

(1) The state must give EPA notice of the proposed transfer, and submit, at least 90 days before the transfer, a plan for the orderly transfer of all relevant program information necessary for EPA to administer the program.

(2) Within 30 days of receiving the state's transfer plan, EPA must evaluate the plan and identify any additional information needed by the federal government for program administration.

(3) At least 30 days before the transfer is to occur, EPA must publish notice of the transfer in the FEDERAL REGISTER; in enough of the largest newspapers in the state to attract statewide attention; and to persons on appropriate state mailing lists.

(b) When EPA begins proceedings to determine whether to withdraw approval of a state program (either on its own initiative or in response to a petition from an interested person), withdrawal proceedings must be conducted in accordance with procedures set out in 40 CFR 271.23 (b) and (c), except for §271.23(b)(8)(iii) to the extent that it deviates from requirements under §281.60.

## PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

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282.98 West Virginia State-Administered Program.

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282.103–282.105 [Reserved]

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,

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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](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): JFK Federal Building, Boston, MA 02203-2211.

(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): 726 Minnesota Avenue, Kansas City, KS 66101.

(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]

§§ 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. 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 estab-

lish 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

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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 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

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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 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

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(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 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]

§§ 282.61–282.64 [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



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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 stor-

age 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

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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; 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]

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§ 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 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 Attorney 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 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 Closure of Underground Oil Storage Facilities Chapter 691 Section I through 13.

(iii) The following statutory and regulatory provisions are broader in scope

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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 incorporated by reference, is referenced as part of the approved underground

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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 or Massachusetts Department of Fire Services, P.O. Box 1025, State Road,

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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 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

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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 FED-

ERAL 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

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M. S. 115C.113 Orders  
M. S. 115C.12 Appeal of reimbursement de-termination

### (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.]  
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



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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.*

EFFECTIVE DATE NOTE: At 70 FR 29630, May 24, 2005, §285.73 was added, effective July 25, 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

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the Mississippi Department of Environmental Quality, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the Mississippi program on June 11, 1990 and it was effective on July 11, 1990.

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

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

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

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 Under-ground 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

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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) 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 pro-

gram 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 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.

(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

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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 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 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

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(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.

- § 103 Applicability [Insofar as it does not exclude UST systems with *de minimis* con-

centrations 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.*

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(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

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



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§ 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

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 incorporated by reference, are referenced as part of the approved under-

ground 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

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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 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) 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 approved the Oklahoma program on August 12, 1992 and it was effective on October 14, 1992.

(b) Oklahoma 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, 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

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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 submitted to EPA in Oklahoma's program application for final approval and approved by EPA on August 12, 1991. Copies may be obtained from the Underground Storage Tank Program, Oklahoma Corporation Commission, Jim Thorpe Building, Room 238, Oklahoma City, OK 73105.

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

(B) Oklahoma 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) Oklahoma Statutes, Chapter 14: Oklahoma Underground Storage Tank Regulation Act

§ 306 Corporation Commission—Powers and Duties

§ 310 Inspections and Investigations—Violations—Notice—Failure To Take Corrective Action—Notice and Hearing—Orders—Service of Instruments—Notice to Real Property Owner and Opportunity for Hearing

§ 312 Enforcement of Actions and Remedies—Action for Equitable Relief—Jurisdiction—Relief

(B) The regulatory provisions include:

(1) Oklahoma Annotated Code, Chapter 25: Underground Storage Tanks, Subchapter 9: Inspections, Testing, and Monitoring

Part 1: Inspections

Part 5: Penalties

Part 7: Field Citations

Part 9: Shutdown of Operations

(2) Oklahoma Annotated Code, Chapter 27: Petroleum Storage Tank Re-

lease Indemnity Program, Subchapter 9: Administrative Provisions

§ 165:27-9-1 Hearing, Orders, and Appeals

§ 165:27-9-2 Changes to Rules

§ 165:27-9-3 Notices

§ 165:27-9-4 Severability

(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) *Oklahoma Statutes, Chapter 14: Oklahoma Underground Storage Tank Regulation Act*

§ 308 Permits—Necessity—Application—Issuance—Fees—Denial, Refusal to Issue, Suspension or Revocation—Financial Responsibility Coverage (Insofar as (B) applies to individuals other than UST system owners and operators.)

§ 318 Program for Certification of Underground Storage Tank Professionals—Meeting Training and Other Requirements for Federal Law and Regulations and State Statutes (Insofar as it applies to individuals other than UST owners and operators.)

(B) *Oklahoma Annotated Code, Chapter 25: Underground Storage Tanks*

(1) Subchapter 1: General Provisions

Part 9: Notification and Reporting Requirements (Insofar as 165:25-1-45 requires owners of exempt USTs to notify the Commission of the existence of such systems.)

(2) Subchapter 3: Release Prevention, Detection, and Correction

Part 9: Installation of Underground Storage Tank Systems (Insofar as 165:25-3-48 applies to individuals other than UST owners and operators.)

Part 19: Certification for UST Consultants (Insofar as it applies to individuals other than UST owners and operators.)

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval", signed by the Attorney General of Oklahoma on June 21, 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 Oklahoma to EPA, June 21, 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 June 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 June 25, 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 6 and the Oklahoma Corporation Commission, signed by the EPA Regional Administrator on April 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.*

[61 FR 1221, Jan. 18, 1996]

§§ 282.87–282.88 [Reserved]

§ 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

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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 [Reserved]

### § 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 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

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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 federal 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]

**§ 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

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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.]

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:



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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 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.

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(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
- § 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

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- § 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 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)

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§ 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.*

(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

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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.

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(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 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.

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(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

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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, and 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

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 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 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.

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(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 Tight-

ness 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

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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.*

[69 FR 33311, June 15, 2004]

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**§ 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 ap-

proval 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

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(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.*

(j) 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.

(j) 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]

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§§ 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.
- 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

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- 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
    - (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.

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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.

### 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



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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  
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

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- 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

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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

*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

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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

### *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; 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

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- 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).
  - (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.

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(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

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- 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
  - 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

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- 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
  - 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



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- 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
    - 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)

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- .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
    - .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 overflow 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 groundwater 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 change-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

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- .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.)
    - .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 Recordkeeping.
  - 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.

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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 statutory provisions include

1. Oklahoma Statutes, Chapter 14: Oklahoma Underground Storage Tank Regulation Act

Section 301 Short Title

Section 303 Definitions

Section 304 Exemptions

Section 305 Corporation Commission Designated as State Agency to Administer Certain Federal Programs

Section 307 Corporation Commission—Promulgation of Rules Governing Underground Storage Tank Systems

Section 308 Permits—Necessity—Application—Issuance—Fees—Denial, Refusal to Issue, Suspension or Revocation—Financial Responsibility Coverage (Except (B), which applies to individuals other than UST owners and operators.)

Section 308.1 Underground Storage Tank Systems for Petroleum Products—Permit Fee—Penalty—Suspension or Non-renewal of Permit

Section 309 Release from Underground Storage Tank System—Reports—Corrective Action—Powers, Duties and Procedures of Corporation Commission

Section 313 Records, Reports and Informations—Public Inspection—Confidentiality—Disclosure to Federal or State Representatives

Section 315 Corporation Commission Underground Storage Tank Regulation Revolving Fund

Section 316 Ordinance or Regulations in Conflict with Act Prohibited

Section 340 Storage Tank Advisory Council—Members—Quorum—Authority—Rules—Expenses

2. Oklahoma Statutes, Chapter 15: Oklahoma Petroleum Storage Tank Release Indemnity Program

Section 350 Short Title—Maintenance, Operation and Administration

Section 352 Definitions

Section 353 Petroleum Storage Tank Release Environmental Cleanup Indemnity Fund

Section 354 Assessments on Motor Fuels, Diesel Fuel and Blending Materials—Exemptions—Deposits in Funds

Section 356 Collection, Remittance and Reporting of Assessments

Section 356.1 Confidentiality of Records, Reports or Information—Schedule of Reimbursable Fees

Section 357 Payment of Claim Subject to Indemnity Fund Acquiring Subrogation Rights—Administrator to Protect Indemnity Fund in Judicial and Administrative Proceedings—Notice of Lawsuit—Enforcement of Third Party Claim

Section 358 Annual Reports

Section 359 Audit Relating to Petroleum Storage Tank Release Environmental Cleanup Indemnity Fund

Section 360 Limitation on Expenditures for Administrative Costs—Reports

- Section 361 Appointment of Administrator—Hiring of Employees—Temporary Workers and Contract Labor
- Section 365 Oklahoma Leaking Underground Storage Tank Trust Fund—Oklahoma Leaking Underground Storage Tank Revolving Fund—Appropriation, Budgeting and Expenditure of Monies—Payments from Funds—Costs of Actions—Emergencies—Reimbursement of Funds—Administrative Penalties
- (b) The regulatory provisions include
1. Oklahoma Annotated Code, Chapter 25: Underground Storage Tanks
    - a. Subchapter 1: General Provisions
      - Part 1: Purpose and Statutory Authority
      - Part 3: Definitions
      - Part 5: Scope of Rules
      - Part 7: National Industry Codes
      - Part 9: Notification and Reporting Requirements (Except 165:25–1–45, insofar as it requires owners of exempt USTs to notify the Commission of the existence of such systems.)
    - b. Subchapter 3: Release Prevention, Detection, and Correction
      - Part 1: Release Prohibition, Reporting and Investigation
      - Part 3: Recordkeeping
      - Part 5: Spill and Overfill Prevention Requirements
      - Part 7: Compatibility
      - Part 9: Installation of Underground Storage Tank Systems (Except 165:25–3–48, which applies to individuals other than UST owners and operators.)
      - Part 11: Repairs to Underground Storage Tank Systems
      - Part 13: Removal and Closure of Underground Storage Tank Systems
      - Part 15: Corrective Action Requirements
      - Part 17: Requirements for Corrosion Protection Systems
    - c. Subchapter 5: Requirements for Existing Underground Storage Tank Systems
    - d. Subchapter 7: Requirements for New Underground Storage Tank Systems
      - Part 1: Design, Construction, and Installation Requirements
      - Part 3: General Release Detection Methods and Service
      - Part 5: Release Detection Methods and Devices for Petroleum Underground Storage Tank Systems
    - e. Subchapter 9: Inspections, Testing, and Monitoring
      - Part 3: Fees
    - f. Subchapter 11: Administrative Provisions
    - g. Subchapter 13: Financial Responsibility Requirements
      - Part 1: Applicability
      - Part 3: Definitions
      - Part 5: Amount and Scope of Coverage
      - Part 7: Financial Assurance
      - Part 9: Financial Test of Self-Insurance
      - Part 11: Guarantee
  - Part 13: Insurance and Risk Retention Group Coverage
  - Part 15: Surety Bond
  - Part 17: Letter of Credit
  - Part 19: State Fund or Other State Assurance
  - Part 21: Trust Fund
  - Part 23: Standby Trust Fund
  - Part 25: Substitution of Financial Assurance Mechanisms
  - Part 27: Cancellation or Nonrenewal
  - Part 29: Reporting
  - Part 31: Recordkeeping
  - Part 33: Drawing on Financial Assurance Mechanisms
  - Part 35: Release from Subchapter 11 Requirements
  - Part 37: Bankruptcy or Other Incapacity of Owner/Operator or Provider of Financial Assurance
  - Part 39: Replenishment of Guarantees, Letters of Credit, or Surety Bonds
- h. Subchapter 15: Circle K Settlement Fund
  - Part 1: General Provisions
  - Part 3: Definitions
  - Part 5: Eligibility Requirements
  - Part 7: Reimbursement
- i. Appendices
  - Appendix A: Letter From Chief Financial Officer
  - Appendix B: Guarantee
  - Appendix C: Endorsement
  - Appendix D: Certificate of Insurance
  - Appendix E: Performance Bond
  - Appendix F: Irrevocable Standby Letter of Credit
  - Appendix G: Trust Agreement
  - Appendix H: Certification of Financial Responsibility
  - Appendix I: Certification of Valid Claim
  - Appendix J: Soil and Groundwater Remediation Index
  - Appendix K: Soil Cleanup Levels
  - Appendix L: Mean Annual Precipitation
  - Appendix M: Hydrologically Sensitive Area
  - Appendix N: Field Citation Fines
2. Oklahoma Annotated Code, Chapter 27: Indemnity Fund
    - a. Subchapter 1: General Provisions
      - Section 165:27–1–1 Purpose
      - Section 165:27–1–2 Definitions
      - Section 165:27–1–3 Scope
      - Section 165:27–1–4 Authority
      - Section 165:27–1–5 Citation of Rules
      - Section 165:27–1–6 Prescribed Forms
    - b. Subchapter 3: Eligibility Requirements
      - Section 165:27–3–1 General Requirements
      - Section 165:27–3–2 Eligible Person
      - Section 165:27–3–3 Eligible Release
    - c. Subchapter 5: Qualifications for Reimbursement
      - Section 165:27–5–1 Qualifications for Reimbursement
      - Section 165:27–5–2 Application for Reimbursement
      - Section 165:27–5–3 Application for Supplemental Reimbursement

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- d. Subchapter 7: Reimbursement
  - Section 165:27-7-1 Reimbursable Expenses
  - Section 165:27-7-2 Total Reimbursement
  - Section 165:27-7-5 Methods for Reimbursement
  - Section 165:27-7-6 Conditions for Reimbursement
  - Section 165:27-7-7 Exclusions from Reimbursement
  - Section 165:27-7-8 Withholding Reimbursement

### 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
- (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

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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  
Section 15.00 Closure  
Section 16.00 Leak Detection Methods and Precision Tester Licensing Requirements  
Section 17.00 Signatories to Registration and Closure Applications  
Section 18.00 Transfer of Certificates of Registration or Closure  
Section 19.00 USTs/Holding Tanks Serving Floor Drains  
Section 20.00 Variances  
Section 21.00 Appeals  
Section 22.00 Penalties  
Appendix A  
Appendix B  
Appendix C

### *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 overflow 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 74:03:28:28 Reporting of hazardous substance releases from UST systems.  
Section 74:03:28:29 Temporary removal from use.  
Section 74:03:28:30 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



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- 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 overflow control
  - Section .03(2) Operation and maintenance of corrosion protection
  - Section .03(3) Compatibility
  - Section .03(4) Repairs allowed
  - Section .03(5) Reporting and record-keeping
- 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
  - 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

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- 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.)

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- 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 Record-keeping
    - 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
- 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

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- 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.

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- (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.
  - 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

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- 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

### *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:

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

[58 FR 58625, Nov. 2, 1993]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting appendix A to part 282, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTE: At 70 FR 29631, May 24, 2005, appendix A was amended by adding "Minnesota" and its listing, effective July 25, 2005. For the convenience of the user, the added text is set forth as follows:

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

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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

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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

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 federal 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



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|-----------|--------------------------------------------------------------------------------|-----------|-----------------------------------------------------------------------------------------------------------|
| 7150.0320 | Requirements for Hazardous Material Underground Storage Tank Systems           | 7150.0420 | Assessing the Site at Closure or Change in Service                                                        |
| 7150.0330 | Methods of Release Detection for Tanks                                         | 7150.0430 | Applicability to Previously Closed Underground Storage Tank Systems                                       |
| 7150.0340 | Methods of Release Detection for Piping                                        | 7150.0440 | Closure Records                                                                                           |
| 7150.0350 | Release Detection Recordkeeping                                                |           | (6) <i>Minnesota Rules, Chapter 7510—Department of Public Safety, Fire Marshal Division, Fire Safety</i>  |
| 7150.0400 | Temporary Closure                                                              |           |                                                                                                           |
| 7150.0410 | Permanent Closure and Changes-in-Service to Storage of Nonregulated Substances | 7510.3670 | Liquefied Petroleum Gases; Section 8203: Installation of containers [except insofar as it regulates ASTs] |