101(c) provides inspection and enforcement authority.)

(2) North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2O: Financial Responsibility Requirements for Owners and Operators of Underground Storage Tanks

Section .0100 General Considerations (Insofar as .0101(c) provides inspection and enforcement authority.)

(3) North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2P: Leaking Petroleum Underground Storage Tank Cleanup Funds

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Section .0100 General Considerations (Insofar as .0101(d) provides inspection and enforcement authority.)

(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) The statutory provisions include:

(1) General Statutes of North Carolina, Chapter 143—State Departments, Institutions, and Commissions; Article 21A, Oil Pollution and Hazardous Substances Control

§143-215.83 Discharges (Insofar as (c) addresses permit requirements.)

§143-215.92 Lien on vessel (Insofar as it addresses vessels, which are not regulated by the Federal program.)

§143-215.94A Definitions (Insofar as .94A(2) subjects certain heating oil tanks and the piping connected to otherwise excluded tanks to the regulatory requirements.)

§143-215.94C Commercial leaking petroleum underground storage tank cleanup fees (Insofar as it establishes annual operating fees.)

§143-215.94U Registration of petroleum commercial underground storage tanks; operation of petroleum underground storage tanks; operating permit required (Insofar as it requires owners and operators to obtain operating permits and pay operating fees for their tanks, and imposes requirements on individuals other than UST owners and operators.)

(B) The regulatory provisions include:

(1) North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2N, Underground Storage Tanks

Section .0200 Program Scope and Interim Prohibition (Insofar as .0201 subjects USTs containing de minimis concentrations of regulated substances to closure requirements)

Section .0800 Out-of-Service UST Systems and Closure (Insofar as .0802 subjects USTs containing de minimis concentrations of regulated substances to closure requirements)

(2) North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2O: Financial Responsibility Requirements for Owners and Operators of Underground Storage Tanks

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Section .0200 Program Scope (Insofar as .0203(b)(1) defines “annual operating fee”)

Section .0400 Responsibilities of Owners and Operators (Insofar as .0402(b)(2) addresses annual operating fee requirements.)

(3) North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2P: Leaking Petroleum Underground Storage Tank Cleanup Funds

Section .0200 Program Scope (Insofar as .0201(a) and (b) and .0202 (b)(1) relate to annual operating fees.)

Section .0300 Annual Operating Fees (Insofar as .0301 sets forth annual operating fee requirements.)

Section .0400 Reimbursement Procedure (Insofar as .0401(b) relates to annual operating fees.)

(2) *Statement of legal authority.* (i) “Attorney General’s Statement for Final Approval”, signed by the State Attorney General on January 5, 1998, 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.*

(ii) Letter from the Attorney General of North Carolina to EPA, August 11, 1998, 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.*

(iii) Letter from the Attorney General of North Carolina to EPA, September 24, 1998, 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.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the original application on December 19, 1997, 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.*

(4) *Program Description.* The program description and any other material submitted as part of the original application on December 19, 1997, though not

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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 4 and the North Carolina Department of Environment and Natural Resources, Division of Waste Management, UST Section, signed by the EPA Regional Administrator on July 29, 1999, 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.*

[66 FR 32568, June 15, 2001]

§ 282.84 North Dakota State-Administered Program.

(a) The State of North Dakota 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 North Dakota Department of Health and Consolidated Laboratories, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the North Dakota program on October 11, 1991 and it was effective on December 10, 1991.

(b) North Dakota 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, North Dakota 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 North Dakota 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) North Dakota has final approval for the following elements submitted to EPA in North Dakota's program application for final approval and approved by EPA on October 11, 1991. Copies may be obtained from the Underground Storage Tank Program, North Dakota Department of Health Consolidated Laboratories, 1200 Missouri Avenue, Bismarck, ND 58502-5520.

(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.*

(A) North Dakota Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) North Dakota Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(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: North Dakota Century Code (NDCC), Chapter 23-20.3, Sections 23-20.3-06, 23-20.3-07 and 23-20.3-09.

(B) The regulatory provisions include: North Dakota Administrative Code, Chapter 33-24-08, Sections 33-24-08-56, 33-24-08-57 and 33-24-08-98.

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval", signed by the Attorney General of North Dakota on February 28, 1991, 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.*

(ii) Letter from the Attorney General of North Dakota to EPA, February 28, 1991, 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.*

(3) *Demonstration of Procedures for Adequate Enforcement.* The "Demonstration of Procedures For Adequate Enforcement" submitted as part of the original application in April 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program

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under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program description.* The program description and any other material submitted as part of the original application in April 1991, 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 VIII and the North Dakota Department of Health and Consolidated Laboratories, signed by the EPA Regional Administrator on September 10, 1993, 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.*

[60 FR 32470, June 22, 1995]

§ 282.85 [Reserved]

§ 282.86 Oklahoma State-Administered Program.

(a) *History of the approval of Oklahoma's Program.* The State of Oklahoma 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 Oklahoma Corporation Commission, 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 Oklahoma underground storage tank base program effective on October 14, 1992. A subsequent program revision application was approved effective on March 12, 2018.

(b) *Enforcement authority.* Oklahoma has primary responsibility for administering and enforcing its federally approved 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 under any other applicable statutory and regulatory provisions.

(c) To retain program approval, Oklahoma 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 Oklahoma 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) Oklahoma has final approval for the following elements of its program application originally submitted to EPA and approved effective October 14, 1992, and the program revision application approved by EPA effective on March 12, 2018:

(1) *State statutes and regulations—(i) Incorporation by reference.* The Oklahoma 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.* The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the Oklahoma regulations that are incorporated by reference in this paragraph from the State's Office of Administrative Rules, Secretary of State, P.O. Box 53390, Oklahoma City, OK 73152-3390; Phone number: 405-521-4911; website: <https://www.sos.ok.gov/oar/Default.aspx>. You may inspect all approved material at the EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202; Phone number (214) 665-2239 or 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/cfr/ibr-locations.html>.

(A) The binder entitled "Oklahoma Regulatory Requirements Applicable to the Underground Storage Tank Program, October 2017. Those provisions are listed in Appendix A to Part 282.

(B) [Reserved]

(ii) *Legal basis.* EPA evaluated the following statutes and regulations which provide the legal basis for the State's implementation of the underground storage tank program, but they

are not being incorporated by reference and do not replace Federal authorities:

(A) The statutory provisions include:

(1) *Oklahoma Statutes (2016), Title 17, "Corporation Commission"*: Chapter 3, "Oil and Gas", Section 52(A)(k)(5); Chapter 14, "Oklahoma Storage Tank Regulation Act", Sections 301, 302, 303 (except 303.22 "Permit"), 305, 306, 307, 309 through 316, 319, 321 through 325, 330 and 340; Chapter 15, "Oklahoma Petroleum Storage Tank Release Indemnity Program", Sections 350 through 365.

(2) *Oklahoma Statutes (2016), Title 27A, "Environmental and Natural Resources"*: Chapter 1, Article III, "Jurisdiction of Environmental Agencies", Section 1-3-101(E)(5)(a)-(c).

(3) *Oklahoma Statutes (2016), Title 52, "Oil and Gas"*: Chapter 5, "Inspections", Sections 321 through 347.

(B) The regulatory provisions include:

(1) *Oklahoma Administrative Code, Title 165, effective August 25, 2016*:

(i) Chapter 5, "Rules of Practice": Subchapter 1, "General Provisions", Sections 165:5-1-4(b) and 165:5-1-25; Subchapter 5, "Dockets": Sections 165:5-5-1(a)(9) and (a)(10); Subchapter 21, "Procedure for the Petroleum Storage Tank Docket": Sections 165:5-21-1 through 165:5-21-5, 165:5-21-8 through 165:5-21-10;

(ii) Chapter 15, "Fuel Inspection": Subchapter 3, "Fuel Specialists, Testing, Accessibility, and Assistance", Sections 165:15-3-1, through 165:15-3-3, 165:15-3-16, 165:15-3-21, 165:15-3-21 through 165:15-3-24.1; Subchapter 19, "Violations and Contempt", Sections 165:15-19-1 through 165:15-19-5.

(iii) Chapter 25, "Underground Storage Tanks": Subchapter 1, "General Provisions": Part 5, "Scope of Rules", Section 165:25-1-24.1; Part 6, "Administrative Provisions", Sections 165:25-1-26.1 through 165:25-1-30.1; Part 15, "Shutdown of Operations", Section 165:25-1-67; Part 17, "Licensing Procedures", Sections 165:25-1-107; Part 19 "Operator Training", Section 165:25-1-126; Subchapter 2, "General Requirements for Underground Storage Tank Systems": Subchapter 18, "Inspections, Notices of Violations and Citations": Part 1, "Inspections", Sections 165:25-18-1 through 165:25-18-4; Part 3, "Notices of Violation and Citations", Sec-

tions 165:25-18-10 through 165:25-18-13; Part 5, "Penalties", Section 165:25-18-19; Appendix Q and Appendix S.

(iv) Chapter 27, "Indemnity Fund". Subchapter 1, "General Provisions": Sections 165:27-1-1 and 165:27-1-3 through 165:27-1-6; Subchapter 3, "Eligibility Requirements", Sections 165:27-3-1 and 165:27-3-2; Subchapter 5, "Qualifications for Reimbursement", Sections 165:27-5-1 and 165:27-5-3. Subchapter 7, "Reimbursement", Sections 165:27-7-1, 165:27-7-7, 165:27-7-8, 165:27-7-9, 165:27-7-9.1, 165:27-7-10 and 165:27-7-11; Subchapter 9, "Administrative Provisions", Sections 165:27-9-1 through 165:27-9-4.

(v) Chapter 29, "Corrective Action of Petroleum Storage Tank Releases", Subchapter 1, "General Provisions", Part 1, "Purpose and Statutory Authority", Section 165:29-1-3; Subchapter 3, "Release Prevention, Detection and Correction", Part 5, "Corrective Action Requirements", Section 165:29-3-81. Subchapter 5 "Administrative Provisions": Sections 165:29-5-1 and 165:29-5-4.

(2) [Reserved]

(iii) *Provisions not incorporated by reference.* The following specifically identified sections and rules applicable to the Oklahoma underground storage tank program that are broader in coverage than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes:

(A) *Oklahoma Statutes (2016), Title 17, "Corporation Commission"*: Chapter 14, "Oklahoma Storage Tank Regulation Act", Section 303.22 "Permit", 306.1, 308, 308.1 and 318.

(B) *Oklahoma Administrative Code, Title 165, effective August 25, 2016*: Chapter 25, "Underground Storage Tanks". Subchapter 1, "General Provisions": Part 9, "Notification and Reporting Requirements", Sections 165:25-1-41, and 165:25-1-42; Part 13, "Fees", Section 165:25-1-64; Chapter 29, "Corrective Action of Petroleum Storage Tank Releases", Part 7, "Licensing of Environmental Consultants", Section 26-3-90.

(2) *Statement of legal authority.* The Attorney General's Statements, signed by the Attorney General of Oklahoma on June 21, 1990 and November 14, 2016, though not incorporated by reference,

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are referenced as 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 on June 25, 1989 and as part of the program revision application for approval on January 25, 2017 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.*

(4) *Program description.* The program description and any other material submitted as part of the original application on June 25, 1989 and as part of the program revision application on January 25, 2017, 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 6 and the Oklahoma Corporation Commission, signed by the EPA Regional Administrator on September 19, 2017 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.*

[83 FR 990, Jan. 9, 2018]

§ 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.

(A) Oregon Statutory Requirements Applicable to the Underground Storage Tank Program, 2009.

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

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

(2) Chapter 465, Hazardous Waste and Hazardous Materials I (Removal or Remedial Action: Sections 465.200–465.482 and 465.900), 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.

(3) 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 466.715 through 466.735, 466.746, 466.760, 466.775 through 466.780, 466.791 through 466.810, 466.820, 466.830 through 466.845, 466.901 through 466.920 and 466.994 through 466.995.

(4) Chapter 468 Environmental Quality Generally, 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 468.005 through 468.050, 468.090 through 468.140 and 468.963.

(B) The regulatory provisions include:

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

(2) Oregon Administrative Rules, Chapter 340, Division 12: Sections 340–012–0026 through 340–012–0053, 340–012–0067 (with the exception of subparagraphs (1) (k) and (1) and (2) (g) through (j)), 340–012–0074 (with the exception of subparagraph (1) (g)) and 340–012–0170 insofar as this applies to violations involving an underground storage tank.

(3) Oregon Administrative Rules, Chapter 340, Division 122: Sections 340–122–0074 through 340–122–0079 and 340–122–0130 through 340–122–0140.

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

(5) Oregon Administrative Rules, Chapter 340, Division 150: Sections 340–150–0150 through 340–150–0152, 340–150–0250, 340–150–0600 through 340–150–0620.

(6) Oregon Code of Civil Procedure 33C.

(7) Oregon Administrative Rules, Chapter 690, Division 240, 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 690–240–0015, 690–240–0020, 690–240–0055 through 690–240–0340 and 690–240–0560 through 690–240–0640.

(iii) The following specifically identified sections and rules applicable to the Oregon underground storage tank program that 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) The statutory provisions include:

(1) Chapter 465, Hazardous Waste and Hazardous Materials I (Removal or Remedial Action): Sections 465.305; 465.340 through 465.391; 465.440; and 465.475 through 465.482.

(2) Chapter 466, Hazardous Waste and Hazardous Materials II (Oil Storage Tanks): Sections 466.750; 466.783 through 466.787; 466.858 through 466.882; and 466.990 through 466.992):

(3) Chapter 468, Environmental Quality Generally: Sections 468.055 through 468.089:

(B) The regulatory provisions include:

(1) Oregon Administrative Rules, Chapter 340: Divisions 160, 162, 163, 170, 177 and 178.

(2) Oregon Administrative Rules, Chapter 837, Division 40.

(2) *Statement of legal authority.* The Attorney General Statement, a letter signed on June 21, 2010, 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.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the application for approval on July 19, 2010, 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.*

(4) *Program Description.* The program description and any other material submitted as part of the application on 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,

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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.*

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

(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*)
35 PS Section 6021 Ch. 13 Enforcement

(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 Departmental and Advisory Boards and Commissions

71 P.S. Section 510-17 Abatement of nuisances

71 P.S. Section 510-20 Environmental Quality Board

(B) The regulatory provisions include:

(1) Pennsylvania Code, Chapter 245, Administration of the Storage Tank and Spill Prevention Programs

Section 245.303 General

(2) Pennsylvania Rules of Civil Procedure

Pa R.C.P. Rule 2326 Definitions

Pa R.C.P. Rule 2327 Who May Intervene
Pa R.C.P. Rule 2328 Petition to Intervene
Pa R.C.P. Rule 2329 Action of Court on Petition
Pa R.C.P. Rule 2330 Practice

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

(A) The statutory provisions include:

Storage Tank and Spill Prevention Act of 1989, Public Law 169, No. 32

35 PS Section 6021.103 Definitions (*insofar as the section addresses aboveground storage tanks; encompasses a broader range of regulated substances; and insofar as certain classes of tanks excluded or deferred under the federal definition of "underground storage tank" are not excluded or deferred under the state definition*)

35 PS Section 6021.106 Powers and duties of Environmental Quality Board (*insofar as it addresses aboveground storage tanks*)

35 PS Section 6021.107 Powers and duties of department (*insofar as paragraph (d) establishes the Department's duties regarding a certification program*)

35 PS Section 6021.108 Interim certification of installers and inspectors (*insofar as the section establishes a certification program for installers and inspectors*)

35 PS Section 6021 Ch 3 Aboveground storage tanks (*insofar as the Chapter regulates aboveground storage tanks*)

35 PS Section 6021.501 Underground storage tank requirements (*insofar as subparagraph (a)(1) requires payment of registration fees; subparagraph (a)(8) sets forth permitting requirements; subparagraph (a)(12) addresses permitting; subparagraph (a)(15) regulates handlers of regulated substances; and paragraph (c) establishes a certified installer and inspector program*)

35 PS Section 6021.502 Interim requirements and discontinued use (*insofar as paragraph (a) establishes interim registration fees; and subparagraph (b)(5) requires tanks to be installed by a certified installer*)

35 PS Section 6021.503 Registration (*insofar as paragraph (a) requires payment of registration fees; paragraph (b) regulates selling, distributing, depositing, or filling unregistered underground storage tanks; and paragraph (c) establishes uses for registration fees*)

35 PS Section 6021.504 Permits and plans

35 PS Section 6021.506 Small operator assistance program for underground storage tanks

35 PS Section 6021.507 Reimbursement for testing

35 PS Section 6021.702 Storage Tank Fund (*insofar as paragraph (a) addresses aboveground storage tanks*)

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35 PS Section 6021.704 Underground Storage Tank Indemnification Fund (*insofar as subparagraph (e)(3) addresses payment of fees*)

35 PS Section 6021.705 Powers and duties of Underground Storage Tank Indemnification Board (*insofar as paragraphs (d) and (e) address payment of fees*)

35 PS Section 6021 Ch 9 Spill Prevention Response Plan

35 PS Section 6021 Ch 11 Siting of New Aboveground Storage Tank Facility and Regulations

35 PS Section 6021.2101 Start-up costs (*insofar as it addresses aboveground storage tanks*)

(B) The regulatory provisions include:

Pennsylvania Code, Chapter 245, Administration of the Storage Tank and Spill Prevention Programs

Section 245.1 Definitions (*insofar as the section addresses aboveground storage tanks; insofar as it encompasses a broader range of regulated substances; and insofar as it includes individuals that are not regulated under the federal program under its definition of “responsible party”*)

Section 245.21 Tank handling and inspection requirements (*insofar as the section imposes requirements on tank installers and addresses requirements for aboveground tanks*)

Section 245.31 Underground storage tank tightness testing requirements (*insofar as paragraph (a) requires Department certification for underground tightness testing installers*)

Ch 245, Subch. B Certification Program for Installers and Inspectors of Storage Tanks and Storage Tank Facilities (*insofar as the Subchapter establishes a certification program*)

Ch 245, Subch. C Permitting of Underground and Aboveground Storage Tank Systems and Facilities (*insofar as the Subchapter establishes a permitting program*)

Section 245.305 Reporting releases (*insofar as paragraph (h) addresses aboveground storage tanks*)

Section 245.306 Interim remedial actions (*insofar as subparagraph (b)(3) requires permits for treatment and disposal activities; and paragraph (d) regulates parties removing contaminated materials*)

Section 245.411 Inspection frequency (*insofar as the section addresses inspections by certified inspectors*)

Section 245.424 Standards for new field constructed tank systems (*insofar as the section sets forth requirements that exceed the federal requirements*)

Section 245.425 Reuse of removed tanks (*insofar as subparagraph (1) requires installation by a certified installer*)

Section 245.434 Repairs allowed (*insofar as subparagraph (1) requires repairs to be performed by a certified installer*)

Section 245.441 General requirements for underground storage tank systems (*insofar as subparagraph (a)(3)(i) requires third-party verification; and subparagraph (a)(3)(ii) requires manufacturers to reevaluate methods within 24 months of EPA changes*)

Ch 245, Subch. F Technical standards for Aboveground Storage Tanks and Facilities (*insofar as the Subchapter addresses aboveground storage tanks*)

Ch 245, Subch. G Simplified Program for Small Aboveground Storage Tanks (*insofar as the Subchapter addresses aboveground storage tanks*)

(2) *Statement of legal authority.* (i) “Attorney General’s Statement,” signed by the State Attorney General on October 1, 2002, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Pennsylvania to EPA, October 1, 2002, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with 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 on November 25, 2002, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application on November 25, 2002, though not incorporated by reference, are referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 3 and the Pennsylvania Department of Environmental Protection, signed by the EPA Regional Administrator on August 22, 2003, though

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not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[71 FR 13770, Mar. 17, 2006]

§ 282.89 Rhode Island State-Administered Program.

(a) The State of Rhode Island 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 Rhode Island Department of Environmental Management, was approved by EPA pursuant to 42 U.S.C. 6991c and Part 281 of 40 CFR. EPA approved the Rhode Island program on January 11, 1993, and the approval was effective on February 10, 1993.

(b) Rhode Island 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, Rhode Island 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 Rhode Island 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) Rhode Island has final approval for the following elements submitted to EPA in Rhode Island's program application for final approval and approved by EPA on January 11, 1995. Copies may be obtained from the Underground Storage Tank Program, Rhode Island Department of Environmental Management, 291 Promenade Street, Providence, RI 02908. The elements are listed as follows:

(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.*

(A) Rhode Island Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Rhode Island Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(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: Titles 46, 42, 38, 37, and 23 of the General Laws of Rhode Island, 1956, as amended.

(B) The regulatory provisions include: The State of Rhode Island Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials.

(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) Titles 46, 42, 38, 37, and 23 of the General Laws of Rhode Island, 1956, as amended, insofar as they refer to registration and closure requirements for tanks containing heating oil consumed on the premises where stored; and farm or residential tanks less than or equal to 1,100 gallons containing motor fuels for non-consumptive use.

(B) Rhode Island Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials, Section 8, Facility Registration and Notification, and Section 15, Closure; insofar as they refer to tanks less than or equal to 1,100 gallons containing motor fuels for non-commercial use and for tanks containing heating oil consumed on the premises where stored.

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval and appendixes" signed by the Attorney General of Rhode Island on July 1, 1992, 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.*

(ii) Letter from the Attorney General of Rhode Island to EPA July 1, 1992, 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.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the original application in July 1992, 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.*

(4) *Program description.* The program description and any other material submitted as part of the original application in July 1992, 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.* On October 19, 1992, EPA and the Rhode Island Department of Environmental Management signed the Memorandum of Agreement. Though not incorporated by reference, the Memorandum of Agreement is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[61 FR 6320, Feb. 20, 1996]

§ 282.90 South Carolina State-Administered Program.

(a) The State of South Carolina 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 South Carolina Department of Health and Environmental Control, 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 South Carolina underground storage tank program on August 28, 2002, and that approval became effective on September 27, 2002.

(b) South Carolina 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 under other statutory and regulatory provisions.

(c) To retain program approval, South Carolina 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 South Carolina 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) South Carolina has final approval for the following elements submitted to EPA in the State’s program application for final approval as of August 28, 2002. Copies of South Carolina’s program application may be obtained from the South Carolina Department of Health and Environmental Control, Underground Storage Tank Program, 2600 Bull Street, Columbia, SC 29201; or the Underground Storage Tank Section, U.S. Environmental Protection Agency, Region 4, Atlanta Federal Center, 61 Forsyth Street SW., Atlanta, GA 30303–8960.

(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 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. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. 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>.

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Copies of South Carolina's program application may be obtained from the Underground Storage Tank Program, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201.

(A) South Carolina Statutory Requirements Applicable to the Underground Storage Tank Program, 2000.

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

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

(A) The statutory provisions include:

(1) *Code of Laws of South Carolina, Title 44, Health, Chapter 2. State Underground Petroleum Environmental Response Bank Act (SUPERB Act):*

(i) Sec. 44-2-40 SUPERB Account and SUPERB Financial Responsibility Fund created; purposes and uses. Insofar as it provides for the creation of a SUPERB Account and SUPERB Financial Responsibility Fund, and insofar as it establishes criteria for accessing the funds.

(ii) Sec. 44-2-50 Regulations to be promulgated; cost of rehabilitation. Insofar as it provides for compliance monitoring and enforcement of the chapter and regulations promulgated thereunder.

(iii) Sec. 44-2-60 Registration of underground storage tanks; environmental impact fee. Insofar as this statute places requirements on petroleum distributors, prohibiting them from placing petroleum and petroleum products into an underground storage tank for which the owner or operator does not hold a currently valid registration, and insofar as it requires registration and the payment for registration fees and environmental impact fees for underground storage tanks.

(iv) Sec. 44-2-75 Insurance pools. Insofar as its provides for a means of establishing insurance pools to demonstrate financial responsibility.

(v) Sec. 44-2-90 Accrued interest; prospective abolition of environmental interest fee; use of residual funds for site rehabilitation. Insofar as it refers to interest collected on state fund accounts and the sunset date of the state funds.

(vi) Sec. 44-2-110 Early detection incentive program. Insofar as it establishes criteria for qualified expenditure of funds from the SUPERB Account.

(vii) Sec. 44-2-115 Eligibility requirements to be applied to favor eligibility; qualified site remains qualified until correction and compensation; petition for matter to be heard as contested case; reconsideration by mediation panel. Insofar as is regulates eligibility for state funds.

(viii) Sec. 44-2-120 Use of contractors, subcontractors, and employees for rehabilitation or cleanup. Insofar as this statute establishes requirements for site rehabilitation contractors.

(ix) Sec. 44-2-130 Compensation from SUPERB Account; other insurance or financial responsibility mechanism; deadline for submission; site rehabilitation not a state contract; criteria and restrictions; application, certification, approval, denial, appeal; records; rehabilitation plan; payments; federal government sites exempt. Insofar as it establishes criteria for access to state funds.

(x) Sec. 44-2-140 Enforcement of chapter or department order, penalties for violations. Insofar as it provides for compliance monitoring and enforcement of the underground storage tank requirements.

(xi) Sec. 44-2-150 SUPERB Advisory Committee; establishment; purposes; composition; terms; officers; quorum; operating procedures; facilities; duties and responsibilities; reports. Insofar as it establishes provisions for an advisory committee to study the implementation and administration of the SUPERB program.

(2) *Code of Laws of South Carolina, Title 15, Civil Remedies and Procedures.*

(i) Rule 24(a)(2) Appeals from department decisions giving rise to contested case; procedures. Insofar as it provides for compliance monitoring and enforcement of the underground storage tank requirements.

(ii) [Reserved]

(B) The regulatory provisions include:

(1) *South Carolina Underground Storage Tank Control Regulations, R. 61-92, Part 280.*

(i) Sec. 280.301 Violations and Penalties. Insofar as it provides for notice

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to violators, assessment of penalties, criminal prosecution, and appeals under the SUPERB Act.

(ii) Sec. 280.302 Appeals. Insofar as it provides for appeal of any determination by the Department pursuant to R. 61-92 under the provisions of R. 61-72, Procedures for Contested Cases, and the Administrative Procedures Act.

(2) SUPERB Site Rehabilitation and Fund Access Regulations, R.61-98.

(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) *Code of Laws of South Carolina, Title 44. Health, Chapter 2. State Underground Petroleum Environmental Response Bank Act (SUPERB Act):*

(1) Sec. 44-2-60 Registration of underground storage tanks; environmental impact fee. Insofar as it places requirements on petroleum distributors, prohibiting them from placing petroleum and petroleum products into an underground storage tank for which the owner or operator does not hold a currently valid registration, and insofar as it requires registration and the payment of registration fees for underground storage tanks.

(2) Sec. 44-2-80 (B) and (C) Release of regulated substance; containment, removal, and abatement. Insofar as it places requirements that exceed the scope of the federal requirements applicable to a person who holds indicia of ownership to protect their security interests in an underground storage tank.

(3) Sec. 44-2-120 Use of contractors, subcontractors, and employees for rehabilitation or cleanup. Insofar as it establishes requirements for site rehabilitation contractors.

(B) *South Carolina Underground Storage Tank Control Regulations, R.61-92, Part 280:*

(1) Sec. 280.10(e) Applicability. Insofar as it places requirements on persons other than owners and operators.

(2) Sec. 280.23 New Tanks—permits required. Insofar as it requires issuance of permits to install and operate for all new tanks.

(3) Sec. 280.300 Variances. Insofar as it exceeds the scope of the federal program.

(2) *Statement of legal authority.* (i) “General Counsel’s Statement,” signed by the State General Counsel on September 5, 2000, 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.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Adequate Enforcement Procedures” submitted as part of the original application on September 5, 2000, 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.*

(4) *Program Description.* The program description and any other material submitted as part of the original application on September 5, 2000, 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 4 and the South Carolina Department of Health and Environmental Control, Underground Storage Tank Program, signed by EPA Regional Administrator on December 20, 2001, 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.*

[79 FR 19832, Apr. 10, 2014]

§ 282.91 South Dakota State-Administered Program.

(a) The State of South Dakota 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 South Dakota Department of Environment and Natural Resources, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the South Dakota program on

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March 16, 1995 and it was effective on May 15, 1995.

(b) South Dakota 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, South Dakota 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 South Dakota 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) South Dakota has final approval for the following elements submitted to EPA in South Dakota's program application for final approval and approved by EPA on [insert date of publication]. Copies may be obtained from the Underground Storage Tank Program, South Dakota Department of Environment and Natural Resources, 523 East Capitol, Pierre, South Dakota 57501.

(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.*

(A) South Dakota Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) South Dakota Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: South Dakota Codified Law, Water Pollution Control, Chapter 34A-2, Sections 46 and 48, Sections 72 through 75, Chapters 34A-10 and 34A-12.

(iii) The following statutory provisions are broader in scope than the fed-

eral program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) South Dakota statutes Annotated, Chapter 34A-2, Section 100, insofar as it applies to above ground stationary storage tanks, Section 102, insofar as it applies to installation of above ground stationary storage tanks, Section 101, insofar as it applies to corrective action for above ground stationary storage tanks.

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval", signed by the Attorney General of South Dakota on June 17, 1992, 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.*

(ii) Letter from the Attorney General of South Dakota to EPA, June 17, 1992, 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.*

(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures for Adequate Enforcement" submitted as part of the complete application in October 1993, 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.*

(4) *Program description.* The program description and any other material submitted as part of the original application in June 1992, 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 VIII and the South Dakota Department of Environment and Natural Resources, signed by the EPA Regional Administrator on February 23, 1995, 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.*

[60 FR 14336, Mar. 16, 1995]

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§ 282.92 Tennessee State-Administered Program.

(a) The State of Tennessee is approved to administer and enforce a petroleum 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 Tennessee Department of Environment and Conservation, Division of Underground Storage Tanks, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the Tennessee program on November 17, 1998 and it was effective on January 19, 1999.

(b) Tennessee has primary responsibility for enforcing its petroleum 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. EPA also retains all authority to operate the hazardous substance underground storage tank program.

(c) To retain program approval, Tennessee 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 Tennessee 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) Tennessee has final approval for the following elements submitted to EPA in the State's program application for final approval and approved by EPA on November 17, 1998. Copies may be obtained from the Underground Storage Tank Program, Tennessee Department of Environment and Conservation, Division of Underground Storage Tanks, 4th Floor, L&C Tower, 401 Church Street, Nashville, Tennessee 37243-1541.

(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.*

(A) Tennessee Statutory Requirements Applicable to the Underground Storage Tank Program, 1998.

(B) Tennessee Regulatory Requirements Applicable to the Underground Storage Tank Program, 1998.

(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:

(1) General Statutes of Tennessee, Chapter 215—Tennessee Petroleum Underground Storage Tank Act:

Section 68-215-107 Supervision, inspection, and enforcement responsibilities

Section 68-215-114 Order for correction—Liability

Section 68-215-116 Failure to take proper action

Section 68-215-119 Review of orders and revocations

Section 68-215-120 Criminal penalties—Suspension of certificates

Section 68-215-121 Civil penalty—Assessment

Section 68-215-122 Injunctions

(B) The regulatory provisions include:

(1) Tennessee Department of Environment and Conservation, Underground Storage Tank Program Rules, Chapter 1200-1-15: Not applicable.

(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) The statutory provisions include:

(1) Tennessee Code Annotated, Title 68, Chapter 215:

Section 68-215-102(a)(3) [Insofar as it refers to the intent to develop long range plans to meet future petroleum underground storage tank demands.]

Section 68-215-102(a)(5) [Insofar as it provides for a cleanup fund.]

Section 68-215-104 [Insofar as it applies to persons other than underground storage tank owners or operators.]

Section 68-215-106(a)(6) [Insofar as it requires any person who deposits petroleum in underground storage tanks to notify the owner or operator of state notification requirements.]

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Section 68-215-106(c)(2) [Insofar as it applies to persons other than owners and operators placing petroleum substances in an underground storage tank.]

Section 68-215-107(f)(9) [Insofar as it provides for rule development for the assessment and collections of fees.]

Section 68-215-109 [Insofar as it allows for levying and collection of annual fees to operate the underground storage tank fund and develop rules.]

Section 68-215-110 [Insofar as it establishes a petroleum underground storage tank fund.]

Section 68-215-111 [Insofar as it refers to uses of the state underground storage tank fund.]

Section 68-215-112 [Insofar as it established a petroleum underground storage tank board.]

Section 68-215-113 [Insofar as it established board meeting, public hearing, and board compensation.]

Section 68-215-115 [Insofar as it establishes cost recovery and apportionment of liability for cleanups.]

Section 68-215-117 [Insofar as it applies to persons other than underground storage tank owners and operators.]

Section 68-215-125 [Insofar as it applies to the state underground storage tank fund.]

Section 68-215-128 [Insofar as it requires a report to the General Assembly.]

(B) The regulatory provisions include:

(1) Tennessee Department of Environment and Conservation, Underground Storage Tank Program Rules, Chapter 1200-1-15:

Section .09 [Insofar as it refers to guidelines and procedures for administering the Tennessee petroleum underground storage tank fund.]

Section .10 [Insofar as it refers to annual fees, the use, collection and failure to pay fees.]

Section .11 [Insofar as it requires underground storage tank fees, use, collection and failure to pay penalties, and fee notices.]

(2) *Statement of legal authority.* “Attorney General’s Statement of ‘No Less Stringent’ Requirements and ‘Adequate Enforcement’ Authorities Implementing Underground Storage Tank Program”, signed by the State Attorney General on June 3, 1996, 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.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration

of Procedures for Adequate Enforcement” submitted as part of the original application on September 1, 1996, 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.*

(4) *Program description.* The program description and any other material submitted as part of the original application on September 1, 1996, 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 4 and the Tennessee Department of Environment and Conservation, Division of Underground Storage Tanks, signed by the EPA Regional Administrator on July 1, 1998, 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.*

[64 FR 28929, May 28, 1999]

§ 282.93 Texas State-Administered Program.

(a) The State of Texas 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 Texas Natural Resource Conservation Commission, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the Texas program on March 7, 1995 and it was effective on April 17, 1995.

(b) Texas 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, Texas must revise its approved program to adopt new changes to the federal subtitle I program which make it

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more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Texas 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) Texas has final approval for the following elements submitted to EPA in Texas' program application for final approval and approved by EPA on March 7, 1995. Copies may be obtained from the Underground Storage Tank Program, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, TX 78711-3087.

(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.

(A) Texas Statutory Requirements Applicable to the Underground Storage Tank Program, 1995

(B) Texas Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995

(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: (1) Texas Water Code, Title 2, Subtitle D, Chapter 26—State Water Administration.

- § 26.013 Research, Investigations
§ 26.014 Power to Enter Property
§ 26.015 Power to Examine Records
§ 26.016 Enforcement Proceedings
§ 26.017 Cooperation
§ 26.019 Orders
§ 26.020 Hearing Powers
§ 26.021 Delegation of Hearing Powers
§ 26.022 Notice of Hearings; Continuance
§ 26.042 Monitoring and Reporting
§ 26.121 Unauthorized Discharges Prohibited
§ 26.122 Civil Penalty
§ 26.123 Enforcement by Commission
§ 26.124 Enforcement by Others
§ 26.125 Venue and Procedure
§ 26.126 Disposition of Civil Penalties
§ 26.136 Administrative Penalty
§ 26.212 Criminal Offense
§ 26.213 Criminal Penalty
§ 26.268 Penalties
§ 26.353 Commission Orders

- § 26.354 Emergency Orders
§ 26.356 Inspections, Monitoring, and Testing

(B) The regulatory provisions include:

(1) 31 Texas Administrative Code, Chapter 334—Underground and Above-ground Storage Tanks.

Subchapter A: General Provisions

- § 334.11 Enforcement
§ 334.14 Memorandum of Understanding between the Attorney General of Texas and the Texas Natural Resource Conservation Commission

(2) 31 Texas Administrative Code, Chapter 337—Enforcement.

(i) Subchapter A: Enforcement Generally.

- § 337.1 Enforcement Orders
§ 337.2 Hearings on Violations
§ 337.3 Legal Proceedings
§ 337.4 Complaint File
§ 337.5 Confidentiality of Enforcement Information
§ 337.6 Force Majeure

(ii) Subchapter B: Enforcement Hearings.

- § 337.31 Purpose
§ 337.32 Remedies
§ 337.33 Definitions
§ 337.34 Substantial Noncompliance and Emergency Conditions
§ 337.35 Emergencies
§ 337.36 Preliminary Enforcement Report
§ 337.37 Notice
§ 337.38 Answer
§ 337.39 Commission Action
§ 337.40 Appeals of Administrative Penalties

(iii) Subchapter C: Water Rights Enforcement.

- § 337.51 Show-Cause Enforcement Procedures
§ 337.52 Notice
§ 337.53 Enforcement of Commission Orders
§ 337.54 Enforcement

(3) 31 Texas Administrative Code, Chapter 265—Procedures Before Public Hearing.

- § 265.1 Initial Pleadings
§ 265.2 Executive Director Forwards Initial Pleadings to the Commission
§ 265.3 Acceptance for Filing
§ 265.4 Affidavit of Publication
§ 265.5 Effect of Failure to Furnish Affidavit
§ 265.6 Conference Before Hearing
§ 265.7 Recordation of Conference Action
§ 265.8 Prefiled Testimony and Exhibits
§ 265.9 Written Protest
§ 265.10 Discovery

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- § 265.11 Forms of Discovery
- § 265.12 Scope of Discovery
- § 265.13 Exceptions
- § 265.14 Protective Orders
- § 265.15 Duty to Supplement
- § 265.16 Discovery of Documents and Things
- § 265.17 Interrogatories to Parties
- § 265.18 Admission of Facts and Genuineness of Document
- § 265.19 Requests for Requests for Information
- § 265.20 Sanctions for Failure to Comply with Discovery Ruling

(4) 31 Texas Administrative Code, Chapter 267—Procedures During Public Hearing.

- § 267.1 Designation of Parties
- § 267.2 Statutory Parties
- § 267.3 Rights of Parties at the Hearing
- § 267.4 Persons Not Parties
- § 267.5 Effect of Postponement
- § 267.6 Furnishing Copies of Pleadings
- § 267.7 Conference During Hearing
- § 267.8 Recordation of Hearing Conference Action
- § 267.9 Agreements to be in Writing
- § 267.10 Rulings in Commission Evidentiary Hearings
- § 267.11 Order of Presentation
- § 267.12 Alignment of Participants
- § 267.13 General Admissibility of Evidence
- § 267.14 Objections
- § 267.15 Interlocutory Appeals
- § 267.16 Cross-Examination of Witnesses
- § 267.17 Stipulation
- § 267.18 Exhibits
- § 267.19 Copies of Exhibits
- § 267.20 Abstracts of Documents
- § 267.21 Excluding Exhibits
- § 267.22 Official Notice
- § 267.23 Parties to be Informed of Material Officially Noticed
- § 267.24 Continuance
- § 267.25 Oral Argument
- § 267.26 Submittal of Findings of Fact and Conclusions of Law

(5) 31 Texas Administrative Code, Chapter 273—Procedures After Final Decision.

- § 273.1 Motion for Rehearing
- § 273.2 Reply to Motion for Rehearing
- § 273.3 Granting of Motion for Rehearing
- § 273.4 Modification of Time Limits
- § 273.5 Decision Final and Appealable
- § 273.6 Appeal
- § 273.7 The Record
- § 273.8 Costs of Record on Appeal

(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) Texas Water Code, Title 2, Subtitle D, Chapter 26—State Water Administration.

(I) Subchapter I: Underground and Aboveground Storage Tanks.

- § 26.341 Purpose (Insofar as it applies to aboveground storage tanks.)
- § 26.342 Definitions (Insofar as (10) and (12) apply to aboveground storage tanks.)
- § 26.344 Exemptions (Insofar as (a), (d), and (f) apply to aboveground storage tanks.)
- § 26.3441 Aboveground Storage Tanks (Insofar as it applies to aboveground storage tanks.)
- § 26.345 Administrative Provisions (Insofar as (a) and (e) apply to aboveground storage tanks.)
- § 26.346 Registration Requirements (Insofar as (a) applies to aboveground storage tanks.)
- § 26.349 Reporting of Releases and Corrective Action (Insofar as (a) applies to aboveground storage tanks.)
- § 26.351 Corrective Action (Insofar as it applies to aboveground storage tanks.)
- § 26.3511 Corrective Action by the Commission (Insofar as it applies to aboveground storage tanks.)
- § 26.3514 Limits on Liability of Lender (Insofar as it applies to aboveground storage tanks.)
- § 26.3515 Limits on Liability of Corporate Fiduciary (Insofar as it applies to aboveground storage tanks.)
- § 26.355 Recovery of Costs (Insofar as it applies to aboveground storage tanks.)
- § 26.358 Storage Tank Fund; Fees (Insofar as it applies to aboveground storage tanks.)

(B) 31 Texas Administrative Code, Chapter 334—Underground and Aboveground Storage Tanks.

(I) Subchapter A: General Provisions.

(i) Insofar as § 334.1(a)(1), (c), and (d)(2) apply to aboveground storage tanks.

(ii) Insofar as § 334.3(b) applies release reporting and corrective action requirements to certain hydraulic lift tanks that are exempt under the federal program.

(iii) Insofar as § 334.4 does not exclude airport hydrant fuel distribution systems and UST systems with field-constructed tanks; excludes only *sumps* less than 110 gallons, as opposed to all tanks; and does not provide a release detection deferral for UST systems that store fuel solely for use by emergency power generators.

(iv) Insofar as § 334.4 subjects wastewater treatment tank systems that are

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deferred in the federal rules to the registration, general operating requirements, and corrective action requirements.

(v) Insofar as § 334.4 requires USTs that store radioactive substances or are part of a nuclear power plant to comply with registration and general operating requirements.

(vi) Insofar as § 334.4 applies release reporting and corrective action requirements to certain hydraulic lift tanks that are exempt under the federal program.

(2) Subchapter F: Aboveground Storage Tanks (Insofar as it applies to aboveground storage tanks)

- § 334.121 Purpose and Applicability
- § 334.122 Definitions
- § 334.123 Statutory Exemptions
- § 334.124 Commission Exclusions
- § 334.125 General Prohibitions and Requirements
- § 334.126 Installation Notification
- § 334.127 Registration
- § 334.128 Annual Facility Fees
- § 334.129 Release Reporting and Corrective Action
- § 334.130 Reporting and Recordkeeping
- § 334.131 Enforcement
- § 334.132 Other General Provisions

(3) Subchapter I: Underground Storage Tank Contractor Certification and Installer Licensing (Insofar as it applies to individuals other than UST owners and operators)

- § 334.401 Certificate of Registration for UST Contractor
- § 334.402 Application for Certificate of Registration
- § 334.403 Issuance of Certificate of Registration
- § 334.404 Renewal of Certificate of Registration
- § 334.405 Denial of Certificate of Registration
- § 334.406 Fee Assessments for Certificate of Registration
- § 334.407 Other Requirements
- § 334.408 Exception to Registration Requirements
- § 334.409 Revocation, Suspension or Reinstatement of Certification of Registration and License
- § 334.410 Notice of Hearings
- § 334.411 Type of Hearing
- § 334.412 Subchapter I Definitions
- § 334.413 License for Installers and On-Site Supervisors
- § 334.414 License for Installers and On-Site Supervisors
- § 334.415 License A and License B

- § 334.416 Requirements for Issuance of License A and License B
- § 334.417 Application for License A and License B
- § 334.418 Notification of Examination
- § 334.419 License A and License B Examination
- § 334.420 Issuance of License A or License B
- § 334.421 Renewal of License
- § 334.422 Denial of License A or License B
- § 334.423 Fees Assessments for License A and License B
- § 334.424 Other Requirements for a License A and License B
- § 334.425 Exceptions to License A and License B Requirements
- § 334.426 Revocation, Suspension, or Reinstatement of a License A and License B
- § 334.427 Notice of Hearings
- § 334.428 Type of Hearing

(4) Subchapter J: Registration of Corrective Action Specialists and Project Managers for Product Storage Tank Remediation Projects (Insofar as it applies to individuals other than UST owners and operators)

- § 334.451 Applicability of Subchapter J
- § 334.452 Exemptions from Subchapter J
- § 334.453 General Requirements and Prohibitions
- § 334.454 Exception for Emergency Abatement Actions
- § 334.455 Notice to Owner or Operator
- § 334.456 Application for Certificate of Registration for Corrective Action Specialist
- § 334.457 Application for Certificate of Registration for Corrective Action Project Manager
- § 334.458 Review and Issuance of Certificates of Registration
- § 334.459 Continuing Education Requirements for Corrective Action Project Managers
- § 334.460 Renewal of Certificate of Registration for Corrective Action Specialist and Corrective Action Project Manager
- § 334.461 Denial of Certificate of Registration
- § 334.462 Other Requirements
- § 334.463 Grounds for Revocation or Suspension of Certificate of Registration
- § 334.465 Procedures for Revocation or Suspension of Certificate of Registration
- § 334.466 Reinstatement of a Certificate of Registration

(2) *Statement of legal authority.* (i) “Attorney General’s Statement for Final Approval”, signed by the Attorney General of Texas on January 11, 1994, 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.*

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(ii) Letter from the Attorney General of Texas to EPA, January 11, 1994, 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.*

(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures for Adequate Enforcement" submitted as part of the original application on April 28, 1994, 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.*

(4) *Program description.* The program description and any other material submitted as part of the original application on April 28, 1994, 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 6 and the Texas Natural Resource Conservation Commission, signed by the EPA Regional Administrator on January 13, 1995, 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.*

[61 FR 1224, Jan. 18, 1996]

§ 282.94 Utah State-Administered Program.

(a) The State of Utah 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 Utah Department of Environmental Quality, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the Utah program on March 8, 1995 and it was effective on April 7, 1995.

(b) Utah 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, Utah 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 Utah 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) Utah has final approval for the following elements submitted to EPA in Utah's program application for final approval and approved by EPA on March 8, 1995. Copies may be obtained from the Underground Storage Tank Branch, Utah Department of Environmental Quality, 168 North 1950 West, 1st Floor, Salt Lake City, Utah 84116.

(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.*

(A) Utah Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Utah Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(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: Utah Code Unannotated (1994), Title 19, Chapter 6, Sections 19-6-112; 19-6-113; 19-6-115; 19-6-402(8), (11), and (23); 19-6-404(2)(f), (j), and (m); 19-6-405.5; 19-6-407(2) and (3); 19-6-410(3) as it pertains to penalties, (4)(b), and (5); 19-6-416; 19-6-418; 19-6-420(2), (4)(a), (5)(b), and (9)(b); 19-6-424.5; 19-6-425; 19-6-426(5) and (6); and 19-6-427.

(B) The regulatory provisions include: Administrative Rules of the State of Utah, Utah Administrative Code (1993), Sections R311-208-1; R311-208-2; R311-208-3; R311-208-4; R311-208-5; and R311-208-6.

(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) The statutory provisions include: Utah Code Unannotated (1994), Title 19, Chapter 6, Sections 19-6-402 (3), (4), (9), (14), (15), (20), and (26); 19-6-403(1)(a) (i) and (iv); 19-6-404(2)(c); 19-6-405.5; 19-6-408; 19-6-409; 19-6-410; 19-6-411; 19-6-412; 19-6-414; 19-6-415; 19-6-416; 19-6-417; 19-6-419; 19-6-420 (1), (3)(a), (3)(b), (5)(c), and (6); 19-6-421; 19-6-422; 19-6-423; 19-6-424; and 19-6-426 (1) through (4) and (7).

(B) The regulatory provisions include: Administrative Rules of the State of Utah, Utah Administrative Code (1993), Sections R311-200-1 (2), (5), (8), (10), (13), (20), (29), (42) through (49), (53), and (54); R311-201-2; R311-201-1; R311-201-3; R311-201-4; R311-201-5; R311-201-6; R311-201-7; R311-201-8; R311-201-9; R311-201-10; R311-201-11; R311-203-2; R311-206-2 (b) and (c); R311-206-4; R311-206-5 (b), (c), (d), and the words “compliance or” in (a); R311-206-6; R311-207-1; R311-207-2; R311-207-3; R311-207-4; R311-207-5; R311-207-6; R311-207-7; R311-207-8; R311-207-9; R311-209-1; R311-209-2; R311-209-3; and R311-209-4.

(2) *Statement of legal authority.* (i) “Attorney General’s Statement for Final Approval”, signed by the Attorney General of Utah on April 18, 1994, 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.*

(ii) Letter from the Attorney General of Utah to EPA, April 18, 1994, 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.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the complete application in September 1993, 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.*

(4) *Program description.* The program description and any other material submitted as part of the original application in September 1993, 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 VIII and the Utah Department of Environmental Quality, signed by the EPA Regional Administrator on March 1, 1995, 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.*

[60 FR 52344, Oct. 6, 1995]

§ 282.95 Vermont State-Administered Program.

(a) The State of Vermont 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 Vermont Department of Environmental Conservation, was approved by EPA pursuant to 42 U.S.C. 6991c and 40 CFR part 281. EPA approved the Vermont program on January 3, 1992, and the approval was effective on February 3, 1992.

(b) Vermont 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, Vermont 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 Vermont 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

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and notice of any change will be published in the FEDERAL REGISTER.

(d) Vermont has final approval for the following elements submitted to EPA in Vermont's program application for final approval and approved by EPA on January 3, 1992. Copies may be obtained from the Underground Storage Tank Program, Vermont Department of Environmental Conservation, 103 South Main Street, West Building, Waterbury, VT 05671-0404. The elements are listed below:

(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.*

(A) Vermont Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Vermont Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(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: Title 10 Vermont Statutes Annotated, Chapter 59, Sections 1931 through 1935.

(B) The regulatory provisions include: Vermont Environmental Protection Rules, Chapter 8, Sections 104 through 106.

(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) Title 10 Vermont Statutes Annotated, Chapter 59, Section 1929, insofar as it refers to registration requirements for tanks greater than 1,100 gallons containing heating oil consumed on the premises where stored.

(B) Vermont Environmental Protection Rules, Chapter 8, Section 301, registration requirements, and Section 605(2), permanent closure requirements, insofar as they refer to tanks greater than 1,100 gallons containing heating oil consumed on the premises where stored.

(2) *Statement of legal authority.* (i) "Attorney General's Statement for

Final Approval," signed by the Attorney General of Vermont on April 11, 1991, 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.*

(ii) Letter from the Attorney General of Vermont to EPA, April 11, 1991, 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.*

(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures for Adequate Enforcement" submitted as part of the original application in May 1991, 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.*

(4) *Program description.* The program description and any other material submitted as part of the original application in May 1991, 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.* On March 2, 1992, EPA and the Vermont Department of Environmental Conservation signed the Memorandum of Agreement. Though not incorporated by reference, the Memorandum of Agreement is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[60 FR 47301, Sept. 12, 1995]

§ 282.96 Virginia State-Administered Program.

(a) The State of Virginia'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 Virginia Department of Environmental Quality, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the Virginia underground storage tank program on September 28,

1998, and approval was effective on October 28, 1998.

(b) Virginia 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, Virginia 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 Virginia 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) Virginia has final approval for the following elements submitted to EPA in the State's program application for final approval. On September 28, 1998, EPA published notice of approval of the State's program in the FEDERAL REGISTER, 63 FR 51528. That approval became effective on October 28, 1998. Copies of Virginia's program application may be obtained from the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, VA 23240-0009.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph, with the exception of the provisions cited in paragraphs (d)(1)(ii) and (iii) 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.*

(A) Virginia Statutory Requirements Applicable to the Underground Storage Tank Program, 1998.

(B) Virginia Regulatory Requirements Applicable to the Underground Storage Tank Program, 1998.

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

(A) The statutory provisions include:
(1) Code of Virginia, Title 10.1, Subtitle II, Chapter 11.1: Department of Environmental Quality, Article 1: General Provisions

Section 10.1-1186 General powers of the department

(2) Code of Virginia, Title 62.1, Chapter 3.1: State Water Control Law, Article 2: Control Board Generally

Section 62.1-44.14 Chairman; Executive Director; employment of personnel; supervision; budget preparation

Section 62.1-44.15 Powers and duties

(3) Code of Virginia, Title 62.1, Chapter 3.1: State Water Control Law, Article 5: Enforcement and Appeal Procedure

Section 62.1-44.20 Right to entry to obtain information

Section 62.1-44.21 Information to be furnished to Board

Section 62.1-44.21 Private rights not affected

Section 62.1-44.23 Enforcement by injunction

Section 62.1-44.23:1 Intervention of Commonwealth in actions involving surface water withdrawals

Section 62.1-44.24 Testing validity of regulations; judicial review

Section 62.1-44.25 Right to hearing

Section 62.1-44.26 Hearings

Section 62.1-44.27 Rules of evidence in hearings

Section 62.1-44.28 Decisions of the Board in hearings pursuant to § 62.1-44.15 and 62.1-44.25

Section 62.1-44.29 Judicial review

Section 62.1-44.30 Appeal to Court of Appeals

(4) Code of Virginia, Title 62.1, Chapter 3.1: State Water Control Law, Article 6: Offenses and Penalties

Section 62.1-44.31 Violation of special order or certificate or failure to cooperate with Board

Section 62.1-44.32 Penalties

(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) Code of Virginia, Title 62.1, Chapter 3.1: State Water Control Law

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Section 62.1-44.34:8 Definitions, “Aboveground storage tank” and “Regulated substance”

(2) Code of Virginia, Title 62.1, Chapter 3.1: State Water Control Law, Article 10: Petroleum Storage Tank Fund

Section 62.1-44.34.10 Definitions, “Aboveground storage tank” and “Regulated substance”

Section 62.1-44.34:13 Levy of fee for Fund maintenance

(B) The regulatory provisions include Virginia Administrative Code, Title 9, Agency 25: State Water Control Board, Chapter 580: Underground Storage Tanks—Technical Standards and Corrective Action Requirements

9 VAC 25-580-10 Definitions, “Underground storage tank” includes heating oil tanks of greater than 5,000 gallon capacity and “Regulated substance”

9 VAC 25-580-130 General requirements for all petroleum and hazardous substance UST systems, heating oil tanks of greater than 5,000 gallon capacity

9 VAC 25-580-290 Corrective action plan (CAP) permit

(2) *Statement of legal authority.* (i) “Attorney General’s Statement,” signed by the State Attorney General on July 14, 1998, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Virginia to EPA, July 14, 1998, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with 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 on July 15, 1998, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application on July 15, 1998, though not in-

corporated by reference, are referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region III and the Virginia Department of Environmental Quality, signed by the EPA Regional Administrator on September 17, 1998, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[69 FR 33313, June 15, 2004]

§ 282.97 [Reserved]

§ 282.98 West Virginia State-Administered Program.

(a) The State of West Virginia’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 West Virginia Department of Environmental Protection, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the West Virginia underground storage tank program on September 23, 1997, and approval was effective on February 10, 1998.

(b) West Virginia 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, West Virginia 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 West Virginia 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) West Virginia has final approval for the following elements submitted to EPA in the State's program application for final approval. On September 23, 1997, EPA published notice of approval of the State's program in the FEDERAL REGISTER, 62 FR 49620. That approval became effective on February 10, 1998 (63 FR 6667). Copies of West Virginia's program application may be obtained from the West Virginia Department of Environmental Protection, 1356 Hansford Street, Charleston, WV 25301-1401.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph, with the exception of the provisions cited in paragraphs (d)(1)(ii) and (iii) 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.*

(A) West Virginia Statutory Requirements Applicable to the Underground Storage Tank Program, 1997.

(B) West Virginia Regulatory Requirements Applicable to the Underground Storage Tank Program, 1997.

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

(A) The statutory provisions include:

- (1) Code of West Virginia, Article 17: Underground Storage Tanks
- Section 22-17-5 Powers and duties of director; integration with other acts
- Section 22-17-6 Promulgation of rules and standards by director, §22-17-6.(b)(13)
- Section 22-17-12 Confidentiality, §22-17-12.(b)
- Section 22-17-13 Inspections, monitoring, and testing
- Section 22-17-15 Administrative orders; injunctive relief; requests for reconsideration
- Section 22-17-16 Civil penalties
- Section 22-17-17 Public participation
- Section 22-17-18 Appeal to environmental quality board

Section 22-17-23 Duplicative enforcement prohibited

(2) [Reserved]

(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) Code of West Virginia, Article 17: Underground Storage Tanks

Section 22-17-6 Promulgation of rules and standards by director, §22-17-6.(b)(12)

Section 22-17-7 Underground storage tank advisory committee; purpose

Section 22-17-19 Disclosures required in deeds and leases

Section 22-17-20 Appreciation of funds; underground storage tank administrative fund

Section 22-17-21 Leaking underground storage tank response fund

(2) [Reserved]

(B) The regulatory provisions include:

(1) West Virginia Code of State Regulations, Title 33: Office of Waste Management Rule, Series 30: Underground Storage Tanks

Section 33-30-3 Certification Requirements for Individuals who Install, Repair, Retrofit, Upgrade, Perform Change-in-Service, Close or Tightness Test Underground Storage Tank Systems

Section 33-30-4 Notification Requirements, §33-30-4.2.b and 4.4.b

Section 33-30-5 Carriers

(2) West Virginia Code of State Regulations, Title 33: Office of Waste Management Rule, Series 31: Underground Storage Tank Fee Assessments

(3) West Virginia Code of State Regulations, Title 33: Office of Waste Management Rule, Series 32: Underground Storage Tank Insurance Trust Fund

(2) *Statement of legal authority.* (i) "Attorney General's Statement", signed by the State Attorney General on June 30, 1997, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of West Virginia to EPA, June 30, 1997,

though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with 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 on July 7, 1997, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application on July 7, 1997, though not incorporated by reference, are referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region III and the West Virginia Division of Environmental Protection, signed by the EPA Regional Administrator on September 15, 1997, though not incorporated by reference, is referenced as part of the approved underground storage tank program in accordance with Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[69 FR 33311, June 15, 2004]

§§ 282.99–282.101 [Reserved]

§ 282.102 Puerto Rico State-Administered Program.

(a) The Commonwealth of Puerto Rico 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 Commonwealth’s program, as administered by the Commonwealth of Puerto Rico Environmental Quality Board, is approved by EPA pursuant to 42 U.S.C. 6991c and Part 281 of this chapter. EPA is publishing the notice of final determination on the approved Commonwealth of Puerto Rico underground storage tank program concurrently with this notice and it will be effective on March 31, 1998.

(b) The Commonwealth of Puerto Rico 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)(1), 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991b(h)(1), 6991d and 6991e, as well as its authority under other statutory and regulatory provisions.

(c) To retain program approval, the Commonwealth of Puerto Rico 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 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 of Puerto Rico has final approval for the following elements submitted to EPA in its program application for final approval and to be published in the FEDERAL REGISTER concurrently with this notice, and to be effective on March 31, 1998. Copies may be obtained from the Underground Storage Tank Program, Puerto Rico Environmental Quality Board, 431 Ponce De Leon Avenue, Nacional Plaza, Suite 614, Hato Rey, PR 00917, Phone: (787) 767-8109.

(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.*

(A) Puerto Rico Statutory Requirements Applicable to the Underground Storage Tank Program, 1997.

(B) Puerto Rico Regulatory Requirements Applicable to the Underground Storage Tank Program, 1997.

(ii) The following specifically identified sections and rules in the Commonwealth of Puerto Rico’s statutes, regulations and rules are part of the approved Commonwealth program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include:

(1) Public Policy Environmental Act of 1970, Act Number 9, June 18, 1970, as amended, 12 Laws of Puerto Rico Annotated (L.P.R.A.) § 1121 *et seq.*

(i) Section 1131 Functions and duties [Insofar as paragraphs (10), (12), (13), (19), (22), (23), (25), (26), (29), and (30) set forth enforcement authorities.]

(ii) Section 1134 Hearings, orders and judicial proceedings

(iii) Section 1136 Penalty

(iv) Section 1139 Civil actions

(v) Section 1142 Powers [Insofar as (b)(5) sets forth enforcement authorities.]

(2) Puerto Rico Environmental Emergency Fund Act, 12 L.P.R.A. § 1269 *et seq.*

(B) The regulatory provisions include:

(1) Underground Storage Tank Control Regulations, Regulation Number 4362, promulgated by the Commonwealth of Puerto Rico Environmental Quality Board on November 7, 1990.

(2) Part X—General Provisions.

(i) Rule 1005 Right of Entry

(ii) Rule 1007 Notice of Violation and Compliance Order

(iii) Rule 1008 Closure of an Underground Storage Tank

(iv) Rule 1010 Penalties

(C) Other provisions include:

(1) Puerto Rico Civil Procedure Rules of 1979, 32 L.P.R.A. Appendix III

(2) Rules of Administrative Procedure for Hearings in Environmental Quality Board, Regulation Number 3672, promulgated on October 19, 1988.

(iii) The following specifically identified sections and rules in the Commonwealth of Puerto Rico's statutes, regulations and rules 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) The statutory provisions include:

(1) Public Policy Environmental Act of 1970, Act Number 9, June 18, 1970, as amended, 12 Laws of Puerto Rico Annotated (L.P.R.A.) §§ 1121 *et seq.*

(i) Section 1131—Functions and duties [Insofar as paragraph (13) addresses permit and license requirements and associated fees, as well as the NPDES and UIC programs; and paragraph (34) relates solely to the solid and hazardous waste programs.]

(ii) Section 1132—Transfer of powers

(iii) Section 1135—Character of Board for federal purposes [Insofar as it addresses permit requirements.]

(iv) Section 1138—Effectiveness of previous documents [Insofar as it addresses permit and licensing requirements.]

(B) The regulatory provisions include:

(1) Underground Storage Tank Control Regulations, Regulation Number 4362, promulgated by the Commonwealth of Puerto Rico Environmental Quality Board on November 7, 1990.

(i) Part VI—Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances: Rule 603—Initial Abatement Measures and Site Check [Insofar as 603(A)(5) requires owners and operators to obtain permits or franchises for drilling and installation of groundwater monitoring and/or extraction wells.]; Rule 605—Free Product Removal [Insofar as 605(A) and 605(D)(6) require owners and operators to obtain permits or franchises for drilling and installation of water monitoring and/or extraction wells.].

(ii) Part XII—Fee Rules [Insofar as fees are broader in scope than the federal program.]: Rule 1201—Applicability; Rule 1202—Annual Notification Fees; Rule 1203—Fee Relative to Transfer of Ownership; Rule 1204—Fees for Duplication of Records; Rule 1205—Fee Payments; Rule 1206—Exemptions from Fees; Rule 1207—Fees for Revision of Permanent Closure Plans; Rule 1208—Fees for Annual Re-certification of UST Facilities.

(2) *Statement of legal authority.* The Attorney General Statement, a letter signed on July 2, 1997, 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.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the application for approval on January 17, 1996, 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.*

(4) *Program description.* The program description and any other material submitted as part of the application on January 17, 1996 and supplemented on April 17, 1997, 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 2 and the Puerto Rico Environmental Quality Board, signed by an authorized representative of the Environmental Quality Board on March 7, 1997 and subsequently by an authorized representative of EPA, 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.*

[63 FR 4593, Jan. 30, 1998]

§§ 282.103–282.105 [Reserved]

APPENDIX A TO PART 282—STATE REQUIREMENTS INCORPORATED BY REFERENCE IN PART 282 OF THE CODE OF FEDERAL REGULATIONS

The following is an informational listing of the state requirements incorporated by reference in part 282 of the Code of Federal Regulations:

Alabama

(a) The statutory provisions include Code of Alabama 1975, Title 22, Chapter 36, Underground Tank and Wellhead Protection Act:

- Section 1 Short title.
- Section 2 Definitions.
- Section 3 Rules and regulations governing underground storage tanks.
- Section 4 Information to be furnished by owner upon request of department; owner to permit access to records and entry and inspection of facilities.
- Section 6 Expenditure of funds from leaking underground storage tank trust fund; investigative and corrective powers in regard to administration of funds; liability of owner or operator for costs.
- Section 8 Availability to public of records, reports, or information obtained under chapter.
- Section 10 Rules and regulations.

(b) The regulatory provisions include Alabama Department of Environmental Management, Administrative Code, Division 6, Water Quality Program, Volume II, revised effective: June 1, 1994, Chapter 335-6-15: Technical Standards, Corrective Action Requirements and Financial Responsibility for

Owners and Operators of Underground Storage Tanks.

- Section .01 Purpose.
- Section .02 Definitions.
- Section .03 Applicability.
- Section .04 Interim Prohibition for Deferred UST Systems.
- Section .05 Notification, except those USTs taken out of operation on or before January 1, 1974.
- Section .06 Performance Standards for New UST Systems.
- Section .07 Upgrading of Existing UST Systems.
- Section .08 Plans and Specifications.
- Section .09 Spill and Overfill Control.
- Section .10 Operation and Maintenance of Corrosion Protection.
- Section .11 Compatibility.
- Section .12 Repairs Allowed.
- Section .13 Reporting and Recordkeeping.
- Section .14 General Release Detection Systems for all UST Systems.
- Section .15 Release Detection Requirements for Petroleum UST Systems.
- Section .16 Release Detection Requirements for Hazardous Substance UST Systems.
- Section .17 Methods of Release Detection for Tanks.
- Section .18 Methods of Release Detection for Pipes.
- Section .19 Release Detection Recordkeeping.
- Section .20 Reporting of Suspected Releases.
- Section .21 Investigation Due to Environmental Impact.
- Section .22 Release Investigation and Confirmation Steps.
- Section .23 Reporting and Clean-up of Spills and Overfills.
- Section .24 Initial Release Response.
- Section .25 Initial Abatement Measures and Preliminary Investigation.
- Section .26 Preliminary Investigation Requirements.
- Section .27 Free Product Removal.
- Section .28 Secondary Investigation Requirements.
- Section .29 Corrective Action Plan.
- Section .30 Corrective Action Limits for Soils.
- Section .31 Corrective Action Limits for Ground Water.
- Section .32 Alternative Corrective Action Limits.
- Section .33 Risk Assessment.
- Section .34 Public Participation.
- Section .35 Analytical Requirements.
- Section .36 Temporary Closure.
- Section .37 Permanent Closure.
- Section .38 Site Closure or Change-in-Service Assessments.
- Section .39 Applicability to Previously Closed UST Systems.
- Section .40 Closure Records.

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Section .41 Alternate or Temporary Drinking Water Source.
Section .42 Availability to Public of Records, Reports or information.
Section .43 Access to Records.
Section .44 Entry and Inspection of Facilities.
Section .46 Financial Responsibility for Petroleum UST Owners and Operators.
Section .48 Severability.

Arkansas

(a) The statutory provisions include:

1. *Arkansas Code Annotated, Title 8, Chapter 7, Subchapter 8—Regulated Substance Storage Tanks:*

Section 8-7-801 Definitions and exceptions
Section 8-7-803 Regulations generally
Section 8-7-804 Procedures of department generally
Section 8-7-807 Responsibility and liability of owner
Section 8-7-808 Regulated Substance Storage Tank Program Fund
Section 8-7-810 Insurance pools
Section 8-7-811 Trade secrets
Section 8-7-812 Subchapter controlling over other laws
Section 8-7-813 Registration

2. *Arkansas Code Annotated, Title 8, Chapter 7, Subchapter 9—Petroleum Storage Tank Trust Fund Act:*

Section 8-7-901 Title
Section 8-7-902 Definitions
Section 8-7-903 Rules and Regulations—Powers of department [Except (c), which addresses aboveground storage tanks.]
Section 8-7-904 Advisory committee
Section 8-7-905 Petroleum Storage Tank Trust Fund
Section 8-7-906 Petroleum environmental assurance fee
Section 8-7-907 Payments for corrective action
Section 8-7-908 Third-party claims
Section 8-7-909 Confidential treatment of information

(b) The regulatory provisions include:

1. *Arkansas Department of Pollution Control and Ecology Regulation Number 12—Storage Tank Regulation:*

a. Chapter 1: General Provisions

Section 1: Purpose
Section 2: Authority
Section 3: Short Title

b. Chapter 2: Regulations Promulgated Under Acts 172 and 173 of 1989 and Act 65 of the Third Extraordinary Session of 1989 for Administration of the State Regulated Storage Tank Program

Section 1: Incorporation of Federal Regulations
Section 2: Arkansas Petroleum Storage Tank Trust Fund Act
Section 3: Definitions

c. Chapter 3: Fees

Section 1: Underground and Aboveground Storage Tank Registration Fees [Except insofar as it applies to aboveground storage tanks.]

Section 2: Underground Storage Tank Licensing Fees

Section 3: Late Payment Penalties

Section 4: Refusal or Failure to Pay Fees

d. Chapter 4: Petroleum Storage Tank Trust Fund Release Reimbursement

Section 1: Purpose

Section 2: Amount of Reimbursement

Section 3: Initial Fund Eligibility

Section 4: Loss and Restoration of Initial Fund Eligibility

Section 5: Corrective Action Reimbursement Procedure

Section 6: Reimbursement Application Review

Section 7: Allowable Costs

Section 8: Reasonable Costs

Section 9: Audits

Section 10: Deductible

Section 11: Third Party Claim Reimbursement Procedure

Section 12: Compliance

Section 13: Fund Availability

Section 14: Cost Recovery

e. Chapter 7: Confidentiality

Section 1: Confidentiality Requests

Section 2: Responsibility

Section 3: Submission Procedure

Section 4: Requirements for Protection

Section 5: Acceptability of Information

Section 6: Security

f. Chapter 9: Severability

g. Chapter 10: Effective Date

Connecticut

(a) The statutory provisions include Connecticut's General Statutes, Chapter 446k, Section 22a-449(d), Duties and Powers of Commissioner, January 1, 1995.

(b) The regulatory provisions include Regulations of Connecticut State Agencies ("R.C.S.A.") Sections 22a-449(d)-101 through 113, Underground Storage Tank System Management, July 28, 1994:

Section 22a-449(d)-101 Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks—Program Scope and Interim Prohibition

(a) Applicability of Sections 22a-449(d)-101 through 22a-449(d)-113.

(b) Interim Prohibition for deferred UST systems.

(c) General.

(d) Definition.

Section 22a-449(d)-102 UST Systems: Design, Construction, Installation, and Notification

(a) Performance standards for new UST systems.

(b) Notification Requirements.

Section 22a-449(d)-103 General Operating Requirements

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- (a) Spill and overflow control.
 - (b) Operating and maintenance of corrosion protection.
 - (c) Compatibility.
 - (d) Repairs allowed.
 - (e) Reporting and recordkeeping.
- Section 22a-449(d)-104 Release Detection
- (a) General requirements for all UST systems.
 - (b) Additional requirements.
 - (c) Requirements for petroleum UST systems.
 - (d) Requirements for hazardous substance UST systems.
 - (e) Methods of release detection for tanks.
 - (f) Methods of release detection for piping.
 - (g) Release detection recordkeeping.
- Section 22a-449(d)-105 Release Reporting, Investigation, and Confirmation
- (a) Reporting of suspected releases.
 - (b) Investigation due to off-site impacts.
 - (c) Release investigation and confirmation steps.
 - (d) Reporting and cleanup of spills and overfills.
- Section 22a-449(d)-106 Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances
- (a) General.
 - (b) Additional requirements.
 - (c) Initial response.
 - (d) Initial abatement measures and site check.
 - (e) Initial site characterization.
 - (f) Free product removal.
 - (g) Investigations for soil and groundwater cleanup.
 - (h) Corrective action plan.
 - (i) Public participation.
- Section 22a-449(d)-107 Out-of-service UST Systems and Closure
- (a) Temporary closure.
 - (b) Permanent closure.
 - (c) Assessing the site at closure.
 - (d) Applicability to previously closed UST systems.
 - (e) Closure records.
- Section 22a-449(d)-108 Reserved
- Section 22a-449(d)-109 Financial Responsibility
- (a) Applicability.
 - (b) Compliance dates.
 - (c) Definition of terms.
 - (d) Amount and scope of required financial responsibility.
 - (e) Allowable mechanisms and combinations of mechanisms.
 - (f) Financial test of self-insurance.
 - (g) Guarantee.
 - (h) Insurance risk retention group coverage.
 - (i) Surety bond.
 - (j) Letter of credit.
 - (k) Use of state-required mechanism.
 - (l) State fund and other state assurance.
 - (m) Trust fund.
 - (n) Standby trust fund.
 - (o) Substitution of financial assurance mechanisms by owner or operator.
 - (p) Cancellation or non-renewal by a provider of financial assurance.
 - (q) Reporting by owner or operator.
 - (r) Record keeping.
 - (s) Drawing of financial assurance mechanisms.
 - (t) Release from the requirements.
 - (u) Bankruptcy or other incapacity of owner or operator or provider of financial assurance.
 - (v) Replenishment of guarantees, letters of credit, or, surety bonds.
 - (w) Suspension of enforcement. [Reserved]
 - (x) 40 CFR Part 280 Appendix I is incorporated by reference, in its entirety.
 - (y) Appendix II to 40 CFR Part 280—List of Agencies Designed to Receive Notification.
 - (z) Appendix III to 40 CFR Part 280—Statement for Shipping Tickets and Invoices.
- Section 22a-449(d)-110 UST system upgrading, abandonment and removal date
- (a) Petroleum UST system of which construction or installation began prior to November 1, 1985.
 - (b) Hazardous substance UST system of which construction or installation began prior to December 22, 1988.
 - (c) UST systems which comply with the standards specified in subsection 22a-449(d)-102(a) of these regulations.
- Section 22a-449(d)-111 Life Expectancy
- (a) How life expectancy determinations shall be conducted
 - (b) Life expectancy shall be as follows:
 - (c) The life expectancy of an UST system component.
- Section 22a-449(d)-112 UST System Location Transfer
- Section 22a-449(d)-113 Transfer of UST System Ownership, Possession, or Control
- (a) Disclosure to transferee.
 - (b) Information submitted to the commissioner pursuant to section 22a-449(d)-102 of these regulations.
- Georgia*
- (a) The statutory provisions include the Georgia Underground Storage Tank Act (GUSTA) (O.C.G.A. Section 12-13-1, *et seq.*):
 - Section 12-13-2—Public policy.
 - Section 12-13-3—Definitions.
 - Section 12-13-4—Exceptions to chapter.
 - Section 12-13-5—Rules and regulations; enforcement powers.
 - Section 12-13-6—Powers and duties of director.
 - Section 12-13-7—Performance standards applicable until rules and regulations effective.
 - Section 12-13-8—Investigations.
 - Section 12-13-9—Establishing financial responsibility; claims against guarantor; Underground storage Trust Fund.

Section 12-13-10—Environmental assurance fees.

Section 12-13-11—Corrective action for release of petroleum product into environment.

Section 12-13-12—Recovery in event of discharge or threat of discharge of regulated substance.

Section 12-13-13—Notice by owner of underground storage tank.

Section 12-13-14—Corrective action for violations of chapter, rules, etc., and for release of regulated substance into environment.

Section 12-13-15—Injunctions and restraining orders.

Section 12-13-16—Hearings and review.

Section 12-13-17—Judgement by superior court.

Section 12-13-18—Required compliance with chapter; proof that petroleum subjected to environmental fee.

Section 12-13-19—Violations; imposition of penalties.

Section 12-13-20—Action in emergencies.

Section 12-13-21—Public access to records.

Section 12-13-22—Representation by Attorney General.

(b) The regulatory provisions include the Rules of Georgia Department of Natural Resources, Environmental Protection Division, Underground Storage Tank Management:

Section 391-3-15-.01—General provisions. Amended.

Section 391-3-15-.02—Definitions, UST Exclusions, and UST Deferrals. Amended.

Section 391-3-15-.03—Confidentiality of Information. Amended.

Section 391-3-15-.04—Interim Prohibition for Deferred UST Systems. Amended.

Section 391-3-15-.05—UST Systems: Design, Construction, Installation and Notification. Amended.

Section 391-3-15-.06—General Operating Requirements. Amended.

Section 391-3-15-.07—Release Detection. Amended.

Section 391-3-15-.08—Release Reporting, Investigation, and Confirmation. Amended.

Section 391-3-15-.09—Release Response and Corrective Action for UST Systems Containing Petroleum. Amended.

Section 391-3-15-.10—Release Response and Corrective Action for UST Systems Containing Hazardous Substances. Amended.

Section 391-3-15-.11—Out-of-Service UST Systems and Closure. Amended.

Section 391-3-15-.12—UST Systems Containing Petroleum; Financial Responsibility Requirements. Amended.

Section 391-3-15-.13—Georgia Underground Storage Tank (GUST) Trust Fund. Amended.

Section 391-3-15-.14—Enforcement.

Section 391-3-15-.15—Variances.

Hawaii

(a) The statutory provisions include:

(1) Hawaii Revised Statutes, Chapter 342L, Underground Storage Tanks.

Section 342L-1 Definitions (except “complaint” insofar as it sets forth enforcement authorities; “owner” insofar as it includes persons who hold indicia of ownership to protect an interest in a tank system; “permit” insofar as it sets forth a permitting program; and “regulated substance” insofar as it includes other substances as designated by the Department)

Section 342L-7.5 Record maintenance

Section 342L-30 Notification requirements (except paragraph (i) of this section insofar as it grants the Department authority to assess penalties for non-compliance)

Section 342L-32 Standards for tanks and tank systems

Section 342L-33 Release detection

Section 342L-34 Reporting of releases

Section 342L-35 Response to suspected or confirmed releases

Section 342L-36 Financial responsibility

Section 342L-37 Underground storage tank and tank system change in service and closure requirements

Section 342L-50 Definitions (except “owner” insofar as it defines lenders as operators and subjects such lenders to requirements other than the corrective action requirements)

(2) Hawaii Revised Statutes, Chapter 342D, Water Pollution.

Section 342D-1 Definitions

Section 342D-4 Duties; rules

Section 342D-7 Variances (Insofar as paragraph (a) of this appendix is applicable to the underground storage tank program)

Section 342D-38 Hazardous substance defined

Section 342D-50 Prohibition

Section 342D-51 Affirmative duty to report discharges

(3) Hawaii Revised Statutes, Chapter 342E, Nonpoint Source Pollution Management and Control.

Section 342E-1 Definitions

Section 342E-2 Nonpoint source pollution management and control program

(b) The regulatory provisions include:

(1) Hawaii Administrative Rules, Chapter 11-281, Underground Storage Tanks

Section 11-281-01 Applicability

Section 11-281-02 Prohibition for deferred underground storage tanks or tank systems

Section 11-281-03 Definitions (except “complaint” insofar as it sets forth enforcement authorities; “farm tank” insofar as it regulates tanks on farms that are not used for farm or commercial purposes; “field citation” and “force

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- majeure” insofar as they relate to the Department’s enforcement authorities; “regulated substance” insofar as the Department can designate other substances; “reportable quantity” insofar as it sets forth a reporting threshold of 10 lbs. for trichloropropane; and “underground storage tank” insofar as its designation of farm tanks exceeds the scope of the federal regulations)
- Section 11-281-11 Performance standards for underground storage tanks and tank systems
- Section 11-281-12 Tank requirements
- Section 11-281-13 Piping requirements
- Section 11-281-14 Spill and overfill prevention equipment
- Section 11-281-15 Installation
- Section 11-281-16 Certification of installation
- Section 11-281-17 Secondary containment
- Section 11-281-18 Upgrading of existing underground storage tanks and tank systems
- Section 11-281-21 Notification requirements for tanks brought into use before the effective date of these rules
- Section 11-281-22 Notification requirements for tanks brought into use on or after the effective date of these rules
- Section 11-281-24 Application for a permit (except insofar as paragraphs (a), (b), (c)(3), and (c)(4) of this section relate to the permitting program)
- Section 11-281-25 Permit (except insofar as paragraphs (a) and (b) of this section relate to the permitting program)
- Section 11-281-41 Spill and overfill control
- Section 11-281-42 Operation and maintenance of corrosion protection systems
- Section 11-281-43 Compatibility
- Section 11-281-44 Repairs
- Section 11-281-45 Reporting and record-keeping (except paragraph (b)(3) of this section insofar as it addresses posting of signs; and paragraph (c)(6) insofar as it requires maintenance of permit records)
- Section 11-281-51 General requirements for all underground storage tanks or tank systems
- Section 11-281-52 Methods of release detection for tanks
- Section 11-281-53 Methods of release detection for piping
- Section 11-281-54 Release detection recordkeeping
- Section 11-281-61 Reporting of suspected releases
- Section 11-281-62 Investigation of off-site impacts
- Section 11-281-63 Release investigation and confirmation steps
- Section 11-281-64 Reporting and cleanup of spills and overfills
- Section 11-281-71 General
- Section 11-281-72 Immediate response actions
- Section 11-281-74 Initial abatement measures and site assessment
- Section 11-281-75 Initial site characterization
- Section 11-281-76 Free product removal
- Section 11-281-77 Investigation of soil and ground water contamination
- Section 11-281-78 Site cleanup criteria
- Section 11-281-78.1 Notification of confirmed releases
- Section 11-281-79 Corrective action plan
- Section 11-281-80 Public participation for corrective action plans [except paragraph (j) insofar as it sets forth enforcement authorities]
- Section 11-281-80.1 Reporting and record-keeping
- Section 11-281-81 Temporary closure
- Section 11-281-82 Permanent closure and change-in-service
- Section 11-281-83 Site assessment
- Section 11-281-84 Previously closed underground storage tanks or tank systems
- Section 11-281-85 Closure records
- Section 11-281-91 Applicability
- Section 11-281-93 Definition of terms
- Section 11-281-94 Amount and scope of required financial responsibility
- Section 11-281-95 Allowable mechanisms and combinations of mechanisms
- Section 11-281-96 Financial test of self-insurance
- Section 11-281-97 Guarantee
- Section 11-281-98 Insurance and risk retention group
- Section 11-281-99 Surety bond
- Section 11-281-100 Letter of credit
- Section 11-281-101 Trust fund
- Section 11-281-102 Standby trust fund
- Section 11-281-103 Local government bond rating test
- Section 11-281-104 Local government financial test
- Section 11-281-106 Local government guarantee
- Section 11-281-107 Local government fund
- Section 11-281-108 Substitution of financial assurance mechanisms by owner or operator
- Section 11-281-109 Cancellation or non-renewal by a provider of financial assurance
- Section 11-281-110 Reporting by owner or operator
- Section 11-281-111 Recordkeeping
- Section 11-281-112 Drawing on financial assurance mechanisms
- Section 11-281-113 Release from financial responsibility
- Section 11-281-114 Bankruptcy or other incapacity of owner or operator or provider of financial assurance
- Section 11-281-115 Replenishment of guarantees, letters of credit, or surety bonds
- Section 11-281-131 Appendices I and III (Notification for Underground Storage

Tanks, June 1999 and Certification of Underground Storage Tank Installation, June 1999)

(2) Hawaii Administrative Rules, Chapter 11–264, Hazardous Waste Management: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Subpart J, Tank Systems.

Section 11–264–190 Applicability

Section 11–264–191 Assessment of existing tank system’s integrity

Section 11–264–192 Design and installation of new tank systems or components

Section 11–264–193 Containment and detection of releases

Section 11–264–194 General operating requirements

Section 11–264–195 Inspections

Section 11–264–196 Response to leaks or spills and disposition of leaking or unfit-for use tank systems

Section 11–264–197 Closure and post-closure care

Section 11–264–198 Special requirements for ignitable or reactive wastes

Section 11–264–199 Special requirements for incompatible wastes

Section 11–264–200 Air emission standards

Iowa

(a) The statutory provisions include Code of Iowa, 1993; Chapter 455B, Jurisdiction of Department:

Section 101—Definitions

Section 103—Director’s duties, except for 455B.103(4)

Section 105—Powers and duties of the commission, except for 105(5), 105(11)a(3) and 105(11)b

Section 471—Definitions

Section 472—Declaration of policy

Section 473—Report of existing and new tanks—fee

Section 473A—Petroleum underground storage tank registration amnesty program

Section 474—Duties of Commission—rules

Section 479—Storage tank management fee, except for the 2nd and 3rd sentences

(b) The regulatory provisions include Iowa Administrative Code, 1993, Rule 567, Environmental Protection Commission:

Chapter 131.1—Definitions

Chapter 131.2—Report of Hazardous Conditions

Chapter 133.1—Scope

Chapter 133.2—Definitions

Chapter 133.3—Documentation of contamination and source

Chapter 133.4—Response to contamination

Chapter 133.5—Report to commission

Chapter 135.1—Authority, purpose and applicability

Chapter 135.2—Definitions

Chapter 135.3—UST systems—design, construction, installation, and notification, except for 135.3(4)a, 3(4)b and 3(4)c

Chapter 135.4—General operating requirements

Chapter 135.5—Release detection

Chapter 135.6—Release reporting, investigation, and confirmation

Chapter 135.7—Release response and corrective action for UST systems containing petroleum or hazardous substances

Chapter 135.8—Site cleanup report

Chapter 135.9—Out-of-service UST systems and closure

Chapter 135.10—Laboratory analytical methods for petroleum contamination of soil and groundwater

Chapter 135.11—Evaluation of ability to pay

Chapter 136.1—Applicability

Chapter 136.2—Compliance dates

Chapter 136.3—Definition of terms

Chapter 136.4—Amount and scope of required financial responsibility

Chapter 136.5—Allowable mechanisms and combinations of mechanisms

Chapter 136.6—Financial test of self-insurance

Chapter 136.7—Guarantee

Chapter 136.8—Insurance and risk retention group coverage

Chapter 136.9—Surety bond

Chapter 136.10—Letter of credit

Chapter 136.11—Trust fund

Chapter 136.12—Standby trust fund

Chapter 136.13—Local government bond rating test

Chapter 136.14—Local government financial test

Chapter 136.15—Local government guarantee

Chapter 136.16—Local government fund

Chapter 136.17—Substitution of financial assurance mechanisms by owner or operator

Chapter 136.18—Cancellation or nonrenewal by a provider of financial assurance

Chapter 136.19—Reporting by owner or operator

Chapter 136.20—Record keeping

Chapter 136.21—Drawing on financial assurance mechanisms

Chapter 136.22—Release from the requirements

Chapter 136.23—Bankruptcy or other incapacity of owner or operator or provider of financial assurance

Chapter 136.24—Replenishment of guarantees, letters of credit, or surety bonds.

Kansas

(a) The statutory provisions include Kansas Statutes Annotated, 1992; Chapter 65, Public Health; Article 34, Kansas Storage Tank Act:

Section 100 Statement of legislative findings

Section 101 Citation of Act

Section 102 Definitions

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- Section 103 Exceptions to application of Act
- Section 104 Notification
- Section 105 Rules and regulations, except for 65-34, 105 (a)(2), (a)(8), (a)(11), (a)(12) and the following words in (a)(13), "and aboveground storage tanks in existence on July 1, 1992" and "and aboveground storage tanks placed in service prior to July 1, 1992"
- Section 106 Permits to construct, install, modify, or operate storage tank, except for the following words in 65-34, 106(a), "and any aboveground storage tank registered with the department on July 1, 1992"
- Section 107 Evidence of financial responsibility required; limitation of liability
- Section 115 Liability for costs of corrective action
- Section 118 Corrective action; duties of owners and operators; duties of Secretary; consent agreement; contents, except for the following words in 65-34, 118(b), "or from the aboveground fund if the release was from an aboveground petroleum storage tank." and "or from the aboveground fund, if the release was from an aboveground petroleum storage tank."
- (b) The regulatory provisions include Kansas Administrative Regulations, 1992; Chapter 28, Department of Health and Environment; Article 44, Petroleum Products Storage Tanks:
- Section 12 General provisions
- Section 13 Program scope and interim prohibition
- Section 14 Definitions
- Section 15 Application for installation or modification of an underground storage tank
- Section 16 Underground storage tank systems: design, construction, installation and notification
- Section 17 Underground storage tank operating permit
- Section 19 General operating requirements
- Section 23 Release detection, except for 28-44-23(b)(5)
- Section 24 Release reporting, investigation, and confirmation
- Section 25 Release response and corrective action for underground storage tank systems containing petroleum or hazardous substances
- Section 26 Out-of-service underground storage tank systems and closure
- Section 27 Financial responsibility
- Louisiana*
- (a) The statutory provisions include:
1. *Louisiana Environmental Quality Act, Louisiana Revised Statutes Title 30*
Section 2194 Underground Storage Tanks; Registration
 - Section 2195 Underground Storage Tank Trust Fund
 - Section 2195.1 Underground Motor Fuel Storage Tank Remediation Agreements
 - Section 2195.2 Uses of the Trust
 - Section 2195.3 Source of Funding; Limitations on Disbursements from the Trust; Limit on Amount in Trust
 - Section 2195.4 Procedures for Disbursements from the Fund Trust
 - Section 2195.5 Audits
 - Section 2195.6 Ownership of Trust
 - Section 2195.7 No Inference of Liability on the Part of the State
 - Section 2195.8 Advisory Board
 - Section 2195.9 Financial Responsibility
 - Section 2195.10 Voluntary Cleanup, Private Contracts; Exemptions
- (b) The regulatory provisions include:
1. *Louisiana Environmental Regulatory Code, Part XI: Underground Storage Tanks, Chapter 1—Program Applicability and Definitions*
Section 101 Applicability
Section 103 Definitions
 2. *Chapter 3—Registration Requirements, Standards, and Fee Schedule*
Section 301 Registration Requirements
Section 303 Standards for UST Systems
Section 305 Interim Prohibitions for Deferred UST Systems
Section 307 Fee Schedule
 3. *Chapter 5—General Operating Requirements*
Section 501 Spill and Overfill Control
Section 503 Operation and Maintenance of Corrosion Protection
Section 505 Compatibility
Section 507 Repairs Allowed
Section 509 Reporting and Recordkeeping
 4. *Chapter 7—Methods of Release Detection and Release Reporting, Investigation, Confirmation, and Response*
Section 701 Methods of Release Detection
Section 703 Requirements for Use of Release Detection Methods
Section 705 Release Detection Recordkeeping
Section 707 Reporting of Suspected Releases
Section 709 Investigation due to Off-site Impacts
Section 711 Release Investigation and Confirmation Steps
Section 713 Reporting and Cleanup of Spills and Overfills
Section 715 Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances
 5. *Chapter 9—Out-of-Service UST Systems and Closure*
Section 901 Applicability to Previously Closed UST Systems
Section 903 Temporary Closure
Section 905 Permanent Closure and Changes-in-Service
Section 907 Assessing the Site at Closure or Changes-in-Service
 6. *Chapter 11—Financial Responsibility*

Section 1101 Applicability
 Section 1103 Compliance Dates
 Section 1105 Definition of Terms
 Section 1107 Amount and Scope of Required Financial Responsibility
 Section 1109 Allowable Mechanisms and Combinations of Mechanisms
 Section 1111 Financial Test of Self-Insurance
 Section 1113 Guarantee
 Section 1115 Insurance and Risk Retention Group Coverage
 Section 1117 Surety Bond
 Section 1119 Letter of Credit
 Section 1121 Use of the Underground Motor Fuel Storage Tank Trust
 Section 1123 Trust Fund
 Section 1125 Standby Trust Fund
 Section 1127 Substitution of Financial Assurance Mechanisms by Owner or Operator
 Section 1129 Cancellation or Nonrenewal by a Provider of Financial Assurance
 Section 1131 Reporting by Owner or Operator
 Section 1133 Recordkeeping
 Section 1135 Drawing on Financial Assurance Mechanisms
 Section 1137 Release from the Requirements
 Section 1139 Bankruptcy or Other Incapacity of Owner or Operator or Provider of Financial Assurance
 Section 1141 Replenishment of Guarantees, Letters of Credit, or Surety Bonds

Maine

The following is an informational listing of the state requirements incorporated by reference in part 282 of the Code of Federal Regulations:

(a) The statutory provisions include: Maine Revised Statutes Annotated, 1990, Title 38, Subchapter 11-B Underground Oil Storage Facilities and Groundwater Protection.
 Section 561—Findings; Purpose
 Section 562-A—Definitions
 Section 563—Registration of underground oil storage tanks
 Section 563-A—Prohibition of nonconforming underground oil storage facilities and tanks
 Section 563-B—Regulatory powers of department
 Section 564—Regulation of underground oil storage facilities
 Section 566-A—Abandonment of underground oil storage facilities and tanks
 Section 567—Certification of underground tank installers
 Section 568—Cleanup and removal of prohibited discharges
 Section 568-A—Fund coverage requirements
 Section 568-B—Fund Insurance Review Board
 Section 569-A—Ground water Oil Clean-up Fund
 Section 570—Liability

(b) The regulatory provisions include State of Maine, Department of Environmental Protection, Regulation for Registration, Installation, Operation and Closure of Underground Storage Facilities Chapter 691, September 16, 1991:

Section 1. Legal Authority
 Section 2. Preamble
 Section 3. Definitions
 Section 4. Registration of Underground Oil Storage Tanks
 Section 5. Regulation of Motor Fuel, Marketing & Distribution Facilities
 A. Applicability
 B. Design and Installation Standards for New and Replacement Facilities
 C. Retrofitting Requirements for Existing Facilities
 D. Monitoring, Maintenance, & Operating Procedures for Existing, New & Replacement Facilities & Tanks
 E. Facility Closure and Abandonment
 Section 7. Regulation of Facilities for the Underground Storage of Waste Oil
 A. Applicability
 B. Design and Installation Standards
 C. Operation, Maintenance, Testing, Requirements for Existing, New and Replacement Facilities
 D. Closure & Abandonment of Waste Oil Facilities
 Section 8. Regulation of Field Constructed Underground Oil Storage Tanks
 Section 10. Regulation of Pressurized Airport Hydrant Piping Systems
 Section 11. Regulations for Closure of Underground Oil Storage Facilities
 A. Facility Closure Requirements
 B. Temporarily Out of Service Facilities and Tanks
 C. Abandonment by Removal
 D. Abandonment by Filling in Place
 E. Notification Requirements
 Section 12. Discharge and Leak Investigation, Response and Corrective Action Requirements
 Section 13. Severability
 Appendix A: Cathodic Protection Monitoring
 Appendix B: Hydrostatic Piping Line Tightness Tests
 Appendix C: Requirements for Pneumatic Testing
 Appendix D: Installation of Underground Tanks
 Appendix E: Installation for Underground Piping
 Appendix F: Specification for Ground Water Vertical Monitoring Wells
 Appendix H: Monitoring and Obtaining Samples for Laboratory Analysis
 Appendix J: Requirements for Abandonment by Removal
 Appendix K: Requirements for Abandonment in Place

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Massachusetts

(a) The statutory provisions include: General Laws of Massachusetts, Chapter 148, Section 38, 38A, B, C, and E:

Chapter 148

Section 38—Rules and Regulations

Section 38A—Prohibition of Removal of Certain Gasoline Tanks without Permit

Section 38B—Underground Storage Tanks; Definitions

Section 38C—Notification of Department of Public Health by Owners of Underground Storage Tanks

Section 38E—Regulations Governing Underground Storage Tanks

Massachusetts General Law, Chapter 21E, The Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, July 1, 1992.

Section 1—Title of Chapter

Section 2—Definitions

Section 3—Securing of benefits of FWPCA, CERCLA, etc. Massachusetts Contingency

Plan; promulgation of necessary regulations

Section 4—Response actions to release or threatened release of oil or hazardous material; assessment, containment, and removal actions in accordance with Massachusetts contingency plan

Section 5—Liability of release or threat of release of oil or hazardous material; apportionment of costs; treble damages; nullification of indemnification, hold harmless, or similar agreements

Section 6—Prevention of control of release of hazardous materials; regulations of department; contingency plans; monitoring equipment

Section 7—Notice of requirements; release or threat of release of oil or hazardous material; exceptions

(b) The regulatory provisions include: State of Massachusetts, Board of Fire Prevention Regulations, 527 CMR 9.00–9.02 and 9.05, 9.06(C)–(E), and 9.07(A)–(I) and (K)–(L) (effective July 3, 1993); and Massachusetts Environmental Protection Rules, 310 CMR 40.0000 Subparts A–O insofar as they pertain to underground storage tanks and are not broader in scope than the federal requirements, as set forth below:

(1) State of Massachusetts, Board of Fire Prevention Regulations, 527 CMR 9.00: Tanks and Containers, (effective July 3, 1993):

Section 9.01—Purpose and Scope

Section 9.02—Definitions

Section 9.05—Underground Storage Tanks

Section 9.05(A)(1)–(3) and (5)–(8)—Design and Construction of New or Replacement Underground Tanks

Section 9.05(B)—Underground Piping

Section 9.05(C)—Underground Tank Installation

Section 9.05(D)—Leak Detection Equipment, Testing and/or Inventory Requirements for Underground Tanks

Section 9.05(E)—Inventory Methods for Underground Tanks

Section 9.05(F)—Testing for Tightness of Underground Storage Facilities

Section 9.05(G)—Upgrading of Existing Underground Storage Tank Systems

Section 9.06(C)—Upgrade of Existing Underground Waste Oil Storage Tank Systems

Section 9.06(D)—Product Transfer

Section 9.06(E)—Non-Flammable Hazardous Substances

Section 9.07—General Provisions

Section 9.07(A)—Material and Construction of All Tanks and Containers

Section 9.07(B)—Fill and Vent Pipes for All Tanks and Containers

Section 9.07(C)—Piping for All Tanks

Section 9.07(D)—Pumping System

Section 9.07(E)—Pressure Vessels

Section 9.07(F)—Response to Leaks

Section 9.07(G)—Tank Repair and Relining

Section 9.07(H)—Tanks Abandoned and Temporarily Out of Service

Section 9.07(I)—Tank Removal

Section 9.07(K)—Permits

Section 9.07(L)—Financial Responsibility Requirements

(2) Massachusetts Environmental Protection Rules, 310 CMR, Section 40.000, Massachusetts Contingency Plan, (effective October 1, 1993) only insofar as they pertain to the regulation of underground storage tanks in Massachusetts and only insofar as they are incorporated by reference and are not broader in scope than the federal requirements. Note that reserved sections of 310 CMR 40.0000 *et seq.* are not incorporated by reference:

Subpart A—General Provisions

Subpart B—Organization and Responsibility

Subpart C—Notification of Releases and Threats of Release of Oil and Hazardous Material; Identification and Listing of Oil and Hazardous Materials

Subpart D—Preliminary Response Action and Risk Reduction Measures

Subpart E—Tier Classification and Response Action Deadlines

Subpart F—Transition Provisions

Subpart G—Tier I Permits

Subpart H—Comprehensive Response Action

Subpart I—Risk Characterization

Subpart J—Response Action Outcomes

Subpart K—Audits and Compliance Assistance

Subpart L—Cost Recovery, Lien Hearings and Petitions for Reimbursement of Incurred Costs

Subpart M—Administrative Record

Subpart N—Public Involvement and Technical Grants

Subpart O—Numerical Ranking System and Scoring Instructions

Minnesota

- (a) The statutory provisions include:
- (1) *Minnesota Statutes, Chapter 13, Government Data Practices*
- M. S. 13.01 Government Data
- M. S. 13.02 Collection, security, and dissemination of records; definitions
- M. S. 13.03 Access to government data
- M. S. 13.04 Rights of subjects of data
- M. S. 13.05 Duties of responsible authority
- M. S. 13.06 Temporary classification
- M. S. 13.07 Duties of the commissioner
- M. S. 13.3806 Public health data coded elsewhere; subd. 1–3, 6, 10, 20: Scope; Certain epidemiologic studies; Public health studies; Health records; Health threat procedures; Hazardous substance exposure
- M. S. 13.741 Pollution control; environmental quality data
- M. S. 13.7411 Pollution control and environmental quality data coded elsewhere; subd. 1–3, 5–7: Scope; Environmental audits, performance schedules; Office of environmental assistance; Environmental response and liability; Petroleum tank release; Toxic pollution prevention plans
- (2) *Minnesota Statutes, Chapter 115, Water Pollution Control; Sanitary Districts*
- M. S. 115.01 Definitions
- M. S. 115.061 Duty to notify and avoid water pollution
- (3) *Minnesota Statutes, Chapter 115B, Environmental Response and Liability*
- M. S. 115B.17 State Response to Releases; subd. 1–3, 12–14: Removal and remedial action; Other actions; Cleanup standards; Public notice of proposed response actions; Duty to provide information; Authorization of certain response actions; Priorities; rules; Requests for review, investigation, and oversight
- (4) *Minnesota Statutes, Chapter 115C, Petroleum Tank Release Cleanup*
- M. S. 115C.01 Citation
- M. S. 115C.02 Definitions
- M. S. 115C.021 Responsible person
- M. S. 115C.03 Response to releases [except subd. 10 insofar as it applies to contractors and consultants, who are not regulated under the federal program.]
- M. S. 115C.06 Effect on other law
- M. S. 115C.07 Petroleum tank release compensation board
- M. S. 115C.08 Petroleum tank fund [except subd. 3, which imposes a petroleum tank release cleanup fee on petroleum distributors]
- M. S. 115C.09 Reimbursement [except subd. 5(b) and 6, which set forth enforcement authorities]
- M. S. 115C.092 Tank Removals; Payment for pre-removal site assessment
- (5) *Minnesota Statutes, Chapter 115E, Oil and Hazardous Substance Discharge Preparedness*
- M. S. 115E.01 Definitions
- M. S. 115E.02 Duty to prevent discharges
- (6) *Minnesota Statutes, Chapter 116, Pollution Control Agency*
- M. S. 116.06 Definitions
- M. S. 116.46 Definitions [except subd. 8, insofar as it includes vessels, enclosures, or structures—which are exempt from the federal program—in the definition of UST.]
- M. S. 116.47 Exemptions [except insofar as paragraph (2) does not exclude from regulation tanks of 1,100 gallon capacity or more used to store heating oil for consumptive purposes]
- M. S. 116.48 Notification requirements [except subd. 1(b), insofar as it requires owners of aboveground storage tanks (ASTs) to notify the agency of the tank's status; subd. 2 and 6, insofar as they impose requirements on owners of ASTs; subd. 3, insofar as it imposes notification requirements on owners of ASTs removing a tank from service or changing the tank's service; subd. 4, insofar as it places notification requirements on persons transferring the title to regulated substances to be placed directly into an UST; and subd. 5, insofar as it imposes notification requirements on sellers of ASTs.]
- M. S. 116.49 Environmental protection requirements
- (7) *Minnesota Statutes, Chapter 299F, Fire Marshal*
- M. S. 299F.011 Uniform Fire Code; adoption; subd. 1, 3, 4: Authority; Rules for code administration and enforcement; Applicability; local authority
- M. S. 299F.19 Flammable liquids and explosives; subd. 1: Rules
- (b) The regulatory provisions include:
- (1) *Minnesota Rules, Chapter 2890, Petroleum Tank Releases*
- 2890.0010 Definitions
- 2890.0060 Reimbursement of Costs
- 2890.0065 Reduction of Reimbursement Amount
- 2890.0070 Eligible Costs
- 2890.0071 Ineligible Costs
- 2890.0072 Overview of Rules Governing Reasonableness of Costs for Consultant Services
- 2890.0073 Definitions Related to Consultant Services
- 2890.0074 Written Proposal and Invoice Required for Consultant Services
- 2890.0075 Reasonableness of Work Performed; Standard Tasks for Each Step of Consultant Services
- 2890.0076 Maximum Costs for Consultant Services
- 2890.0077 Competitive Bidding Requirements for Consultant Services Proposals
- 2890.0078 Deviations from Standard Tasks and Maximum Costs for Consultant Services
- 2890.0079 Reasonable, Necessary, and Actual Consultant Services Costs

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2890.0080 Overview of Rules Governing Reasonableness of Costs for Contractor Services

2890.0081 Definitions Related to Contractor Services

2890.0082 Maximum Costs for Contractor Services

2890.0083 Competitive Bidding Requirements for Contractor Services

2890.0084 Deviations from Maximum Costs for Contractor Services

2890.0085 Reasonable, Necessary, and Actual Costs

2890.0086 Invoice

2890.0089 Exemptions from Competitive Bidding

2890.0090 Application Process

2890.0120 Funding of MPCA Actions

(2) *Minnesota Rules, Chapter 7045—Minnesota Pollution Control Agency, Hazardous Waste Division, Hazardous Waste*

7045.0275 Management of Hazardous Waste Spills

(3) *Minnesota Rules, Chapter 7060—Minnesota Pollution Control Agency, Water Quality Division, Underground Waters*

7060.0300 Definitions

7060.0500 Nondegradation Policy

7060.0600 Standards; subp. 2, 3, 4: Prohibition against discharge into unsaturated zone; Control measures; Toxic pollutants

7060.0800 Determination of Compliance

(4) *Minnesota Rules, Chapter 7105—Minnesota Pollution Control Agency, Water Quality Division, Underground Storage Tanks: Training*

7105.0010 Definitions [except subp. 25, insofar as it includes vessels, enclosures, and structures—which are exempt from the federal program—in the definition of UST.]

7105.0020 Purpose

7105.0030 General Provisions; subp. 3: Tank owner or operator requirements

7105.0040 Exclusions [except insofar as it does not exclude from regulation heating oil storage tanks with a storage capacity of greater than 1,100 gallons.]

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

7150.0010 Applicability [except subp. 2, insofar as it does not exclude from regulation liquid traps or associated gathering lines directly related to oil or gas production or gas production and gathering operations; subp. 2(H), insofar as it does not exclude from regulation tanks of 1,100 gallons or more used exclusively for storing heating oil for consumptive use; and subp. 5, insofar as it does not exclude owners and operators of heating oil storage tanks with a storage capacity of greater than 1,100 gallons from notification requirements.]

7150.0020 Interim Standards for Deferred Underground Storage Tank Systems

7150.0030 Definitions [except subp. 51, insofar as it includes vessels, enclosures, and structures—which are exempt from the fed-

eral program—in the definition of underground storage tanks]

7150.0100 Performance Standards for New Underground Storage Tank Systems

7150.0110 Upgrading of Existing Underground Storage Tank Systems

7150.0120 Notification Requirements

7150.0200 Spill and Overfill Control

7150.0210 Operation and Maintenance of Corrosion Protection

7150.0220 Compatibility

7150.0230 Repairs Allowed

7150.0240 Reporting and Recordkeeping

7150.0300 General Requirements for All Underground Storage Tank Systems [except subp. 3, insofar as it imposes release detection schedule requirements on hazardous material tanks not regulated under the federal program]

7150.0310 Requirements for Petroleum Underground Storage Tank Systems

7150.0320 Requirements for Hazardous Material Underground Storage Tank Systems

7150.0330 Methods of Release Detection for Tanks

7150.0340 Methods of Release Detection for Piping

7150.0350 Release Detection Recordkeeping

7150.0400 Temporary Closure

7150.0410 Permanent Closure and Changes-in-Service to Storage of Nonregulated Substances

7150.0420 Assessing the Site at Closure or Change in Service

7150.0430 Applicability to Previously Closed Underground Storage Tank Systems

7150.0440 Closure Records

(6) *Minnesota Rules, Chapter 7510—Department of Public Safety, Fire Marshal Division, Fire Safety*

7510.3670 Liquefied Petroleum Gases; Section 8203: Installation of containers [except insofar as it regulates ASTs]

Mississippi

(a) The statutory provisions include:

1. Mississippi Code of 1972, Title 49, Sections 49-17-401 through 49-17-435, Underground Storage Tank Act of 1988, as amended.
 - 49-17-401 Short title
 - 49-17-403 Definitions
 - 49-17-405 Groundwater protection fund; duties of executive director; liability of tank owners; limitation on provisions of chapter and section
 - 49-17-407 Environmental protection fee on motor fuels; deposit of fees; limits on use of fund; third party claims
 - 49-17-409 Reports of contamination incidents; no recourse against tank owner; exceptions
 - 49-17-411 Compliance with regulations
 - 49-17-413 Rules and Regulations
 - 49-17-417 Groundwater protection advisory committee
 - 49-17-419 Authority of commission to take timely and effective corrective action;

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- use of funds from pollution emergency fund
- 49-17-421 Tank regulatory fee
- 49-17-423 Commission to administer funds from Leaking Underground Storage Tank Trust Fund
- 49-17-425 Disclosure of records, reports, and information
- 49-17-433 Savings clause
- 49-17-435 Annual report on status of underground storage tank program
- (b) The regulatory provisions include:
 1. Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks.
 - Subpart A—Program Scope and Interim Prohibition
 - 280.10 Applicability
 - 280.11 Interim Prohibition for deferred UST systems
 - 280.12 Definitions
 - Subpart B—UST Systems: Design, Construction, Installation, and Notification
 - 280.20 Performance standards for new UST systems
 - 280.21 Upgrading of existing UST systems
 - 280.22 Notification requirements
 - Subpart C—General Operating Requirements
 - 280.30 Spill and overfill control
 - 280.31 Operation and maintenance of corrosion protection
 - 280.32 Compatibility
 - 280.33 Repairs allowed
 - 280.34 Reporting and recordkeeping
 - Subpart D—Release Detection
 - 280.40 General requirements for all UST systems
 - 280.41 Requirements for petroleum UST systems
 - 280.42 Requirements for hazardous substance UST systems
 - 280.43 Methods of release detection for tanks
 - 280.43 Methods of release detection for piping
 - 280.44 Release detection recordkeeping
 - Subpart E—Release Reporting, Investigation, and Confirmation
 - 280.50 Reporting of suspected releases
 - 280.51 Investigation due to off-site impacts
 - 280.52 Release investigation and confirmation steps
 - 280.53 Reporting and cleanup of spills and overfills
 - Subpart F—Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances
 - 280.60 General
 - 280.61 Initial response
 - 280.62 Initial abatement measures and site check
 - 280.63 Initial site characterization
 - 280.64 Free product removal
 - 280.65 Investigations for soil and groundwater cleanup
 - 280.66 Corrective action plan
 - 280.67 Public participation
 - Subpart G—Out-of-Service UST Systems and Closure
 - 280.70 Temporary closure
 - 280.71 Permanent closure and changes-in-service
 - 280.72 Assessing the site at closure or change-in-service
 - 280.73 Applicability to previously closed UST systems
 - 280.74 Closure records
 2. Financial Responsibility Requirements for Underground Storage Tanks Containing Petroleum.
 - 280.90 Applicability
 - 280.91 Compliance dates
 - 280.92 Definition of terms
 - 280.93 Amount and scope of required financial responsibility
 - 280.94 Allowable mechanisms and combinations of mechanisms
 - 280.95 Financial test of self-insurance
 - 280.96 Guarantee
 - 280.97 Insurance and risk retention group coverage
 - 280.98 Surety bond
 - 280.99 Letter of credit
 - 280.100 Use of state-required mechanism
 - 280.101 State fund or other state assurance
 - 280.102 Trust fund
 - 280.103 Standby trust fund
 - 280.104 Substitution of financial assurance mechanisms by owner or operator
 - 280.105 Cancellation or nonrenewal by a provider of financial assurance
 - 280.106 Reporting by owner or operator
 - 280.107 Recordkeeping
 - 280.108 Drawing on financial assurance mechanisms
 - 280.109 Release from the requirements
 - 280.110 Bankruptcy or other incapacity of owner or operator or provider of financial assurance
 - 280.111 Replenishment of guarantees, letters of credit, or surety bonds
 3. Mississippi Groundwater Protection Trust Fund Regulations.
 - Section I General Intent
 - Section II Legal Authority
 - Section III Definitions
 - Section XIV Eligibility for Reimbursement from the Mississippi Groundwater Protection Trust Fund
 - Section XV Reimbursable Costs
 - Section XVI Funds Disbursement
 - Section XVII Third Party Claims
 - Section XVIII Denial of Claims
 - Section XIX Tank Regulatory Fees
 - Section XXI Property Rights
 - Nevada*
 - (a) The statutory provisions include:
 - (1) Nevada Revised Statute Chapter 459, Underground Storage Tank Program (1992), Nevada Revised Statute 590, Petroleum Fund (1991).

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(2) Nevada Revised Statute Chapter 459, Underground Storage Tank Program (1992):
Section 459.810 "Operator" defined.
Section 459.814 "Person" defined.
Section 459.816 "Regulated Substance" defined.
Section 459.818 "Release" defined.
Section 459.820 "Storage Tanks" defined.
Section 459.822 Department designated as state agency for regulation of storage tanks.
Section 459.828 Owner or operator of storage tank to provide department with certain information.
Section 459.838 Fund for the management of storage tanks: Creation: Sources: Claims.
Section 459.840 Fund for the management of storage tanks: Use; reimbursement; recovery by attorney general.
(3) Nevada Revised Statute 590, Petroleum Fund (1991):
Section 590.700 Definitions.
Section 590.710 "Board" defined.
Section 590.720 "Department" defined.
Section 590.725 "Diesel fuel of grade number 1" defined.
Section 590.726 "Diesel fuel of grade number 2" defined.
Section 590.730 "Discharge" defined.
Section 590.740 "Division" defined.
Section 590.750 "Fund" defined.
Section 590.760 "Heating oil" defined.
Section 590.765 "Motor vehicle fuel" defined.
Section 590.770 "Operator" defined.
Section 590.780 "Person" defined.
Section 590.790 "Petroleum" defined.
Section 590.800 "Storage tank" defined.
Section 590.810 Legislative findings.
Section 590.820 Board to review claims: Creation; members; chairman; administrative Assistance; compensation of members.
Section 590.830 Fund for cleaning up discharges of petroleum: Creation; administration by division; claims; interest.
Section 590.840 Collection of fee for certain fuels and heating coil; exempt products; payment of expenses of department.
Section 590.850 Registration of storage tanks: Collection of annual fee; exempt tanks; liability for noncompliance.
Section 590.860 Balance in fund to determine collection of fees by department.
Section 590.870 Report of discharge from tank required; division to clean up discharge; expectation; test of tank required for coverage.
Section 590.880 Allocation of costs resulting from discharge from certain storage tanks for heating oil.
Section 590.890 Allocation of costs resulting from discharge from other storage tanks.
Section 590.900 Liability for costs to clean up discharge caused by willful or wanton

misconduct, gross negligence or violation of statute or regulation.
Section 590.910 Pro rata reduction required, if balance in fund insufficient for full payment.
Section 590.920 Tanks exempted from provisions of Sections 590.850 to 590.910 inclusive; optional coverage of exempted tank.
(4) Nevada Civil Procedure, Rule 24 (1971):
Nevada Civil Procedure, Rule 24 .
(b) The regulatory provisions includes:
(1) Nevada Administrative Code 459, UST Program (1990):
Section 459.9929 "Storage Tank" defined.
Section 459.993 Compliance with federal regulations.
Section 459.995 Financial responsibility of owners and operators.
Section 459.996 Releases: Reporting.
(2) Nevada Administrative Code 590, Petroleum Fund (1991):
Section 590.720 Adoption by reference of provisions of Code of Federal Regulations.
(3) Nevada Administrative Code, Reportable Quantities (1989):
Section 445.240 Notice required.

New Hampshire

(a) The statutory provisions include New Hampshire Revised Statutes Annotated 1955, 1990 Replacement Edition, and 1992 Cumulative Supplement, Chapter 146-C, Underground Storage Facilities:
Section 146-C:1 Definitions, except for the following words in 146-C:1. XII, "heating or."
Section 146-C:2 Discharges Prohibited.
Section 146-C:3 Registration of Underground Storage Facilities.
Section 146-C:4 Underground Storage Facility Permit Required.
Section 146-C:5 Records Required; Inspections.
Section 146-C:6 Transfer of Ownership.
Section 146-C:6-a Exemption.
Section 146-C:7 New Facilities.
Section 146-C:8 Prohibition Against Reusing Tanks.
Section 146-C:9 Rulemaking.
Section 146-C:11 Liability for Cleanup Costs; Municipal Regulations.
Section 146-C:12 Federal Assistance and Private Funds.
(b) The regulatory provisions include:
(1) New Hampshire Code of Administrative Rules (November 1990) Part Env-Ws 411, Control of Underground Storage Facilities:
Section 411.01 Purpose, except for the following words, "heating oils."
Section 411.02 Applicability, except for 411.02(d).
Section 411.03 Definitions.
Section 411.04 Registration.
Section 411.05 Change in Use.

Section 411.06 Information Required for Registration.

Section 411.07 Permit to Operate.

Section 411.08 Transfer of Facility Ownership.

Section 411.10 Financial Responsibility.

Section 411.11 Inventory Monitoring.

Section 411.12 Regulated Substance Transfers.

Section 411.13 Tightness Testing.

Section 411.14 Certification of Technicians Performing Tightness Tests.

Section 411.15 Tightness Test Failures.

Section 411.16 Unusual Operating Conditions.

Section 411.17 Temporary Closure.

Section 411.18 Permanent Closure.

Section 411.19 Prohibition Against Reusing Tanks.

Section 411.20 Requirements for Approval of Underground Storage Systems.

Section 411.21 Tank Standards for New Underground Storage Systems.

Section 411.22 Piping Standards for New Underground Storage Systems.

Section 411.23 Secondary Containment for New Tanks.

Section 411.24 Secondary Containment for New Pressurized Piping.

Section 411.25 Spill Containment and Overfill Protection.

Section 411.26 Leak Monitoring for New Tanks.

Section 411.27 Leak Monitoring for New Underground Piping Systems.

Section 411.28 Installation of New Underground Storage Systems.

Section 411.29 Release Detection for Tanks Without Secondary Containment and Leak Monitoring, except for the following words in 411.29(a), "With the exception of on premise use heating oil systems."

Section 411.30 Release Detection for Piping.

Section 411.31 Operation of Leak Monitoring Equipment.

Section 411.32 Corrosion Protection for Steel Tanks.

Section 411.33 Corrosion Protection for Piping.

Section 411.34 Submission of Corrosion Protection Plan.

Section 411.35 Relining Steel Tanks.

Section 411.36 Repair of Fiberglass-Reinforced Plastic Tanks.

Section 411.37 Repair and Replacement of Piping Systems.

Section 411.38 Field Fabricated Tanks.

Section 411.39 Secondary Containment for Hazardous Substance Systems.

Section 411.40 Waivers.

(2) New Hampshire Code of Administrative Rules (November 1990) Part Env-Ws 412, Reporting and Remediation of Oil Discharges:

Section 412.01 Purpose.

Section 412.02 Applicability.

Section 412.03 Definitions.

Section 412.04 Notification.

Section 412.05 Initial Response Action.

Section 412.06 Abatement Measures.

Section 412.07 Free Product Removal.

Section 412.08 Initial Site Characterization.

Section 412.09 Investigation Due to Discovery of Discharges from Unknown Sources.

Section 412.10 Site Investigation.

Section 412.11 Site Investigation Report.

Section 412.12 Remedial Action Plan.

Section 412.13 Public Notification.

Section 412.14 Waivers.

New Mexico

- (a) The statutory provisions include:
1. New Mexico Statutes 1978 Annotated, Chapter 74, Environmental Improvement (1993 Replacement Pamphlet and 1994 Supplement)
 - a. Article 4: Hazardous Wastes
 - 74-4-1 Short Title
 - 74-4-2 Purpose
 - 74-4-3 Definitions
 - 74-4-3.1 Application of Act
 - 74-4-3.3 Hazardous Wastes of Other States
 - 74-4-4 Duties and Powers of the Board
 - 74-4-4.1 Hazardous Agricultural Waste; Duties and Responsibilities of the Department of Agriculture
 - 74-4-4.4 Underground Storage Tanks; Registration; Installer Certification; Fees [Except insofar as it applies to individuals other than UST owners and operators.]
 - 74-4-4.5 Hazardous Waste Fund Created; Appropriation
 - 74-4-4.7 Permit Applicant Disclosure
 - 74-4-4.8 Underground Storage Tank Fund Created; Appropriation
 - 74-4-5 Adoption of Regulations; Notice and Hearing
 - 74-4-7 Containment and Cleanup of Hazardous Substance Incidents; Division Powers
 - 74-4-8 Emergency Fund
 - 74-4-9 Existing Hazardous Waste Facilities; Interim Status
 - 74-4-10.1 Hazardous Waste Monitoring; Analysis and Testing
 - b. Article 6: Water Quality
 - 74-6-1 Short Title
 - 74-6-2 Definitions
 - 74-6-3 Water Quality Control Commission Created
 - 74-6-3.1 Legal Advice
 - 74-6-4 Duties and Powers of Commission
 - 74-6-5 Permits; Certification; Appeals to Commission
 - 74-6-5.1 Disclosure Statements
 - 74-6-5.2 Water Quality Management Fund Created
 - 74-6-6 Adoption of Regulations and Standards; Notice and Hearing
 - 74-6-8 Duties of Constituent Agencies

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- 74-6-9 Powers of Constituent Agencies
- 74-6-12 Limitations
- 74-6-13 Construction
- 74-6-14 Recompiled
- 74-6-15 Confidential Information; Penalties
- 74-6-16 Effect and Enforcement of Water Quality Act During Transition
- 74-6-17 Termination of Agency Life; Delayed Repeal
- c. Article 6B: Ground Water Protection
 - 74-6B-1 Short Title
 - 74-6B-2 Findings; Purpose of Act
 - 74-6B-3 Definitions
 - 74-6B-4 Underground Storage Tank Committee; Creation; Terms; Powers and Duties
 - 74-6B-6 Civil Liability for Damage to Property from Leaking Underground Storage Tank
 - 74-6B-7 Corrective Action Fund Created; Authorization for Expenditures
 - 74-6B-8 Liability; Cost Recovery
 - 74-6B-9 Underground Storage Tank Fee; Deposit in Underground Storage Tank Fund
 - 74-6B-10 Act Does not Create Insurance Company or Fund
 - 74-6B-12 Early Response Team Created
 - 74-6B-13 Payment Program
 - 74-6B-14 State Liability; Insufficient Balance in the Fund
- (b) The regulatory provisions include:
 - 1. State of New Mexico Environmental Improvement Board Underground Storage Tank Regulations
 - a. Part I: General Provisions
 - Section 100 Purpose
 - Section 101 Legal Authority
 - Section 102 Definitions
 - Section 103 Applicability
 - b. Part II: Registration of Tanks
 - Section 200 Existing Tanks
 - Section 201 Transfer of Ownership
 - Section 202 New UST System
 - Section 203 Substantially Modified UST Systems
 - Section 204 Notification of Spill or Release
 - Section 205 Emergency Repairs and Tank Replacement
 - Section 206 Application Forms
 - Section 207 Registration Certificate
 - c. Part III: Annual Fee
 - Section 300 Payment of Fee
 - Section 301 Amount of Fee
 - Section 302 Late Payment Penalties
 - d. Part IV: New and Upgraded UST Systems: Design, Construction, and Installation
 - Section 400 Performance Standards for New UST Systems
 - Section 401 Upgrading of Existing UST Systems
 - Section 402 Certificate of Compliance; Notification Requirements
 - e. Part V: General Operating Requirements
 - Section 500 Spill and Overfill Control
 - Section 501 Operation and Maintenance of Corrosion Protection
 - Section 502 Compatibility
 - Section 503 Repairs Allowed
 - Section 504 Reporting and Recordkeeping
 - Section 505 Inspections, Monitoring and Testing
 - f. Part VI: Release Detection
 - Section 600 General Requirements for All UST Systems
 - Section 601 Requirements for Petroleum UST Systems
 - Section 602 Requirements for Hazardous Substance UST Systems
 - Section 603 Methods of Release Detection for Tanks
 - Section 604 Methods of Release Detection for Piping
 - Section 605 Release Detection Recordkeeping
 - g. Part VII: Release Reporting, Investigation, and Confirmation
 - Section 700 Reporting of Suspected Releases
 - Section 701 Investigation Due to Off-Site Impacts
 - Section 702 Release Investigation and Confirmation Steps
 - Section 703 Reporting and Cleanup of Spills and Overfills
 - h. Part VIII: Out-of-Service Systems and Closure
 - Section 800 Temporary Closure
 - Section 801 Permanent Closure and Changes-in-Service
 - Section 802 Assessing the Site at Closure or Change-in-Service
 - Section 803 Applicability to Previously Closed UST Systems
 - Section 804 Closure Records
 - i. Part IX: Financial Responsibility
 - Section 900 Applicability
 - Section 901 Compliance Dates
 - Section 902 Definition of Terms
 - Section 903 Amount and Scope of Required Financial Responsibility
 - Section 904 Allowable Mechanisms and Combinations of Mechanisms
 - Section 905 Financial Test of Self-Insurance
 - Section 906 Guarantee
 - Section 907 Insurance and Risk Retention Group Coverage
 - Section 908 Surety Bond
 - Section 909 Letter of Credit
 - Section 910 Use of State-Required Mechanism
 - Section 911 State Fund or Other State Assurance
 - Section 912 Trust Fund
 - Section 913 Standby Trust Fund
 - Section 914 Substitution of Financial Assurance Mechanisms by Owner or Operator
 - Section 915 Cancellation or Nonrenewal by a Provider of Financial Assurance

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- Section 916 Reporting by Owner or Operator
 - Section 917 Recordkeeping
 - Section 918 Drawing on Financial Assurance Mechanisms
 - Section 919 Release from the Requirements
 - Section 920 Bankruptcy or Other Incapacity of Owner or Operator or Provider of Financial Assurance
 - Section 921 Replenishment of Guarantees, Letters of Credit, or Surety Bonds
 - Section 922 Suspension of Enforcement [Reserved]
 - j. Part XI: Miscellaneous
 - Section 1100 Compliance with Other Regulations
 - Section 1101 Construction
 - Section 1102 Severability
 - k. Part XII: Corrective Action for UST Systems Containing Petroleum
 - Section 1200 General
 - Section 1201 Definitions
 - Section 1202 Initial Response
 - Section 1203 Initial Abatement
 - Section 1204 72 Hour and 7 Day Reporting Requirements
 - Section 1205 On-Site Investigation
 - Section 1206 Report on the On-Site Investigation
 - Section 1207 Split Samples and Sampling Procedures
 - Section 1208 Free Product Removal
 - Section 1209 Treatment of Highly Contaminated Soils
 - Section 1210 Hydrogeologic Investigation
 - Section 1211 Review and Approval of Hydrogeologic Investigation
 - Section 1212 Reclamation Proposal
 - Section 1213 Public Notice of Reclamation Proposal
 - Section 1214 Review and Approval of Reclamation Proposal
 - Section 1215 Implementation of Reclamation Proposal
 - Section 1216 Quarterly Reports
 - Section 1217 Evaluation of Corrective Action System
 - Section 1218 Modification of Reclamation Proposal
 - Section 1219 Termination of Reclamation
 - Section 1220 Technical Infeasibility for Completion of Reclamation
 - Section 1221 Request for Extension of Time
 - Section 1222 Request for Variance
 - l. Part XIII: Corrective Action for UST Systems Containing Other Regulated Substances
 - Section 1300 General
 - Section 1301 Definitions
 - Section 1302 Initial Response
 - Section 1303 Initial Abatement
 - Section 1304 72 Hour and 7 Day Reporting Requirements
 - Section 1305 On-Site Investigation
 - Section 1306 Report on the On-Site Investigation
 - Section 1307 Split Samples and Sampling Procedures
 - Section 1308 Hydrogeologic Investigation
 - Section 1309 Review and Approval of Hydrogeologic Investigation
 - Section 1310 Reclamation Proposal
 - Section 1311 Public Notice of Reclamation Proposal
 - Section 1312 Review and Approval of Reclamation Proposal
 - Section 1313 Implementation of Reclamation Proposal
 - Section 1314 Quarterly Reports
 - Section 1315 Evaluation of Corrective Action System
 - Section 1316 Modification of Reclamation Proposal
 - Section 1317 Termination of Reclamation
 - Section 1318 Additional Water Quality Standards
 - Section 1319 Request for Extension of Time
 - Section 1320 Request for Variance
 - m. Part XV: Ground Water Protection Act Regulations
 - Section 1500 Purpose
 - Section 1501 Legal Authority
 - Section 1502 Definitions
 - Section 1503 Construction
 - Section 1504 Permissible Fund Expenditures
 - Section 1505 Priorities for Fund Expenditures
 - Section 1506 Site-Specific Allocation of Fund Monies
 - Section 1507 Reserved and Dedicated Fund Monies
 - Section 1508 Minimum Site Assessment
2. Corrective Action Fund Payment and Reimbursement Regulations
- a. Part I: General Provisions
 - Section 101 Authority
 - Section 102 Purpose
 - Section 103 Applicability
 - Section 104 Definitions
 - b. Part II: Compliance Determinations
 - Section 201 General
 - Section 202 Determination of Compliance under Section 74-6B-8
 - Section 203 Compliance Determination Following Written Submission
 - c. Part III: Eligible and Ineligible Costs
 - Section 301 Minimum Site Assessment
 - Section 302 Corrective Action
 - d. Part IV: Application, Payment, and Reimbursement
 - Section 401 Application, Payment, and Reimbursement Process
 - e. Part V: Administrative Review
 - Section 501 Review by the Director on Written Submittal
 - Section 502 Request for Hearing on Determinations of Compliance and Cost Eligibility

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- Section 503 Notice of Docketing and Hearing Officer Assignment; Motions; Pre-hearing Procedures and Discovery; Hearing and Post-Hearing Procedures
- f. Part VI: Miscellaneous Provisions
- Section 601 Liberal Construction
- Section 602 Severability
- Section 603 Compliance

North Carolina

(a) The statutory provisions include:

General Statutes of North Carolina, Chapter 143—State Departments, Institutions, and Commissions; Article 21A, Oil Pollution and Hazardous Substances Control

- §143-215.75 Title
- §143-215.76 Purpose
- §143-215.77 Definitions
- §143-215.77A Designation of hazardous substances and determination of quantities which may be harmful
- §143-215.78 Oil pollution control program
- §143-215.80 Confidential information
- §143-215.81 Authority supplemental
- §143-215.82 Local ordinances
- §143-215.83 Discharges (Except insofar as (c) addresses permit requirements.)
- §143-215.84 Removal of prohibited discharges
- §143-215.85 Required notice
- §143-215.86 Other State agencies and State-designated local agencies
- §143-215.87 Oil or Other Hazardous Substances Pollution Protection Fund
- §143-215.88 Payment to State agencies or State-designated local agencies
- §143-215.89 Multiple liability for necessary expenses
- §143-215.90 Liability for damage to public resources
- §143-215.93 Liability for damage caused
- §143-215.93A Limitation on liability of persons engaged in removal of oil discharges
- §143-215.94A Definitions (Except insofar as .94A(2) subjects certain heating oil tanks and the piping connected to otherwise excluded tanks to the regulatory requirements.)
- §143-215.94B Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund
- §143-215.94D Noncommercial Leaking Petroleum Underground Storage Tank Cleanup Fund
- §143-215.94E Rights and obligations of the owner and operator
- §143-215.94G Authority of the Department to engage in cleanups; actions for fund reimbursement (Except insofar as (e) outlines enforcement authorities.)
- §143-215.94H Financial responsibility
- §143-215.94I Insurance pools authorized; requirements
- §143-215.94J Limitation of liability of the State of North Carolina

- §143-215.94L Adoption of rules; administrative procedure; short title; miscellaneous provisions
- §143-215.94M Reports
- §143-215.94N Applicability
- §143-215.94O Petroleum Underground Storage Tank Funds Council
- §143-215.94P Groundwater Protection Loan Fund
- §143-215.94T Adoption and implementation of regulatory program
- §143-215.94V Standards for petroleum underground storage tank cleanup
- (b) The regulatory provisions include:
- North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2L: Groundwater Classification and Standards
- 1. Section .0100 General Considerations
 - .0101 Authorization
 - .0102 Definitions
 - .0103 Policy
 - .0104 Restricted Designation (RS)
 - .0105 Adoption by Reference (Repealed)
 - .0106 Corrective Action
 - .0107 Compliance Boundary
 - .0108 Review Boundary
 - .0109 Delegation
 - .0110 Monitoring
 - .0111 Reports
 - .0112 Analytical Procedures
 - .0113 Variance
 - .0114 Notification Requirements
 - .0115 Risk-Based Assessment and Corrective Action for Petroleum Underground Storage Tanks
- 2. Section .0200 Classifications and Groundwater Quality Standards
 - .0201 Groundwater Classifications
 - .0202 Groundwater Quality Standards
- 3. Section .0300 Assignment of Underground Water Classifications
 - .0301 Classifications: General
 - .0302 Statewide
 - .0303 Broad River Basin
 - .0304 Cape Fear River Basin
 - .0305 Catawba River Basin
 - .0306 Chowan River Basin
 - .0307 French Broad River Basin
 - .0308 Hiwassee River Basin
 - .0309 Little Tennessee River Basin
 - .0310 Savannah River Basin
 - .0311 Lumber River Basin
 - .0312 Neuse River Basin
 - .0313 New-Watauga River Basin
 - .0314 Pasquotank River Basin
 - .0315 Roanoke River Basin
 - .0316 Tar Pamlico River Basin
 - .0317 White Oak River Basin
 - .0318 Yadkin-Pee Dee River Basin
 - .0319 Reclassification
- North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2N, Underground Storage Tanks
- 1. Section .0100 General Provisions

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- .0101 General (Except insofar as .0101(c) provides inspection and enforcement authority.)
 - .0102 Copies of referenced Federal regulations
 - .0103 Adoption by reference updates
 - .0104 Identification of tanks
 - 2. Section .0200 Program Scope and Interim Prohibition
 - .0201 Applicability (Except insofar as it subjects USTs containing de minimis concentrations of regulated substances to closure requirements)
 - .0202 Interim prohibition for deferred UST systems
 - .0203 Definitions
 - 3. Section .0300 UST Systems: Design, Construction, Installation, and Notification
 - .0301 Performance standards for new UST systems
 - .0302 Upgrading of existing UST systems
 - .0303 Notification requirements
 - 4. Section .0400 General Operating Requirements
 - .0401 Spill and overfill control
 - .0402 Operation and maintenance of corrosion protection
 - .0403 Compatibility
 - .0404 Repairs allowed
 - .0405 Reporting and recordkeeping
 - 5. Section .0500 Release Detection
 - .0501 General requirements for all UST systems
 - .0502 Requirements for petroleum UST systems
 - .0503 Requirements for hazardous substance UST systems
 - .0504 Methods of release detection for tanks
 - .0505 Methods of release detection for piping
 - .0506 Release detection recordkeeping
 - 6. Section .0600 Release Reporting, Investigation, and Confirmation
 - .0601 Reporting of suspected releases
 - .0602 Investigation due to off-site impacts
 - .0603 Release investigation and confirmation steps
 - .0604 Reporting and cleanup of spills and overfills
 - 7. Section .0700 Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances
 - .0701 General
 - .0702 Initial response
 - .0703 Initial abatement measures and site check
 - .0704 Initial site characterization
 - .0705 Free product removal
 - .0706 Investigations for soil and ground water cleanup
 - .0707 Corrective action plan
 - .0708 Public participation
 - 8. Section .0800 Out-of-Service UST Systems and Closure
 - .0801 Temporary closure
 - .0802 Permanent closure and changes-in-service (Except insofar as it subjects USTs containing de minimis concentrations of regulated substances to closure requirements)
 - .0803 Assessing the site at closure or change-in-service
 - .0804 Applicability to previously closed UST systems
 - .0805 Closure records
- North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2O: Financial Responsibility Requirements for Owners and Operators of Underground Storage Tanks
- 1. Section .0100 General Considerations
 - .0101 General (Except insofar as .0101(c) provides inspection and enforcement authority.)
 - .0102 Copies of referenced Federal regulations
 - .0103 Substituted sections
 - 2. Section .0200 Program Scope
 - .0201 Applicability
 - .0202 Compliance dates
 - .0203 Definitions (Except insofar as (b)(1) defines “annual operating fee”)
 - .0204 Amount and scope of required financial responsibility
 - 3. Section .0300 Assurance Mechanisms
 - .0301 Allowable mechanisms and combinations of mechanisms
 - .0302 Self insurance
 - .0303 Guarantee
 - .0304 Insurance and risk retention group coverage
 - .0305 Surety bond
 - .0306 Letter of credit
 - .0307 Standby trust fund
 - .0308 Insurance pools
 - .0309 Substitution of financial assurance mechanisms
 - .0310 Cancellation or nonrenewal by a provider of assurance
 - 4. Section .0400 Responsibilities of Owners and Operators
 - .0401 Reporting by owner or operator
 - .0402 Record keeping (Except insofar as (b)(2) addresses annual operating fee requirements.)
 - 5. Section .0500 Changes in Status
 - .0501 Drawing on financial assurance mechanisms
 - .0502 Release from the requirements
 - .0503 Incapacity of owner or operator or provider of assurance
 - .0504 Replenishment
- North Carolina Administrative Code, Title 15A—Department of Environment and Natural Resources; Chapter 2, Subchapter 2P: Leaking Petroleum Underground Storage Tank Cleanup Funds
- 1. Section .0100 General Considerations
 - .0101 General (Except insofar as .0101(d) provides inspection and enforcement authority.)

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- .0102 Copies of rules incorporated by reference
- .0103 False or misleading information
- 2. Section .0200 Program Scope
 - .0201 Applicability (Except insofar as .0201(a) and (b) relate to annual operating fees.)
 - .0202 Definitions (Except insofar as .0202 (b)(1) relates to annual operating fees.)
- 3. Section .0300 Annual Operating Fees
 - .0302 Notification
- 4. Section .0400 Reimbursement Procedure
 - .0401 Eligibility of owner or operator (Except insofar as .0401(b) relates to annual operating fees.)
 - .0402 Cleanup costs
 - .0403 Third party claims
 - .0404 Requests for reimbursement
 - .0405 Method of reimbursement
 - .0406 Reimbursement apportionment
 - .0407 Final action

North Dakota

- (a) The statutory provisions include: North Dakota Century Code (NDCC), Chapter 23-20.3, Hazardous Waste Management Act:
 - Section 23-20.3-01 Declaration of Purpose.
 - Section 23-20.3-02 Definitions.
 - Section 23-20.3-03 Powers and Duties of the Department.
 - Section 23-20.3-04 Hazardous Waste Regulations.
 - Section 23-20.3-04.1 Underground Storage Tank Regulations.
 - Section 23-20.3-05 Permits.
 - Section 23-20.3-05.1 Fees—Deposit in Operating Fund.
 - Section 23-20.3-05.2 Commercial Facility Permits and Ordinances.
 - Section 23-20.3-08 Imminent Hazard.
 - Section 23-20.3-10 Applicability.
- (b) The regulatory provisions include: North Dakota Administrative Code (NDAC), Chapter 33-24-08, Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks, Amended April 1992:
 - Section 33-24-08-01 Applicability.
 - Section 33-24-08-02 Interim Prohibition for Deferred Underground Storage Tank Systems.
 - Section 33-24-08-03 Definitions (Technical Standards and Corrective Action).
 - Section 33-24-08-10 Performance Standards for New Underground Storage Tank Systems.
 - Section 33-24-08-11 Upgrading of Existing Underground Storage Tank Systems.
 - Section 33-24-08-12 Notification Requirements.
 - Section 33-24-08-20 Spill and Overfill Control.
 - Section 33-24-08-21 Operation and Maintenance of Corrosion Protection.
 - Section 33-24-08-22 Compatibility.
 - Section 33-24-08-23 Repairs Allowed.

- Section 33-24-08-24 Reporting and Record-keeping.
- Section 33-24-08-30 General Release Detection Requirements for All Underground Storage Tank Systems.
- Section 33-24-08-31 Release Detection Requirements for Petroleum Underground Storage Tank Systems.
- Section 33-24-08-32 Release Detection Requirements for Hazardous Substance Underground Storage Tank Systems.
- Section 33-24-08-33 Methods of Release Detection for Tanks.
- Section 33-24-08-34 Methods of Release Detection for Piping.
- Section 33-24-08-35 Release Detection Recordkeeping.
- Section 33-24-08-40 Reporting of Suspected Releases.
- Section 33-24-08-41 Investigation Due to Offsite Impacts.
- Section 33-24-08-42 Release Investigation and Confirmation Steps.
- Section 33-24-08-43 Reporting and Cleanup of Spills and Overfills.
- Section 33-24-08-50 General Release Response and Corrective Action for Underground Storage Tank Systems Containing Petroleum or Hazardous Substances.
- Section 33-24-08-51 Initial Response.
- Section 33-24-08-52 Initial Abatement Measures and Site Check.
- Section 33-24-08-53 Initial Site Characterization.
- Section 33-24-08-54 Free Product Removal.
- Section 33-24-08-55 Investigations for Soil and Ground Water Cleanup.
- Section 33-24-08-60 Temporary Closure.
- Section 33-24-08-61 Permanent Closure and Changes in Service.
- Section 33-24-08-62 Assessing the Site at Closure or Change in Service.
- Section 33-24-08-63 Applicability to Previously Closed Underground Storage Tank Systems.
- Section 33-24-08-64 Closure Records.
- Section 33-24-08-80 Applicability (financial responsibility).
- Section 33-24-08-81 Financial Responsibility Compliance Dates.
- Section 33-24-08-82 Definitions (financial responsibility).
- Section 33-24-08-83 Amount and Scope of Required Financial Responsibility.
- Section 33-24-08-84 Allowable Mechanisms and Combinations of Mechanisms.
- Section 33-24-08-85 Financial Test of Self-Insurance.
- Section 33-24-08-86 Guarantee.
- Section 33-24-08-87 Insurance and Risk Retention Group Coverage.
- Section 33-24-08-88 Surety Bond.
- Section 33-24-08-89 Letter of Credit.
- Section 33-24-08-92 Trust Fund.
- Section 33-24-08-93 Standby Trust Fund.

Section 33–24–08–94 Substitution of Financial Assurance mechanisms by Owner or Operator.

Section 33–24–08–95 Cancellation or Non-renewal by Provider of Financial Assurance.

Section 33–24–08–96 Reporting by Owner or Operator.

Section 33–24–08–97 Recordkeeping.

Section 33–24–08–99 Release from Requirements.

Section 33–24–08–100 Bankruptcy or Other Incapacity of Owner or Operator or Provider of Financial Assurance.

Section 33–24–08–101 Replenishment of Guarantees, Letters of Credit, or Surety Bonds.

Oklahoma

(a) The regulatory provisions include:

Oklahoma Administrative Code, Title 165, effective August 25, 2016:

1, Chapter 25 “Underground Storage Tanks”.

Subchapter 1, General Provisions: Part 1, “Purpose”, Section 165:25–1–1; Part 3, “Definitions”, Section 165:25–1–11; Part 5, “Scope of Rules”, Sections 165:25–1–21, 165:25–1–23.1, and 165:25–1–24; Part 9, “Notification and Reporting Requirements”, Sections 165:25–1–41, 165:25–1–42, 165:25–1–48, 165:25–1–51; Part 11, “Recordkeeping”, 165:25–1–53 through 165:25–1–58, and 165:25–1–60; Part 19, “Operator Training”, Sections 165:25–1–120, 165:25–1–122 and 165:25–1–124.

Subchapter 2, “General Requirements for Underground Storage Tank Systems”, Part 1, “Codes and Standards”, Sections 165:25–2–1, 165:25–2–2 and 165:25–2–4, Part 3, “Design and Installation”, Sections 165:25–2–31 through 165:25–2–33, 165:25–2–35 through 165:25–2–41, Part 5, “Protection Against Corrosion”, Sections 165:25–2–51, 165:25–2–52, 165:25–2–53 and 165:25–2–53.1, Part 6, “Piping”, Sections 165:25–2–55.1 and 165:25–2–55.2, Part 7, “Dispensers”, Sections 165:25–2–71, 165:25–2–72, 165:25–2–73, 165:25–2–75 and 165:25–2–76; Part 9, “Electrical”, Section 165:25–2–91; Part 11, “Repairs to Underground Storage Tank Systems”, Section 165:25–2–111; Part 13 “Removal and Closure of Underground Storage Tank Systems”, Sections 165:25–2–131, and 165:25–2–133 through 165:25–2–138.

Subchapter 3, “Release Prevention and Detection Requirements”: Part 1, Release Prohibition Requirements”, Section 165:25–3–1; Part 2, “Release Detection Requirements and Methods”, Sections 165:25–3–6.20 through 165:25–3–6.29; Part 3, “Release Investigation Requirements”, Sections 165:25–3–7.1 and 165:25–3–8; Part 15, “Corrective Action Requirements”, Section 165:25–3–70.

Subchapter 5, “Upgrades”, Sections 165:25–5–1 through 165:25–5–4.

Subchapter 6, “Special Requirements for Underground Storage Tank Systems Utilized by Airports Open to the Public”, Part 1,

“General Application and Compliance Provisions”, Section 165:25–6–1; Part 3, “Codes and Standards”, Section 165:25–6–7; Part 5, “Dispense Requirements”, Sections 165:25–6–13, 165:25–6–14, 165:25–6–15 and 165:25–6–17; Part 7, “Tank Filling Procedures”, Section 165:25–6–21; Part 9, “Dispensing Procedures”, Sections 165:25–6–27 and 165:25–6–28; Part 11, “Miscellaneous Safety Requirements”, Sections 165:25–6–34 and 165:25–6–35.

Subchapter 8, “Special Requirements for Underground Storage Tanks Utilized by Marinas”: Part 1, “General Application and Compliance Provisions”, Sections 165:25–8–1 and 165:25–8–2; Part 3, “Over-water Piping Requirements”, Sections 165:25–8–3 and 165:25–8–4; Part 5, “Dispenser Requirements”, Sections 165:25–8–14 through 165:25–8–17; Part 9, “Dispensing Procedures”, Section 165:25–8–29; Part 11, “Miscellaneous Safety Requirements”, Sections 165:25–8–35 and 165:25–8–36.

Subchapter 14, “Special Requirements for Underground Storage Tank Systems Utilized by Bulk Plant Facilities”: Part 1, “General Application and Compliance Provisions”, Section 165:25–14–1; Part 3, “Dispenser Requirements”, Section 165:25–14–7; Part 5, “Loading Facilities”, Sections 165:25–14–13 and 165:25–14–14; Part 7, “Tank Filling Procedures”, Section 165:25–14–20; Part 9, “Dispensing Procedures”, Sections 165:25–14–26 and 165:25–14–27.

2, Chapter 27 “Indemnity Fund. Subchapter 1, “General Provisions”, Section 165:27–1–2; Subchapter 5, “Qualifications for Reimbursement”, Section 165:27–5–2; Subchapter 7, “Reimbursement”, Sections 165:27–7–2 and 165:27–7–6.

3, Chapter 29 “Corrective Action of Petroleum Storage Tank Releases”:

Subchapter 1, “General Provisions”: Part 1, “Purpose and Statutory Authority”, Sections 165:29–1–1 and 165:29–1–2; Part 3, “Definitions”, Section 165:29–1–11; Part 5, “Scope of Rules”, Section 165:29–1–21; Part 7, “National Industry Codes”, Sections 165:29–1–31 and 165:29–1–32.

Subchapter 3, “Release Prevention, Detection and Correction”: Part 1, “Release Prohibition, Reporting and Investigation”, Sections 165:29–3–1, 165:29–3–2 and 165:29–3–3; Part 3, “Removal and Closure of Petroleum Storage Tank Systems”, Section 165:29–3–65; Part 5, “Corrective Action Requirements”, Sections 165:29–3–71 through 165:29–3–76, Sections 165:29–3–78, 165:29–3–79, 165:29–3–80, 165:29–3–82 and 165:29–3–83.

(b) Copies of the Oklahoma regulations that are incorporated by reference are available from the State’s Office of Administrative Rules, Secretary of State, P.O. Box 53390, Oklahoma City, OK 73152–3390; Phone number: 405–521–4911; website: <https://www.sos.ok.gov/oar/Default.aspx>.

Oregon

(a) The statutory provisions include:

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(1) Chapter 465, Hazardous Waste and Hazardous Materials I (Removal or Remedial Action Sections 465.200 through 465.482 and 465.900.):

465.200 Definitions for ORS 465.200 to 465.545 (except for Sections 465.200(5) through (11) and (17) defining terms contained in the dry cleaning requirements; (13) "facility" insofar as it applies to a facility that is not an underground storage tank; (16) "hazardous substance" insofar as it applies to hazardous wastes and any substance that is not otherwise defined as a hazardous substance pursuant to section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act or that is not oil; (28) "underground storage tank" insofar as it includes any tank or piping that is excluded under ORS 466.710 and also any tank used to store heating oil for consumptive use on the premises where stored.)

465.255 Strict liability for remedial action costs for injury or destruction of natural resource; limited exclusions (except insofar as this includes a person who is not an owner or operator of an underground storage tank and except insofar as the exclusions would exclude persons who would be liable under Section 9003(h)(6) of RCRA).

(2) Chapter 466, Hazardous Waste and Hazardous Materials II (Oil Storage Tanks):

466.706 Definitions for ORS 466.706 to 466.882 and 466.994 (except for the following definitions: Section 466.706(17) "regulated substance" insofar as it would include substances designated by the commission under subsection (c) that are not included under subsections (a) and (b) of this definition; (21) "underground storage tank" insofar as it includes any tank or piping that is excluded under ORS 466.710, and any tank used to store heating oil for consumptive use on the premises where stored.)

466.710 Application of ORS 466.706 to 466.882 and 466.994

466.740 Noncomplying installation prohibited

466.743 Training on operation, maintenance and testing; rules

466.765 Duty of owner or permittee of underground storage tank

466.770 Corrective action required on contaminated site

466.815 Financial responsibility of owner or permittee; rules; legislative review

466.825 Strict liability of owner or permittee

(b) The regulatory provisions include:

(1) Oregon Administrative Rules, Chapter 340, Division 122 insofar as the following rules apply to a release from an underground storage tank, excluding tanks used to store

heating oil for consumptive use on the premises where stored.

340-122-0010 Purpose

340-122-0030 Scope and Applicability

340-122-0040 Standards

340-122-0047 Generic remedies

340-122-0050 Activities

340-122-0070 Removal

340-122-0071 Site Evaluation

340-122-0072 Preliminary Assessments

340-122-0073 Confirmation of Release

340-122-0080 Remedial Investigation

340-122-0084 Risk Assessment

340-122-0085 Feasibility Study

340-122-0090 Selection or Approval of the Remedial Action

340-122-0100 Public Notice and Participation

340-122-0110 Administrative Record

340-122-0115 Definitions insofar as the definition applies to an underground storage tank, excluding tanks used to store heating oil for consumptive use on the premises where stored

340-122-0120 Security Interest Exemption

340-122-0205 Purpose

340-122-0210 Definitions except insofar as the definition of "responsible person" includes a person who does not own or operate an underground storage tank

340-122-0215 Scope and Applicability

340-122-0217 Requirements and Remediation Options

340-122-0218 Sampling and Analysis

340-122-0220 Initial Response

340-122-0225 Initial Abatement Measures and Site Check

340-122-0230 Initial Site Characterization

340-122-0235 Free Product Removal

340-122-0240 Investigation for Magnitude and Extent of Contamination

340-122-0243 Low-Impact Sites

340-122-0244 Risk-Based Concentrations

340-122-0250 Corrective Action Plan

340-122-0252 Generic Remedies

340-122-0260 Public Participation

340-122-0320 Soil Matrix Cleanup Options

340-122-0325 Evaluation of Matrix Cleanup Level

340-122-0330 Evaluation Parameters

340-122-0335 Numeric Soil Cleanup Standards

340-122-0340 Sample Number and Location

340-122-0345 Sample Collection Methods

340-122-0355 Evaluation of Analytical Results

340-122-0360 Reporting Requirements

Grid for OAR 340-122-0330(5)(c) and Table for OAR 340-122-0335(2)

(2) Oregon Administrative Rules, Chapter 340, Division 142 insofar as the following rules apply to a release from an underground storage tank, excluding tanks used to store heating oil for consumptive use on the premises where stored.

340-142-0001 Purpose and Scope

340-142-0005 Definitions as Used in This Division Unless Otherwise Specified

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- 340-142-0030 Emergency Action
- 340-142-0040 Required Reporting
- 340-142-0050 Reportable Quantities
- 340-142-0060 Cleanup Standards
- 340-142-0070 Approval Required for Use of Chemicals
- 340-142-0080 Disposal of Recovered Spill Materials
- 340-142-0090 Cleanup Report
- 340-142-0100 Sampling/Testing Procedures
- 340-142-0130 Incident Management and Emergency Operations
- (3) Oregon Administrative Rules, Chapter 340, Division 150.
- 340-150-0001 Purpose
- 340-150-0006 Applicability and General Requirements
- 340-150-0008 Exemptions and Deferrals
- 340-150-0010 Definitions
- 340-150-0020 UST General Permit Registration Certificate Required except insofar as this provision applies to a person who does not own or operate an underground storage tank and except insofar as the payment of fees is required
- 340-150-0021 Termination of Temporary Permits
- 340-150-0052 Modification of Registration Certificates for Changes in Ownership and Permittee except insofar as the payment of fees is required
- 340-150-0080 Denial, Suspension or Revocation of General Permit Registration Certificates except insofar as this provision applies to a person who does not own or operate an underground storage tank
- 340-150-0102 Termination of Registration Certificates
- 340-150-0110 UST General Permit Registration, Annual Compliance and Other Fees except insofar as the payment of fees is required
- 340-150-0135 General Requirements for Owners and Permittees
- 340-150-0140 Requirements for Sellers of USTs
- 340-150-0156 Performance of UST Services by Owners or Permittees
- 340-150-0160 General Permit Requirements for Installing an UST System except insofar as this provision applies to a person who does not own or operate an underground storage tank
- 340-150-0163 General Permit Requirements for Operating an UST System except insofar as the payment of fees is required
- 340-150-0166 General Permit Requirements for Closure of an UST System by Change-in-Service except insofar as the payment of fees is required
- 340-150-0167 General Permit Requirements for Temporary Closure of an UST System except insofar as the payment of fees is required
- 340-150-0168 General Permit Requirements for Decommissioning an UST System by Permanent Closure except insofar as this provision applies to a person who does not own or operate an underground storage tank and except insofar as the payment of fees is required
- 340-150-0180 Site Assessment Requirements for Permanent Closure or Change-in-Service
- 340-150-0200 Training Requirements for UST System Operators and Emergency Response Information
- 340-150-0210 Training Requirements for UST Operators
- 340-150-0300 Installation of USTs and Piping
- 340-150-0302 Installation of Used USTs
- 340-150-0310 Spill and Overfill Prevention Equipment and Requirements
- 340-150-0320 Corrosion Protection Performance Standards for USTs and Piping
- 340-150-0325 Operation and Maintenance of Corrosion Protection
- 340-150-0350 UST System Repairs
- 340-150-0352 UST System Modifications and Additions
- 340-150-0354 UST System Replacements
- 340-150-0360 Requirements for Internally Lined USTs
- 340-150-0400 General Release Detection Requirements for Petroleum UST Systems
- 340-150-0410 Release Detection Requirements and Methods for Underground Piping
- 340-150-0420 Release Detection Requirements for Hazardous Substance UST Systems
- 340-150-0430 Inventory Control Method of Release Detection
- 340-150-0435 Statistical Inventory Reconciliation Method of Release Detection
- 340-150-0440 Manual Tank Gauging Release Detection Method
- 340-150-0445 Tank Tightness Testing for Release Detection and Investigation
- 340-150-0450 Automatic Tank Gauging Release Detection Method
- 340-150-0455 Vapor Monitoring Release Detection Method
- 340-150-0460 Groundwater Monitoring Release Detection Method
- 340-150-0465 Interstitial Monitoring Release Detection Method
- 340-150-0470 Other Methods of Release Detection
- 340-150-0500 Reporting Suspected Releases
- 340-150-0510 Suspected Release Investigation and Confirmation Steps
- 340-150-0520 Investigation Due to Off Site Impacts
- 340-150-0540 Applicability to Previously Closed UST Systems
- 340-150-0550 Definitions for OAR 340-150-0555 and 340-150-0560
- 340-150-0555 Compliance Dates for USTs and Piping
- 340-150-0560 Upgrading Requirements for Existing UST Systems

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APPENDIX A	Installation of USTs and Piping	690-240-0355	Monitoring Well Drilling Machines
APPENDIX B	Installation of USTs and Piping	690-240-0375	Monitoring Well Construction Notice Required (Start Card)
APPENDIX C	Spill and Overfill Prevention Equipment and Requirements	690-240-0385	Start Card Reporting Requirements
APPENDIX D1	USTs Corrosion Protection Performance Standards for USTs and Piping	690-240-0395	Monitoring Well Report Required (Monitoring Well Log)
APPENDIX D2	Piping Corrosion Protection Performance Standards for USTs and Piping	690-240-0410	Monitoring Well Construction: General
APPENDIX E1	USTs Corrosion Protection Performance Standards for USTs and Piping	690-240-0420	Well Protection
APPENDIX E2	Piping Corrosion Protection Performance Standards for USTs and Piping	690-240-0430	Casing
APPENDIX F	Corrosion Protection Performance Standards for USTs and Piping	690-240-0440	Additional Standards for Artesian Monitoring Wells
APPENDIX G	Operation and Maintenance of Corrosion Protection	690-240-0450	Cleaning
APPENDIX H	UST System Repairs & UST System Modifications and Additions	690-240-0460	Monitoring Well Screen, Filter Pack, and Filter Pack Seal
APPENDIX I	General Release Detection Requirements for All UST Systems	690-240-0475	Well Seals
APPENDIX J	General Guidance Documents for UST Owners and Permittees	690-240-0485	Monitoring Well Development
APPENDIX K	Site Assessment Requirements for Permanent Closure or Change-in-Service	690-240-0500	Completion of Monitoring Wells
APPENDIX L	Training Elements	690-240-0510	Abandonment of Monitoring Wells
(4)	Oregon Administrative Rules, Chapter 340, Division 151	690-240-0525	Piezometers
340-151-0001	Purpose	690-240-0540	Direct Push Monitoring Wells and Piezometers
340-151-0010	Scope and Applicability	690-240-0550	Evidence of Failure
340-151-0015	Adoption and Applicability of United States Environmental Protection Agency Regulations		
340-151-0020	Definitions		
340-151-0025	Oregon-Specific Financial Responsibility Requirements		
(5)	Oregon Administrative Rules, Chapter 690, Division 240, insofar as it pertains to underground storage tanks, excluding tanks used to store heating oil for consumptive use on the premises where stored.		
690-240-0005	Introduction		
690-240-0006	Special Standards		
690-240-0007	Special Area Standards		
690-240-0010	Definitions		
690-240-0011	Organic Materials		
690-240-0012	Public Safety		
690-240-0013	Wells Cannot Be Used for Disposal of Contaminants		
690-240-0014	Water Used Must Be Potable		
690-240-0016	Unattended Wells		
690-240-0024	Well Identification Label		
690-240-0026	Well Identification Label Maintenance		
690-240-0030	Other Holes; General Performance and Responsibility Requirements		
690-240-0035	Geotechnical Holes: General Performance and Responsibility Requirements		

Pennsylvania

(a) The statutory provisions include:

	Pennsylvania Storage Tank and Spill Prevention Act of 1989, Public Law 169, No. 32
35 PS Section 6021.101	Short title
35 PS Section 6021.102	Legislative findings
35 PS Section 6021.103	Definitions (<i>except insofar as the section addresses aboveground storage tanks; encompasses a broader range of regulated substances; and insofar as certain classes of tanks excluded or deferred under the federal definition of "underground storage tank" are not excluded or deferred under the state definition</i>)
35 PS Section 6021.104	API
35 PS Section 6021.105	Advisory committee
35 PS Section 6021.106	Powers and duties of Environmental Quality Board (<i>except insofar as it addresses aboveground storage tanks</i>)
35 PS Section 6021.107	Powers and duties of department (<i>except insofar as paragraphs (b), (c), (e), and (f) grant the Department enforcement authorities; and paragraph (d) establishes the Department's duties regarding a certification program</i>)
35 PS Section 6021.109	Construction
35 PS Section 6021.110	Applicability of certain provisions to the Commonwealth
35 PS Section 6021.501	Underground storage tank requirements (<i>except insofar as subparagraph (a)(1) requires payment of registration fees; subparagraph (a)(8) sets forth permitting requirements; subparagraph (a)(12) addresses permitting; subparagraph (a)(15) regulates handlers of regulated substances; and paragraph (c) establishes a certified installer and inspector program</i>)
35 PS Section 6021.502	Interim requirements and discontinued use (<i>except insofar</i>)

- as paragraph (a) establishes interim registration fees; and subparagraph (b)(5) requires tanks to be installed by a certified installer)
- 35 PS Section 6021.503 Registration (except insofar as paragraph (a) requires payment of registration fees; paragraph (b) regulates selling, distributing, depositing or filling unregistered underground storage tanks; and paragraph (c) establishes uses for registration fees)
- 35 PS Section 6021.701 Financial responsibility
- 35 PS Section 6021.702 Storage Tank Fund (except insofar as paragraph (a) addresses aboveground storage tanks)
- 35 PS Section 6021.703 Underground Storage Tank Indemnification Board
- 35 PS Section 6021.704 Underground Storage Tank Indemnification Fund (except insofar as subparagraph (e)(3) addresses payment of fees)
- 35 PS Section 6021.705 Powers and duties of Underground Storage Tank Indemnification Board (except insofar as paragraphs (d) and (e) address payment of fees)
- 35 PS Section 6021.706 Eligibility of claimants
- 35 PS Section 6021.707 Audit
- 35 PS Section 6021.708 Performance review
- 35 PS Section 6021.710 Underground Storage Tank Environmental Cleanup Program
- 35 PS Section 6021.711 Underground Storage Tank Pollution Prevention Program
- 35 PS Section 6021.712 Upgrade Loan Program
- 35 PS Section 6021.2101 Start-up costs (except insofar as it addresses aboveground storage tanks)
- 35 PS Section 6021.2102 Saved from repeal
- 35 PS Section 6021.2103 Severability
- 35 PS Section 6021.2104 Repeals
- 35 PS Section 6021.2105 Effective date
- (b) The regulatory provisions include:
- Pennsylvania Code, Chapter 245, Administration of the Storage Tank and Spill Prevention Programs
- Section 245.1 Definitions (except insofar as the section addresses aboveground storage tanks; encompasses a broader range of regulated substances; and includes individuals that are not regulated under the federal program under its definition of “responsible party”)
- Section 245.2 General
- Section 245.31 Underground storage tank tightness testing requirements (except insofar as paragraph (a) requires Department certification for underground tightness testing installers)
- Section 245.301 Purpose
- Section 245.302 Scope
- Section 245.304 Investigation of suspected releases
- Section 245.305 Reporting releases (except insofar as paragraph (h) addresses aboveground storage tanks)
- Section 245.306 Interim remedial actions (except insofar as subparagraph (b)(3) requires permits for treatment and disposal activities; and paragraph (d) regulates parties removing contaminated materials)
- Section 245.307 Affected or diminished water supplies
- Section 245.308 Onsite storage of contaminated soil
- Section 245.309 Site characterization
- Section 245.310 Site characterization report
- Section 245.311 Remedial action plan
- Section 245.312 Remedial action
- Section 245.313 Remedial action completion report
- Section 245.314 Professional seals
- Section 245.401 Purpose
- Section 245.402 Scope
- Section 245.403 Applicability
- Section 245.404 Variances
- Section 245.405 Codes and standards
- Section 245.421 Performance standards for new underground storage tank systems
- Section 245.422 Upgrading of existing underground storage tank systems
- Section 245.423 Registration requirements
- Section 245.425 Reuse of removed tanks (except insofar as subparagraph (1) requires installation by a certified installer)
- Section 245.431 Spill and overflow control
- Section 245.432 Operation and maintenance including corrosion protection
- Section 245.433 Compatibility
- Section 245.434 Repairs allowed (except insofar as subparagraph (1) requires repairs to be performed by a certified installer)
- Section 245.435 Reporting and record-keeping
- Section 245.441 General requirements for underground storage tank systems (except insofar as subparagraph (a)(3)(i) requires third-party verification; and subparagraph (a)(3)(ii) requires manufacturers to reevaluate methods within 24 months of EPA changes)
- Section 245.442 Requirements for petroleum underground storage tank systems
- Section 245.443 Requirements for hazardous substance underground storage tank systems
- Section 245.444 Methods of release detection for tanks
- Section 245.445 Methods of release detection for piping
- Section 245.446 Release detection record-keeping
- Section 245.451 Temporary closure
- Section 245.452 Permanent closure and changes-in-service
- Section 245.453 Assessing the site at closure or change-in-service
- Section 245.454 Applicability to previously closed underground storage tank systems
- Section 245.455 Closure records
- Section 245.701 Purpose
- Section 245.702 Scope
- Section 245.703 Owner or operator financial responsibility
- Section 245.704 General requirements
- Section 245.705 Owner and operator liability

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Section 245.706 Underground storage tanks not covered by USTIF

Section 245.707 Coverage amounts for financial responsibility

Section 245.708 Failure to maintain financial responsibility

Puerto Rico

(a) The statutory provisions include:

1. Public Policy Environmental Act of 1970, Act Number 9, June 18, 1970, as amended, 12 Laws of Puerto Rico Annotated (L.P.R.A.) §1121 *et seq.*

- (1) Section 1121—Short title
- (2) Section 1122—Purpose
- (3) Section 1123—Declaration of policy
- (4) Section 1124—Interpretation of legal provisions
- (5) Section 1125—Duties of governmental agencies
- (6) Section 1126—Savings clause
- (7) Section 1127—Complementary character
- (8) Section 1128—Annual report of Governor
- (9) Section 1129—Creation of Board; composition; term
- (10) Section 1130—Duties of Chairman
- (11) Section 1130A—Consulting Council
- (12) Section 1131—Functions and duties [Except paragraphs (10), (12), (19), (22), (23), (25), (26), (29), and (30), insofar as they outline enforcement authorities; paragraph (13), insofar as it addresses enforcement authorities, permit and license requirements and associated fees, as well as the NPDES and UIC programs; and paragraph (34), insofar as it relates solely to the solid and hazardous waste programs.]
- (13) Section 1133—Consultation and use of facilities
- (14) Section 1135—Character of Board for federal purposes [Except insofar as it addresses permit requirements.]
- (15) Section 1135A—Administration of the Puerto Rico Water Pollution Control Revolving Fund
- (16) Section 1137—Confidential documents
- (17) Section 1138—Effectiveness of previous documents [Except insofar as it addresses permit and licensing requirements.]
- (18) Section 1140—Limitations
- (19) Section 1141—Definitions
- (20) Section 1142—Powers [Except insofar as (b)(5) sets forth enforcement authorities.]

(b) The regulatory provisions include:

1. Underground Storage Tank Control Regulations, Regulation Number 4362, promulgated by the Commonwealth of Puerto Rico Environmental Quality Board on November 7, 1990.

a. Part I—Program Scope and Interim Prohibition.

- (1) Rule 101—Program Scope
- (2) Rule 102—Purpose
- (3) Rule 103—Applicability

(4) Rule 104—Interim Prohibition for Deferred UST Systems

(5) Rule 105—Definitions and Abbreviations [Except insofar as the Puerto Rico definition of “Underground Storage Tank or UST” does not exclude from regulation heating oil tanks used for storing heating oil for consumptive use on the premises where stored.]

b. Part II—UST Systems: Design, Construction, Installation, and Notification.

- (1) Rule 201—Performance Standards for New UST Systems
- (2) Rule 202—Upgrading of Existing UST Systems
- (3) Rule 203—Notification Requirements

c. Part III—General Operating Requirements.

- (1) Rule 301—Spill and Overfill Control
- (2) Rule 302—Operation and Maintenance of Corrosion Protection
- (3) Rule 303—Compatibility
- (4) Rule 304—Repairs Allowed
- (5) Rule 305—Reporting and Recordkeeping

d. Part IV—Release Detection.

- (1) Rule 401—General Requirements for all UST Systems
- (2) Rule 402—Requirements for Petroleum UST Systems
- (3) Rule 403—Requirements for Hazardous Substance UST Systems
- (4) Rule 404—Methods of Release Detection for Tanks
- (5) Rule 405—Methods of Release Detection for Piping
- (6) Rule 406—Release Detection Recordkeeping

e. Part V—Release Reporting and Investigation.

- (1) Rule 501—Reporting of Suspected Releases
- (2) Rule 502—Investigation Due to Off-site Impacts
- (3) Rule 503—Release Investigation and Confirmation Steps
- (4) Rule 504—Reporting and Cleanup of Spills and Overfills

f. Part VI—Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances.

- (1) Rule 601—General
- (2) Rule 602—Initial Response
- (3) Rule 603—Initial Abatement Measures and Site Check [Except insofar as 603(A)(5) requires owners and operators to obtain permits or franchises for drilling and installation of groundwater monitoring and/or extraction wells.]
- (4) Rule 604—Initial Site Characterization
- (5) Rule 605—Free Product Removal [Except insofar as 605(A) and 605 (D)(6) require owners and operators to obtain permits or franchises for drilling and installation of water monitoring and/or extraction wells.]
- (6) Rule 606—Investigation for Soil and Groundwater Clean-up

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- (7) Rule 607—Corrective Action Plan
- (8) Rule 608—Public Participation
- g. Part VII—Out-Of-Service UST Systems and Closure.
 - (1) Rule 701—Temporary Closure
 - (2) Rule 702—Permanent Closure and Changes-in-Service
 - (3) Rule 703—Assessing the Site at Closure or Change-in-Service
 - (4) Rule 704—Applicability to Previously Closed UST Systems
 - (5) Rule 705—Closure Methods
- h. Part VIII—Notification Requirements and Procedures.
 - (1) Rule 801—Notification of Underground Storage System
 - (2) Rule 802—Notification Requirements
 - (3) Rule 803—Notification Responsibility
 - (4) Rule 804—UST Notification Identification Number
 - (5) Rule 805—Changes to Facility Notification Data
- i. Part IX—Financial Responsibility Requirements.
 - (1) Rule 901—Applicability
 - (2) Rule 902—Compliance Dates
 - (3) Rule 903—Definition of Terms
 - (4) Rule 904—Amount and Scope of Required Financial Responsibility
 - (5) Rule 905—Allowable Mechanisms and Combinations of Mechanisms
 - (6) Rule 906—Financial Test of Self-Insurance
 - (7) Rule 907—Guarantee
 - (8) Rule 908—Insurance and Risk Retention Group Coverage
 - (9) Rule 909—Surety Bond
 - (10) Rule 910—Letter of Credit
 - (11) Rule 911—Trust Fund
 - (12) Rule 912—Standby Trust Fund
 - (13) Rule 913—Substitution of Financial Assurance Mechanisms by Owner or Operator
 - (14) Rule 914—Cancellation or Nonrenewal by a Provider of Financial Assurance
 - (15) Rule 915—Reporting by Owner or Operator
 - (16) Rule 916—Recordkeeping
 - (17) Rule 917—Drawing on Financial Assurance Mechanisms
 - (18) Rule 918—Release from the Requirements
 - (19) Rule 919—Bankruptcy or Other Incapacity of Owner or Operator of Provider of Financial Assurance
 - (20) Rule 920—Replenishment of Guarantees, Letters of Credit, or Surety Bonds
 - (21) Rule 921—Suspension of Enforcement
- j. Part X—General Provisions.
 - (1) Rule 1001—Amendments to this Regulation
 - (2) Rule 1002—Monitoring, Recordkeeping, Reporting, Sampling, and Testing Methods
 - (3) Rule 1003—Malfunction or Non-compliance, Reporting

- (4) Rule 1004—Confidentiality of Information
- (5) Rule 1006—Public Notice and Public Hearings
- (6) Rule 1009—Public Nuisance
- (7) Rule 1011—Overlapping or Inconsistent Provisions
- (8) Rule 1012—Derogation
- (9) Rule 1013—Separability Clause
- (10) Rule 1014—Effectiveness
- k. Part XI—General Prohibitions.
 - (1) Rule 1101—Purpose, Scope and Applicability
 - (2) Rule 1102—General Prohibitions

Rhode Island

- (a) The statutory provisions include Rhode Island Statute Title 46 of the General Laws of Rhode Island, 1956, as amended:
 - Chapter 12 Water Pollution
 - Chapter 12.1 Underground Storage Tanks
 - Chapter 12.3 The Environmental Injury Compensation Act
 - Chapter 12.5 Oil Pollution Control
 - Chapter 13.1 Groundwater Protection
 - Chapter 14 Contamination of Drinking Water
- (b) The statutory provisions include Title 42 of the General Laws of Rhode Island, 1956, as amended.
 - Chapter 35 Administrative Procedures
- (c) The statutory provisions include Title 38 of the General Laws of Rhode Island, 1956, as amended.
 - Chapter 2 Access to Public Records
- (d) The statutory provisions include Title 37 of the General Laws of Rhode Island, 1956, as amended.
 - Chapter 18 Narragansett Indian and Management Corp.
- (e) The statutory provisions include Title 23 of the General Laws of Rhode Island, 1956, as amended.
 - Chapter 19.1 Hazardous Waste Management
- (f) The regulatory provisions include State of Rhode Island, Agency of Natural Resources, Underground Storage Tank Regulations, February 1, 1991:
 - Section 1.00 Purpose
 - Section 2.00 Authority
 - Section 3.00 Superseded Rules and Regulations
 - Section 4.00 Severability
 - Section 5.00 Applicability
 - Section 6.00 Administrative Findings
 - Section 7.00 Definitions
 - Section 8.00 Facility Registration and Notification
 - Section 9.00 Financial Responsibility
 - Section 10.00 Minimum Existing Facility Requirements
 - Section 11.00 New Facility and Replacement Tank Requirements
 - Section 12.00 Facility Modification
 - Section 13.00 Maintaining Records
 - Section 14.00 Leak and Spill Response

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Section 15.00	Closure	280.61	Initial response
Section 16.00	Leak Detection Methods and Precision Tester Licensing Requirements	280.62	Initial abatement measures and site check
Section 17.00	Signatories to Registration and Closure Applications	280.63	Initial site characterization
Section 18.00	Transfer of Certificates of Registration or Closure	280.64	Free product removal
Section 19.00	USTs/Holding Tanks Serving Floor Drains	280.65	Investigations for soil and groundwater cleanup
Section 20.00	Variances	280.66	Corrective action plan
Section 21.00	Appeals	280.67	Public participation
Section 22.00	Penalties	280.70	Temporary closure
Appendix A		280.71	Permanent closure and changes-in-service
Appendix B		280.72	Assessing the site at closure or change-in-service and reporting requirements
Appendix C		280.73	Applicability to previously closed UST systems
	<i>South Carolina</i>	280.74	Closure records
	(a) The statutory provisions include:	280.90	Applicability
	(1) <i>Code of Laws of South Carolina, Title 44, Health, Chapter 2. State Underground Petroleum Environmental Response Bank Act (SUPERB Act)</i>	280.91	Compliance dates
	44-2-10	280.92	Definition of terms
	2-10 Short Title	280.93	Amount and scope of required financial responsibility
	44-2-20	280.94	Allowable mechanisms and combinations of mechanisms
	20 Definitions	280.95	Financial test of self-assurance
	44-2-70	280.96	Guarantee
	70 Financial responsibility of underground storage tank owners and operators	280.97	Insurance and risk retention group coverage
	44-2-80	280.98	Surety Bond
	80 Release of regulated substance; containment, removal, and abatement	280.99	Letter of credit
	(b) The regulatory provisions include:	280.101	State Underground Petroleum Environmental Response Bank (SUPERB) or other state assurance
	(1) <i>South Carolina Underground Storage Tank Control Regulations, R.61-92, Part 280</i>	280.102	Trust Fund
	280.10	280.103	Standby trust fund
	10 Applicability	280.104	Local government bond rating test
	280.11	280.105	Local government financial test
	11 Interim prohibition for deferred UST systems	280.106	Local government guarantee
	280.12	280.107	Local government fund
	12 Definitions	280.108	Substitution of financial assurance mechanism by owner or operator
	280.20	280.109	Cancellation or non-renewal by a provider of financial assurance
	20 Performance standards for new UST systems	280.110	Reporting by owner or operator
	280.21	280.111	Recordkeeping
	21 Upgrading of Existing UST systems	280.112	Drawing on financial assurance mechanisms
	280.22	280.113	Release from requirements
	22 Notification requirements	280.114	Bankruptcy or other incapacity of owner or operator or provider of financial assurance
	280.23	280.115	Replenishment of guarantees, letters of credit, or surety bonds
	23 New tanks—B permits required	280.116	Suspension of enforcement (reserved)
	280.24	280.200	Definitions
	24 Testing	280.210	Participation in management
	280.25	280.220	Ownership of an underground storage tank or underground storage tank system or facility or property on which an underground storage tank or underground storage tank system is located
	25 Secondary containment required	280.230	Operating an underground storage tank or underground storage tank system
	280.30		
	30 Spill and overflow control		
	280.31		
	31 Operation and maintenance of corrosion protection		
	280.32		
	32 Compatibility		
	280.33		
	33 Repairs allowed		
	280.34		
	34 Reporting and recordkeeping		
	280.40		
	40 General requirements for all UST systems		
	280.41		
	41 Requirements for petroleum UST systems		
	280.42		
	42 Requirements for hazardous substance UST systems		
	280.43		
	43 Methods of release detection for tanks		
	280.44		
	44 Methods of release detection for piping		
	280.45		
	45 Release detection recordkeeping		
	280.50		
	50 Reporting of suspected releases		
	280.51		
	51 Investigation due to off-site impacts		
	280.52		
	52 Release investigation and confirmation steps		
	280.53		
	53 Reporting and cleanup of spills and overfills		
	280.60		
	60 General		

South Dakota

(a) The statutory provisions include South Dakota Statutes Annotated, Chapter 34A-2, Sections 98 and 99. Underground Storage Tanks:

Section 98 Underground storage tanks—Definitions.

Section 99 Underground storage tanks—Adoption of Rules—Violation.

(b) The regulatory provisions include State of South Dakota Administrative Rules, Chapter 74:03:28, Underground Storage Tanks, Department of Environment and Natural Resources, June 24, 1992:

Section 74:03:28:01 Definitions.

Section 74:03:28:02 Performance standards for new UST systems—General requirements.

Section 74:03:28:03 Upgrading of existing UST systems—General requirements and deadlines.

Section 74:03:28:04 Notification requirements for UST systems.

Section 74:03:28:05 Spill and overfill control.

Section 74:03:28:06 Operation and maintenance of cathodic protection.

Section 74:03:28:07 Compatibility.

Section 74:03:28:08 Repairs allowed—general requirements.

Section 74:03:28:09 Maintenance and availability of records.

Section 74:03:28:10 Release detection for all UST systems—general requirements and deadlines.

Section 74:03:28:11 Release detection requirements for petroleum UST systems.

Section 74:03:28:12 Release detection requirements for pressure piping.

Section 74:03:28:13 Recordkeeping.

Section 74:03:28:14 Release notification plan.

Section 74:03:28:15 Reported of suspected releases.

Section 74:03:28:16 Release investigation and confirmation.

Section 74:03:28:17 Off-site impacts and source investigation.

Section 74:03:28:18 General requirements for corrective action for releases from UST systems.

Section 74:03:28:19 Initial abatement requirements and procedures for releases from UST systems.

Section 74:03:28:20 Free product removal.

Section 74:03:28:21 Additional site investigation for releases from UST systems.

Section 74:03:28:22 Soil and groundwater cleanup for releases from UST systems.

Section 74:03:28:23 Reporting of releases from UST systems.

Section 74:03:28:24 Reporting of hazardous substance releases from UST systems.

Section 74:03:28:25 Temporary removal from use.

Section 74:03:28:26 Temporary closure.

Section 74:03:28:31 Permanent closure.

Section 74:03:28:32 Postclosure requirements.

Section 74:03:29:01 Applicability.

Section 74:03:29:23 Definitions.

Section 74:03:29:24 Financial responsibility rules.

Tennessee

(a) The statutory provisions include:

1. Section 68-215-101 Short title
2. Section 68-215-102 Legislative intent [Except § 68-215-102(a)(3) and except § 68-215-102(a)(5).]
3. Section 68-215-103 Definitions
4. Section 68-215-105 Minimum requirements for tanks
5. Section 68-215-106 Notification as to tanks in use and tanks taken out of operations [Except § 68-215-106(a)(6) and except § 68-215-106(c)(2).]
6. Section 68-215-107 Supervision, inspection, and enforcement responsibilities [Except § 68-215-107(e) and except § 68-215-107(f)(9).]
7. Section 68-215-108 Proprietary information
8. Section 68-215-118 Compliance by governmental entities
9. Section 68-215-123 Complaints—Hearings—Appeals
10. Section 68-215-124 Exemptions
11. Section 68-215-126 Preemption of local regulation—Exception
12. Section 68-215-127 Exclusivity of provisions

(b) The regulatory provisions include:

1. Section .01 Program Scope and Minimum Requirements for Tanks
 - Section .01(1) Applicability
 - Section .01(2) Minimum requirements for tanks
 - Section .01(3) Definitions
2. Section .02 UST Systems: Design, Construction, Installation and Notification
 - Section .02(1) Performance standards for new UST systems
 - Section .02(2) Upgrading of existing UST systems
 - Section .02(3) Notification requirements
3. Section .03 General Operating Requirements
 - Section .03(1) Spill and overfill control
 - Section .03(2) Operation and maintenance of corrosion protection
 - Section .03(3) Compatibility
 - Section .03(4) Repairs allowed
 - Section .03(5) Reporting and recordkeeping
4. Section .04 Release Detection
 - Section .04(1) General requirements for release detection
 - Section .04(2) Requirements for petroleum UST systems
 - Section .04(3) Methods of release detection for tanks

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- Section .04(4) Methods of release detection for piping
- Section .04(5) Release detection record-keeping
- 5. Section .05 Release Reporting, Investigation and Confirmation
 - Section .05(1) Reporting of suspected releases
 - Section .05(2) Investigation due to off-site impacts
 - Section .05(3) Release investigation and confirmation steps
 - Section .05(4) Reporting and cleanup of spills and overfills
- 6. Section .06 Release Response and Corrective Action for UST Systems Containing Petroleum
 - Section .06(1) General
 - Section .06(2) Initial response
 - Section .06(3) Initial abatement measures and site check
 - Section .06(4) Initial site characterization
 - Section .06(5) Free products removal
 - Section .06(6) Investigations for soil and ground water cleanup
 - Section .06(7) Corrective action plan
 - Section .06(8) Public participation
- 7. Section .07 Out-of-Service UST System and Closure
 - Section .07(1) Temporary closure
 - Section .07(2) Permanent closure and changes-in-service
 - Section .07(3) Assessing the site at closure or change-in-service
 - Section .07(4) Applicability to previously closed UST systems
 - Section .07(5) Closure records
- 8. Section .08 Financial Responsibility
 - Section .08(1) Applicability
 - Section .08(2) Compliance dates
 - Section .08(3) Definition of terms
 - Section .08(4) Amount and scope of required financial responsibility
 - Section .08(5) Allowable mechanisms and combinations of mechanisms
 - Section .08(6) Financial test of self-insurance
 - Section .08(7) Guarantee
 - Section .08(8) Insurance and risk retention group coverage
 - Section .08(9) Surety bond
 - Section .08(10) Letter of credit
 - Section .08(11) Petroleum underground storage tank fund
 - Section .08(12) Trust fund
 - Section .08(13) Standby trust fund
 - Section .08(14) Substitution of financial assurance mechanisms by owner or operator
 - Section .08(15) Cancellation or nonrenewal by a provider of financial assurance
 - Section .08(16) Reporting by owner or operator
 - Section .08(17) Recordkeeping
 - Section .08(18) Drawing on financial assurance mechanisms

- Section .08(19) Release from requirements
- Section .08(20) Bankruptcy or other incapacity of owner or operator or provider of financial assurance
- Section .08(21) Replenishment of guarantees, letters of credit, or surety bonds

Texas

- (a) The statutory provisions include
 - 1. Texas Water Code, Title 2, Subtitle D, Chapter 26—State Water Administration
 - a. Subchapter I: Underground and Aboveground Storage Tanks
 - Section 26.341 Purpose (Except insofar as it applies to aboveground storage tanks.)
 - Section 26.342 Definitions (Except insofar as (10) and (12) apply to aboveground storage tanks.)
 - Section 26.343 Regulated Substances
 - Section 26.344 Exemptions (Except insofar as (a), (d), and (f) apply to aboveground storage tanks.)
 - Section 26.345 Administrative Provisions (Except insofar as (a) and (e) apply to aboveground storage tanks.)
 - Section 26.346 Registration Requirements (Except insofar as (a) applies to aboveground storage tanks.)
 - Section 26.347 Tank Standards
 - Section 26.348 Leak Detection and Record Maintenance
 - Section 26.349 Reporting of Releases and Corrective Action (Except insofar as (a) applies to aboveground storage tanks.)
 - Section 26.350 Tank Closure Requirements
 - Section 26.351 Corrective Action (Except insofar as it applies to aboveground storage tanks.)
 - Section 26.3511 Corrective Action by the Commission (Except insofar as it applies to aboveground storage tanks.)
 - Section 26.3512 Owner or Operator Responsibility; Limitations on Fund Payments for Corrective Action
 - Section 26.3513 Liability and Costs: Multiple Owners and Operators
 - Section 26.3514 Limits on Liability of Lender (Except insofar as it applies to aboveground storage tanks.)
 - Section 26.3515 Limits on Liability of Corporate Fiduciary (Except insofar as it applies to aboveground storage tanks.)
 - Section 26.352 Financial Responsibility
 - Section 26.355 Recovery of Costs (Except insofar as it applies to aboveground storage tanks.)
 - Section 26.357 Standards and Rules
 - Section 26.3571 Eligible Owner or Operator
 - Section 26.3572 Groundwater Protection Cleanup Program
 - Section 26.3573 Petroleum Storage Tank Remediation Fund
 - Section 26.35735 Claims Audit
 - Section 26.3574 Fee on Delivery of Certain Petroleum Products

- Section 26.358 Storage Tank Fund; Fees (Except insofar as it applies to aboveground storage tanks.)
- Section 26.359 Local Regulation or Ordinance
- (b) The regulatory provisions include
1. 31 Texas Administrative Code, Chapter 334—Underground and Aboveground Storage Tanks
 - a. Subchapter A: General Provisions
 - Section 334.1 Purpose and Applicability (Except insofar as Section 334.1(a)(1), (c), and (d)(2) apply to aboveground storage tanks.)
 - Section 334.2 Definitions
 - Section 334.3 Statutory Exemptions (Except insofar as Section 334.3(b) applies release reporting and corrective action requirements to certain hydraulic lift tanks that are exempt under the federal program.)
 - Section 334.4 Commission Exclusions (Except insofar as Section 334.4: (1) Does not exclude airport hydrant fuel distribution systems and UST systems with field-constructed tanks; excludes only *sumps* less than 110 gallons, as opposed to all tanks; and does not provide a release detection deferral for UST systems that store fuel solely for use by emergency power generators; (2) Subjects wastewater treatment tank systems that are deferred in the federal rules to the registration requirements, general operating requirements, and corrective action requirements; (3) Requires USTs that store radioactive substances or are part of a nuclear power plant to comply with registration and general operating requirements; and (4) Applies release reporting and corrective action requirements to certain hydraulic lift tanks that are exempt under the federal program.)
 - Section 334.5 General Prohibitions
 - Section 334.6 Construction Notification
 - Section 334.7 Registration
 - Section 334.8 Certification
 - Section 334.9 Seller's Disclosure
 - Section 334.10 Reporting and Recordkeeping
 - Section 334.12 Other General Provisions
 2. Subchapter B: Underground Storage Tank Fees
 - Section 334.21 Fee Assessment
 - Section 334.22 Failure to Make Payment
 - Section 334.23 Disposition of Fees, Interest and Penalties
 3. Subchapter C: Technical Standards
 - Section 334.41 Applicability
 - Section 334.42 General Standards
 - Section 334.43 Variances and Alternative Procedures
 - Section 334.44 Implementation Schedules
 - Section 334.45 Technical Standards for New UST Systems
 - Section 334.46 Installation Standards for New UST Systems
 - Section 334.47 Technical Standards for Existing UST Systems
 - Section 334.48 General Operating and Management Requirements
 - Section 334.49 Corrosion Protection
 - Section 334.50 Release Detection
 - Section 334.51 Spill and Overfill Prevention and Control
 - Section 334.52 UST System Repairs and Relining
 - Section 334.53 Reuse of Used Tanks
 - Section 334.54 Temporary Removal from Service
 - Section 334.55 Permanent Removal from Service
 4. Subchapter D: Release Reporting and Corrective Action
 - Section 334.71 Applicability
 - Section 334.72 Reporting of Suspected Releases
 - Section 334.73 Investigation Due to Off-Site Impacts
 - Section 334.74 Release Investigation and Confirmation Steps
 - Section 334.75 Reporting and Cleanup of Surface Spills and Overfills
 - Section 334.76 Initial Response to Releases
 - Section 334.77 Initial Abatement Measures and Site Check
 - Section 334.78 Initial Site Characterization
 - Section 334.79 Free Product Removal
 - Section 334.80 Investigation for Soil and Groundwater Cleanup
 - Section 334.81 Corrective Action Plan
 - Section 334.82 Public Participation
 - Section 334.83 Emergency Orders
 - Section 334.84 Corrective Action by the Commission
 - Section 334.85 Management of Wastes
 5. Subchapter E: Financial Responsibility
 - Section 334.91 Applicability
 - Section 334.92 Compliance Dates
 - Section 334.93 Amount and Scope of Required Financial Responsibility
 - Section 334.94 Allowable Mechanisms and Combinations of Mechanisms
 - Section 334.95 Financial Test of Self-Insurance
 - Section 334.96 Guarantee
 - Section 334.97 Insurance and Risk Retention Group Coverage
 - Section 334.98 Surety Bond
 - Section 334.99 Letter of Credit
 - Section 334.100 Trust Fund
 - Section 334.101 Standby Trust Fund
 - Section 334.102 Substitution of Financial Assurance Mechanisms by Owner or Operator
 - Section 334.103 Cancellation or Non-renewal by a Provider of Financial Assurance
 - Section 334.104 Reporting by Owner or Operator
 - Section 334.105 Financial Assurance Recordkeeping

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- Section 334.106 Drawing on Financial Assurance Mechanisms
- Section 334.107 Release from the Requirements
- Section 334.108 Bankruptcy or Other Incapacity of Owner or Operator of Provider of Financial Assurance
- Section 334.109 Replenishment of Guarantees, Letters of Credit, or Surety Bonds
- 6. Subchapter H: Interim Reimbursement Program
 - Section 334.301 Applicability of this Subchapter
 - Section 334.302 General Conditions and Limitations Regarding Reimbursement—Interim Period
 - Section 334.303 Time to File Application—Interim Period
 - Section 334.304 Who May File Application—Interim Period
 - Section 334.305 Where and How Documents Must Be Filed—Interim Period
 - Section 334.306 Form and Contents of Application—Interim Period
 - Section 334.307 Technical Information Required—Interim Period
 - Section 334.308 Allowable Costs and Restrictions on Allowable Costs—Interim Period
 - Section 334.309 Reimbursable Costs—Interim Period
 - Section 334.310 Requirements for Eligibility—Interim Period
 - Section 334.311 Determining the Number of Occurrences—Interim Period
 - Section 334.312 Owner/Operator Contribution
 - Section 334.313 Review of Application by Executive Director—Interim Period
 - Section 334.314 Executive Director's Fund Payment Report—Initial Period
 - Section 334.315 Protest of Fund Payment Report—Interim Period
 - Section 334.316 Formal Petition—Interim Period
 - Section 334.317 Hearing by the Commission—Interim Period
 - Section 334.318 Recovery of Costs—Interim Period
 - Section 334.319 Administrative Penalties and Other Actions—Initial Period
 - Section 334.320 Responsibilities of Owners and Operators—Interim Period
 - Section 334.321 Corrective Action by the Commission—Interim Period
 - Section 334.322 Subchapter H Definitions
- 7. Subchapter K: Petroleum Substance Waste
 - Section 334.481 Definitions
 - Section 334.482 General Prohibitions
 - Section 334.483 Disposal by Generator
 - Section 334.484 Registration Required for Petroleum-Substance Waste Storage or Treatment Facilities
 - Section 334.485 Authorization for Class C and Class D Facilities
 - Section 334.486 Exemptions
 - Section 334.487 Notification and Mobilization Requirements for Class B Facilities
 - Section 334.488 Effect on Existing Facilities
 - Section 334.489 Notice to Owners and Operators
 - Section 334.490 Public Notice
 - Section 334.491 Public Meetings for Class A Facilities
 - Section 334.492 Closure and Facility Expansion
 - Section 334.493 Location Standards for Class A Petroleum-Substance Waste Storage or Treatment Facilities
 - Section 334.494 Shipping Procedures Applicable to Generators of Petroleum-Substance Waste
 - Section 334.495 Recordkeeping and Reporting Procedures Applicable to Generators
 - Section 334.496 Shipping Requirements Applicable to Transporters of Petroleum-Substance Waste
 - Section 334.497 Shipping Requirements Applicable to Owners or Operators of Storage Treatment or Disposal Facilities
 - Section 334.498 Recordkeeping Requirements Applicable to Owners or Operators of Storage Treatment or Disposal Facilities
 - Section 334.499 Additional Reports
 - Section 334.500 Design and Operating Requirements of Stockpiles and Land Surface Treatment Units
 - Section 334.501 Reuse of Petroleum-Substance Waste
 - Section 334.502 Contaminant Assessment Program and Corrective Action
 - Section 334.503 Security
 - Section 334.504 Contingency Plan
 - Section 334.505 Emergency Procedures
 - Section 334.506 Closure Requirements Applicable to Class A and Class B Facilities
 - Section 334.507 General Requirements for Financial Assurance
 - Section 334.508 Mechanisms for Financial Assurance
 - Section 334.509 Liability Requirements for Class A and B Facilities
 - Section 334.510 Incapacity of Owners or Operators, Guarantors, or Financial Institutions
- 8. Subchapter L: Overpayment Prevention
 - Section 334.530 Purpose and Applicability of the Subchapter
 - Section 334.531 Responsibility of Recipients of Money from the PSTR Fund and Persons Paid by Recipients of Money from the PSTR Fund
 - Section 334.532 Payments
 - Section 334.533 Audits
 - Section 334.534 Notice of Overpayment
 - Section 334.535 Objections to the Notice of Overpayment and Formal Petition for Hearing
 - Section 334.536 Hearing by the Commission

Section 334.537 Failure to Return Overpayment or Cooperative with Audit or Investigation

Section 334.538 Administrative Penalties and Other Actions

9. Subchapter M: Reimbursable Cost Guidelines for the Petroleum Storage Tank Reimbursement Program

Section 334.560 Reimbursable Cost Guidelines

Utah

(a) The statutory provisions include: Utah Code Unannotated (1994), Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, and Chapter 6, Part 4, Underground Storage Tank Act:

Section 19-6-109 Inspections authorized.

Section 19-6-402 Definitions, except (3), (4), (8), (9), (11), (14), (15), (20), (23), and (26).

Section 19-6-402.5 Retroactive effect.

Section 19-6-403 Powers and duties of board, except (1)(a) (i) and (iv).

Section 19-6-404 Powers and duties of executive secretary, except (2)(c), (2)(f), (2)(j), and (2)(m).

Section 19-6-407 Underground storage tank registration—Change of ownership or operation—Civil penalty, except (2) and (3).

Section 19-6-413 Tank tightness test—Actions required after testing.

Section 19-6-420 Releases—Abatement actions—Corrective actions, except (1) through (3)(b), (4)(a), (5) (b) and (c), (6), and (9)(b).

(b) The regulatory provisions include:

(1) Administrative Rules of the State of Utah, Utah Administrative Code (1993):

Section R311-200-1 Definitions, except (2), (5), (8), (10), (13), (20), (29), (42) through (49), (53), and (54).

Section R311-202-1 Incorporation by Reference.

Section R311-203-1 Definitions.

Section R311-203-3 New Installations.

Section R311-203-4 Notification.

Section R311-204-1 Definitions

Section R311-204-2 Underground Storage Tank Closure Plan.

Section R311-204-3 Disposal.

Section R311-204-4 Subsequent Closure Notice.

Section R311-205-1 Definitions.

Section R311-205-2 Site Assessment Protocol.

Section R311-206-1 Definitions.

Section R311-206-2 Requirements for Issuance of Certificates, except (b) and (c).

Section R311-206-3 Application for Certificates.

Section R311-206-5 Revocation and Reissuance of Certificates, except (b), (c), (d), and the words “compliance or” in R311-206-5(a).

Vermont

(a) The statutory provisions include Vermont Statutes Annotated, 1992, Chapter 59. Underground Liquid Storage Tanks:

Section 1921 Purpose.

Section 1922 Definitions.

Section 1923 Notice of New or Existing Underground Storage Tank.

Section 1924 Integrity Report.

Section 1925 Notice in Land Records.

Section 1926 Unused and Abandoned Tanks.

Section 1927 Regulation of Category One Tanks.

Section 1928 Regulation of Large Farm and Residential Motor Fuel Tanks.

Section 1930 Implementation; Coordination.

Section 1936 Licensure of Tank Inspectors.

Section 1938 Underground Storage Tank Trust Fund.

Section 1939 Risk Retention Pool.

Section 1940 Underground Storage Tank Incentive Program.

Section 1941 Petroleum Cleanup Fund.

Section 1942 Petroleum Distributor Licensing Fee.

Section 1943 Petroleum Tank Assessment.

Section 1944 Underground Storage Tank Loan Assistance Program.

(b) The regulatory provisions include State of Vermont, Agency of Natural Resources, Underground Storage Tank Regulations, February 1, 1991:

(1) Subchapter 1: General.

Section 8-101 Purpose.

Section 8-102 Applicability.

Section 8-103 Severability.

(2) Subchapter 2: Definitions.

Section 8-201 Definitions.

(3) Subchapter 3: Notification and Permits.

Section 8-301 Notification, except for the following words in section 8-301(1), “Notification is also required for any tank used exclusively for on-premises heating that is greater than 1100 gallons in size.”

Section 8-302 Permits.

Section 8-303 Financial Responsibility Requirements.

Section 8-304 Petroleum Tank Assessment.

Section 8-305 Innovative Technology.

(4) Subchapter 4: Minimum Standards for New and Replacements Tanks and Piping.

Section 8-401 General Requirements.

Section 8-402 Tanks—Design and Manufacturing Standards.

Section 8-403 Tanks—Secondary Containment.

Section 8-404 Tanks—Release Detection.

Section 8-405 Piping—Design and Construction.

Section 8-406 Compatibility.

Section 8-407 Spill and Overfill Prevention Equipment.

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- Section 8-408 Installation.
- (5) Subchapter 5: Minimum Operating Standards for Existing Tanks and Piping.
- Section 8-501 General Requirements.
- Section 8-502 Spill and Overfill Prevention.
- Section 8-503 Corrosion Protection of Metallic Components.
- Section 8-504 Release Detection.
- Section 8-505 Compatibility.
- Section 8-506 Repairs.
- (6) Subchapter 6: Reporting, Investigation, Corrective Action and UST Closure.
- Section 8-601 General Requirement, except for the following words, "Heating oil tanks greater than 1100 gallons capacity used exclusively for on-premise heating purposes are subject to the requirements for permanent closure in accordance with subsection 8-605(2)."
- Section 8-602 Reporting.
- Section 8-603 Release Investigation and Confirmation.
- Section 8-604 Corrective Action.
- Section 8-605 Closure of USTs.
- Appendix A Groundwater Monitoring Requirements.
- Appendix B Inventory Monitoring Procedures.
- Appendix C Procedures for Manual Tank Gauging.
- Appendix D Installation Requirements Applicable to New and Replacement UST Systems.

Virginia

- (a) The statutory provisions include:

- (1) Code of Virginia, Title 62.1, Chapter 3.1:
State Water Control Law

Article 9: Storage Tanks

- Section 62.1-44.34:8 Definitions, except "Aboveground storage tank" and "Regulated substance"
- Section 62.1-44.34:9 Powers and duties of Board

Article 10: Petroleum Storage Tank Fund

- Section 62.1-44.34:10 Definitions, except "Aboveground storage tank" and "Regulated substance"
- Section 62.1-44.34:11 Virginia Petroleum Storage Tank Fund
- Section 62.1-44.34:12 Financial responsibility

- (b) The regulatory provisions include:

- (1) Virginia Administrative Code, Title 9, Agency 25: State Water Control Board, Chapter 580: Underground Storage Tanks—Technical Standards and Corrective Action Requirements

Part I: Definitions, Applicability, and Interim Prohibition

- 9 VAC 25-580-10 Definitions, except "Underground storage tank" includes heating oil tanks of greater than 5,000 gallon capacity and "Regulated substance"
- 9 VAC 25-580-20 Applicability
- 9 VAC 25-580-30 Interim prohibition for deferred UST systems
- 9 VAC 25-580-40 Permitting and inspection requirements for all UST systems

Part II: UST Systems: Design, Construction, Installation, and Notification

- 9 VAC 25-580-50 Performance standards for new UST systems
- 9 VAC 25-580-60 Upgrading of existing UST systems
- 9 VAC 25-580-70 Notification requirements
- 9 VAC 25-580-80 Spill and overfill control
- 9 VAC 25-580-90 Operation and maintenance of corrosion protection
- 9 VAC 25-580-100 Compatibility
- 9 VAC 25-580-110 Repairs allowed

Part III: General Operating Requirements

- 9 VAC 25-580-120 Reporting and record-keeping

Part IV: Release Detection

- 9 VAC 25-580-130 General requirements for all petroleum and hazardous substance UST systems, except heating oil tanks of greater than 5,000 gallon capacity
- 9 VAC 25-580-140 Requirements for petroleum UST systems
- 9 VAC 25-580-150 Requirements for hazardous substance UST systems
- 9 VAC 25-580-160 Methods of release detection for tanks
- 9 VAC 25-580-170 Methods of release detection for piping
- 9 VAC 25-580-180 Release detection record-keeping

Part V: Release Reporting, Investigation, and Confirmation

- 9 VAC 25-580-190 Reporting of suspected releases
- 9 VAC 25-580-200 Investigation due to off-site impacts
- 9 VAC 25-580-210 Release investigation and confirmation steps
- 9 VAC 25-580-220 Reporting and cleanup of spills and overfills

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Part VI: Release Response and Corrective Action for UST Systems Containing Petroleum for Hazardous Substances

- 9 VAC 25-580-230 General
- 9 VAC 25-580-240 Initial response
- 9 VAC 25-580-250 Initial abatement measures and site check
- 9 VAC 25-580-260 Site characterization
- 9 VAC 25-580-270 Free product removal
- 9 VAC 25-580-280 Corrective action plan
- 9 VAC 25-580-300 Public participation
- 9 VAC 25-580-310 Temporary closure

Part VII: Out-of-Service UST Systems and Closure

- 9 VAC 25-580-320 Permanent closure and changes-in-service
- 9 VAC 25-580-330 Assessing the site at closure or change-in-service
- 9 VAC 25-580-340 Applicability to previously closed UST systems
- 9 VAC 25-580-350 Closure records

Part VIII: Delegation

- 9 VAC 25-580-360 Delegation of authority
- Appendix I: Virginia Underground Storage Tank Notification Forms
- Appendix II: Statement for Shipping tickets and Invoices

(2) Virginia Administrative Code, Title 9, Agency 25: State Water Control Board, Chapter 590: Petroleum Underground Storage Tank Financial Responsibility Requirements

- 9 VAC 25-590-10 Definitions
- 9 VAC 25-590-20 Applicability
- 9 VAC 25-590-30 Compliance dates
- 9 VAC 25-590-40 Amount and scope of financial responsibility requirement
- 9 VAC 25-590-50 Allowable mechanisms and combinations of mechanisms
- 9 VAC 25-590-60 Financial test of self-insurance
- 9 VAC 25-590-70 Guarantee
- 9 VAC 25-590-80 Insurance and group self-insurance pool coverage
- 9 VAC 25-590-90 Surety bond
- 9 VAC 25-590-100 Letter of credit
- 9 VAC 25-590-110 Trust fund
- 9 VAC 25-590-120 Standby trust fund
- 9 VAC 25-590-130 Substitution of financial assurance mechanisms by owner and operator
- 9 VAC 25-590-140 Cancellation or non-renewal by a provider of financial assurance
- 9 VAC 25-590-150 Reporting by owner or operator
- 9 VAC 25-590-160 Recordkeeping
- 9 VAC 25-590-170 Drawing on financial assurance mechanism
- 9 VAC 25-590-180 Release from the requirements

- 9 VAC 25-590-190 Bankruptcy or other incapacity of owner, operator or provider of financial assurance
- 9 VAC 25-590-200 Replenishment of guarantees, letters of credit or surety bonds
- 9 VAC 25-590-210 Virginia Petroleum Storage Tank Fund
- 9 VAC 25-590-220 Notices to the State Water Control Board
- 9 VAC 25-590-230 Delegation of authority
- 9 VAC 25-590-240 Lender liability
- 9 VAC 25-590-250 Local government financial responsibility demonstration
- 9 VAC 25-590-260 Word or phrase substitutions

Appendix I: Letter from Chief Financial Officer

Appendix II: Guarantee

Appendix III: Endorsement

Appendix IV: Certificate of Insurance

Appendix V: Performance Bond

Appendix VI: Irrevocable Standby Letter of Credit

Appendix VII: Trust Agreement

Appendix VIII: Certification of Acknowledgment

Appendix IX: Certification of Financial Responsibility

Appendix X: Certification of Valid Claim

Appendix XI: Letter from Chief Financial Officer (short form)

West Virginia

(a) The statutory provisions include:

- (1) Code of West Virginia, Article 17: Underground Storage Tanks

Section 22-17-1 Short title

Section 22-17-2 Declaration of policy and purpose

Section 22-17-3 Definitions

Section 22-17-4 Designation of division of environmental protection as the state underground storage tank program lead agency

Section 22-17-6 Promulgation of rules and standards by director, except §22-17-6.(b)(12) and (b)(13)

Section 22-17-8 Notification requirements

Section 22-17-9 Registration requirements; undertaking activities without registration

Section 22-17-10 Financial responsibility

Section 22-17-11 Performance standards for new underground storage tanks

Section 22-17-12 Confidentiality, except §22-17-12.(b)

Section 22-17-14 Corrective action for underground petroleum storage tanks

Section 22-17-22 Underground storage tank insurance fund

(b) The regulatory provisions include:

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(1) West Virginia Code of State Regulations,
Title 33: Office of Waste Management Rule,
Series 30: Underground Storage Tanks

Section 33-30-1 General

Section 33-30-2 Adoption of Federal Regula-
tions

Section 33-30-4 Notification Requirements,
except § 33-30-4.2.b and 4.4.b

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EDITORIAL NOTE: For FEDERAL REGISTER ci-
tations affecting appendix A to part 282, see
the List of CFR Sections Affected, which ap-
pears in the Finding Aids section of the
printed volume and at *www.fdsys.gov*.

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