

# DEPARTMENT OF ENVIRONMENTAL QUALITY

## DIVISION 150

### UNDERGROUND STORAGE TANK RULES

#### 340-150-0006

##### Applicability and General Requirements

(1) An owner and permittee of an UST system as defined by OAR 340-150-0010(85) must comply with this division, except to the extent [the system is](#) exempted or [compliance](#) deferred [or limited](#) by OAR 340-150-0008,

Deleted: 4

Deleted: or limited by 340-150-0135(8)

(2) An owner and permittee of an UST system must apply to the department for a general permit registration certificate under OAR 340-150-0020 if the UST system:

(a) Is in operation on or after May 1, 1988;

(b) Was taken out of operation between January 1, 1974, and May 1, 1988, and not permanently closed by a method that meets the requirements of OAR 340-150-0168(4);  
or

(c) Was taken out of operation before January 1, 1974, but still contains a regulated substance (i.e., the UST is not empty).

(3) Each chamber or compartment of a multichamber or multicompartment UST is an individual tank for the purpose of OAR chapter 340, divisions 150 and 151.

[**Note:** Throughout this division, the term "owner and permittee" is used to denote joint responsibility for compliance. Where the owner and permittee are different, compliance by either will be deemed compliance by both.]

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995

Stats. Implemented: ORS 466.706, ORS 466.710 & ORS 466.746

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

#### 340-150-0008

##### Exemptions and Deferrals

(1) An UST located on Indian lands, as defined in **18 U.S.C. Subpart 1151**, is exempt from the requirements of OAR chapter 340, divisions 150 and 151.

Deleted: owner of an

(2) Heating oil tanks are exempt from OAR chapter 340, divisions 150 and 151, but the heating oil tank owner must comply with the requirements of ORS 466.858 through 466.882 and OAR chapter 340, division 177.

(3) The following types of USTs and any connected piping is exempt from the requirements of OAR chapter 340, divisions 150 and 151:

Deleted: An owner of t

Deleted: are

(a) Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes (i.e., not for resale);

(b) Septic tanks;

(c) Pipeline facilities (including gathering lines) that are:

(A) Regulated under the Natural Gas Pipeline Safety Act of 1968 (**49 U.S.C. App. 1671, et seq.**);

(B) Regulated under the Hazardous Liquid Pipeline Safety Act of 1979 (**49 U.S.C. App. 2001, et seq.**); or

(C) Intrastate pipeline facilities regulated under state laws comparable to the provisions of the law referred to in paragraph (A) or (B) of this subsection.;

(d) Surface impoundments, pits, ponds or lagoons;

(e) Storm water or wastewater collection systems;

(f) Flow-through process tanks;

(g) Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;

(h) Storage tanks situated in an underground area (such as a basement, cellar, mine-working, drift, shaft or tunnel) if the storage tank is situated upon or above the surface of the floor;

(i) UST systems holding hazardous wastes listed or identified under Subtitle C of the Solid Waste Disposal Act (SWDA) or a mixture of such hazardous waste and other regulated substances;

(j) Wastewater treatment tank systems that are part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act;

(k) Equipment or machinery that contains regulated substances for operational purposes, such as hydraulic lift tanks and electrical equipment tanks;

(l) UST systems with a capacity of 110 gallons or less;

(m) UST systems that have never contained more than a "de minimis" concentration of regulated substances; and

(n) Emergency spill or overflow containment UST systems that are expeditiously (i.e., as soon as practicable after emergency has been abated) emptied after use.

(4) The following UST systems are deferred from the requirements of this division, with the exception of the conditions in sections (5) and (6) of this rule:

Deleted:

Deleted: owners must comply with

Deleted: of

(a) Wastewater treatment tank systems;

(b) UST systems containing radioactive materials that are regulated under the Atomic Energy Act of 1954 (**42 U.S.C. 2011** and following);

(c) UST systems that are part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under **10 CFR Part 50 Appendix A**;

Deleted: 40

(d) Airport hydrant fuel distribution systems; and

(e) UST systems with field constructed tanks.

(5) Installation of an UST system listed in section (4) of this rule for the purpose of storing regulated substances is prohibited unless the UST system (whether of single- or double wall construction):

Deleted: A person may not install

(a) Will prevent releases due to corrosion or structural failure for the operational life of the UST system;

(b) Is cathodically protected against corrosion, constructed of noncorrodible material, steel clad with a noncorrodible material or designed in a manner to prevent the release or threatened release of any stored substance; and

(c) Is constructed or lined with material that is compatible with the stored substance.

(6) An owner of any UST system listed in section (4) of this rule must conduct corrective action in the event of a release from the system.

(7) An owner may use **The National Association of Corrosion Engineers Standard Recommended Practice RP0285**, "Corrosion Control of Underground Storage Tank

Deleted: Control of External

Systems by Cathodic Protection," as guidance for complying with sections (4) and (5) of this rule.

**Deleted:** on Metallic Buried, Partially Buried or Submerged Liquid Storage Systems

**Deleted:** (2002)

(8) An owner and permittee of any UST system used solely to contain fuel for emergency power generators or used to contain fuel for both emergency power generators and heating must comply with all provisions of this division, except for the release detection requirements of OAR 340-150-0400 through 340-150-0470.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 465.200 - 465.455, ORS 466.706 - ORS 466.835, ORS 466.994, ORS 466.995

Stats. Implemented: ORS 465.205, ORS 465.400, ORS 466.710 - ORS 466.720, ORS 466.746

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### **340-150-0010**

#### **Definitions**

For the purpose of this division and as applicable for OAR chapter 340, divisions 151, 160 and 162, the following definitions apply:

**Deleted:** and

(1) "Ancillary equipment" means any devices including, but not limited to, connected piping, fittings, flanges, valves and pumps used to distribute, meter or control the flow of regulated substances to and from an UST.

(2) "As built drawing" or "as built" means a line drawing to-scale that accurately illustrates the location of USTs, underground piping and all related equipment in relation to buildings or other structures at an UST facility and provides thorough construction documentation. Note: Other terms used in lieu of "as built" are "record drawing" or "measured drawing", which indicate that the drawing is for an existing structure or UST system.

(3) "Cathodic protection" means a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, an UST system can be cathodically protected through the application of either galvanic anodes or impressed current.

(4) "Cathodic protection tester" means a person who demonstrates an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged underground metal piping and tank equipment.

(5) "CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended.

(6) "Change-in-service" means to transfer an UST system containing a regulated substance from regulated status (i.e., subject to the requirements of this division) to nonregulated status while the UST remains in its original location.

(7) "Class A operator" means the individual designated by the owner and permittee as having the primary responsibility for operation and maintenance of the UST system.

(8) "Class B operator" means the individual designated by the owner and permittee as having control of or responsibility for the day to day operation of an UST system, including the on-site operation and maintenance of the system in a manner that ensures the UST system is in compliance with applicable state and federal regulations and industry standards.

(9) "Class C operator" means an individual that dispenses a regulated substance or is responsible for responding to alarms or other indications of emergencies caused by spills or releases from UST systems.

(10) "Closure" means to permanently decommission an UST (by removal, filling in-place with an inert material or change-in-service) or to temporarily remove an UST from operation.

Deleted: 7

(11) "Commission" means the Oregon Environmental Quality Commission.

Deleted: 8

(12) "Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the UST system under conditions likely to be encountered in the UST.

Deleted: 9

(13) "Confirmed release" means:

Deleted: 0

(a) For petroleum. Contamination observed in soil or groundwater as a sheen, stain or petroleum odor or petroleum contamination detected in soil by the Northwest Total Petroleum Hydrocarbon Identification Analytical Method (NWTPH-HCID, DEQ, December 1996) or detected in groundwater by any appropriate analytical method specified in OAR 340-122-0218, or

Deleted: ;

(b) For hazardous substances other than petroleum. Contamination observed in soil or groundwater as a sheen, stain or identifiable odor or as detected in soil, surface water or groundwater by any appropriate analytical method specified in "Test Methods for Evaluating Solid Waste," SW-846, 3rd Edition, (U.S. Environmental Protection Agency EPA).

Deleted: Revised May 1997

(14) "Connected piping" means all piping located beneath the ground surface or otherwise covered by earthen materials, including valves, elbows, joints, flanges and flexible connectors attached to an UST system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual UST system, the piping that joins two UST systems should be allocated equally between them.

Deleted: 1

- (15) "Corrective action" means remedial action taken to protect the present or future public health, safety, welfare or the environment from a release of a regulated substance. "Corrective action" includes but is not limited to:

  - (a) The prevention, elimination, removal, abatement, control, investigation, assessment, evaluation or monitoring of a hazard or potential hazard or threat, including migration of a regulated substance; or
  - (b) Transportation, storage, treatment or disposal of a regulated substance or contaminated material from a site.

Deleted: 2
- (16) "Corrosion expert" means a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged underground metal piping systems and metal tanks. Corrosion experts must be accredited or certified by NACE (National Association of Corrosion Engineers) and licensed by the department under OAR chapter 340, division 160.

Deleted: 3
- (17) "Decommission" means temporary or permanent closure, including temporary or permanent removal from operation, filling in-place, removal from the ground or change-in-service to a nonregulated status.

Deleted: 4
- (18) "Deferred" means an UST system that may be subject to state or federal regulation at some point in the future.

Deleted: 5
- (19) "De minimis" means an insignificant amount of regulated substance (e.g., meets the definition of "empty") or is less than a reportable quantity as defined under CERCLA.

Deleted: 6
- (20) "Department" means the Oregon Department of Environmental Quality.

Deleted: 17
- (21) "Dielectric material" means a material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate an UST system from the surrounding soils. Dielectric bushings are used to electrically isolate portions of an UST system (e.g., the tank from underground piping).

Deleted: 8
- (22) "Dispenser" means a device that is used for the delivery of a regulated substance from an UST (e.g., fuel from an UST to a motor vehicle). The term includes associated metering, delivery mechanisms and other equipment contained inside a housing unit for the dispenser.

Deleted: 19
- (23) "Distributor" means a person who is engaged in the business of selling, distributing or delivering regulated substances to an owner or permittee of an UST.

Deleted: 0

- (24) "Earthen Materials" means materials originating from the earth (including, but not limited to, dirt, sand, gravel and rocks) or any other materials (including, but not limited to, wood) that have the potential to cause corrosion when placed in contact with a tank. Deleted: 1
- (25) "Electrical equipment" means equipment that is located beneath the ground surface or otherwise covered by earthen materials and contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable. Deleted: 2
- (26) "Emergency generator" means an engine that uses fuel (regulated substance) to produce auxiliary electrical or mechanical energy for use in emergencies. Deleted: 3
- (27) "Empty" means that all materials have been removed using commonly employed practices so that no more than one inch (2.5 centimeters) of residue or 0.3 percent by weight of the total capacity of the tank remain in the UST system. Deleted: 4
- (28) "Excavation zone" means an area containing an UST system and backfill material bounded by the ground surface, walls and floor of the pit and trenches into which the UST system is placed at the time of installation. Deleted: 5
- (29) "Farm tank" means a tank located on a tract of land devoted to the production of crops or raising animals, including fish and associated residences and improvements. A farm tank must be located on the farm property. "Farm" includes fish hatcheries, rangeland and nurseries with growing operations. Deleted: 6
- (30) "Fee" means a fixed charge or service charge. Deleted: 27
- (31) "Field constructed tank" means an UST that is constructed at the location it will be installed rather than factory-built. Deleted: 28
- (32) "Field penalty" means a civil penalty amount assessed in a field citation. Deleted: 9
- (33) "Flow-through process tank" means a tank that forms an integral part of a production process through which there is a steady, variable, recurring or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials before their introduction into the production process or for the storage of finished products or by-products from the production process. Deleted: 0
- (34) "Free product" means a regulated substance that is present as a nonaqueous phase liquid (e.g., liquid not dissolved in water). Deleted: 1
- (35) "Gathering lines" means any pipeline, equipment, facility or building used in the transportation of oil or gas during oil or gas production or gathering operations. Deleted: 2

- (36) "General permit" means a permit issued for a category of UST activities (e.g., installing, decommissioning or operating an UST) in lieu of individual permits developed for each UST facility. Deleted: 3
- (37) "Hazardous substance UST system" means an UST system that contains a hazardous substance defined in section 101(14) of CERCLA or any mixture of such substances and petroleum and which is not a petroleum UST system (but not including any substance regulated as a hazardous waste under Subtitle C of the SWDA). Deleted: 4
- (38) "Heating oil" means petroleum that is No. 1, No. 2, No. 4--light, No. 4--heavy, No. 5--light, No. 5--heavy and No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers or furnaces. Deleted: 5
- (39) "Heating oil tank" means a tank used for storing heating oil for consumptive use on the premises where stored (i.e., the tank is located on the same property where the stored heating oil is used). Deleted: 6
- (40) "Hydraulic lift tank" means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators and other similar devices. Deleted: 37
- (41) "Install" or "installation" means the physical construction of all or part of an UST system, including, but not limited to, activities such as excavating, backfilling, testing, placement of the tank, underground piping, release detection devices, corrosion protection systems, spill and overflow devices and any associated administrative activities such as notifications, record keeping and record submissions. Deleted: 38
- (42) "Interstitial" means the space between the primary and secondary containment systems (i.e., the space between the inner and outer walls of a tank or pipe). Deleted: 39
- (43) "Investigation" means monitoring, surveying, testing, sampling, analyzing or other information gathering techniques. Deleted: 0
- (44) "Leak" has the same meaning as "release" as defined by OAR 340-150-0010(67). Deleted: 1  
Deleted: 3
- (45) "Liquid traps" means sumps, well cellars and other traps used in association with oil and gas production, gathering and extraction operations (including gas production plants), for the purpose of collecting oil, water and other liquids. These liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream or may collect and separate liquids from a gas stream. Deleted: 2
- (46) "Maintenance" means the normal operational upkeep to prevent an UST system from releasing a regulated substance or to ensure that a release is detected. Deleted: 3

- (47) "Modification" means to change an UST system currently in use by the installation of new UST system components. This includes, but is not limited to, the addition of corrosion protection to a previously lined tank, installation of new underground piping, changing the primary release detection method to one of the methods listed in OAR 340-150-0450 through 340-150-0470 or adding secondary containment. "Modification" does not include those activities defined as "repair" or "replacement". Deleted: 4
- (48) "Motor fuel" means petroleum or a petroleum based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel or any grade of gasohol and is typically used in the operation of a motor engine. Deleted: 5
- (49) "Multichamber" or "multicompartiment" means an UST that contains two or more chambers or compartments created by the presence of an interior wall so that two or more regulated substances can be stored at the same time within a single tank shell. Even if the same regulated substance is stored in all chambers or compartments, the UST is a multichambered or multicompartimented UST for the purpose of these rules. Deleted: 6
- (50) "Native soil" means the soil outside of the immediate boundaries of the pit that was originally excavated for the purpose of installing an UST. Deleted: 47
- (51) "OAR" means Oregon Administrative Rules. Deleted: 48
- (52) "Operate" or "operation" means depositing a regulated substance into an UST, storing a regulated substance in or dispensing a regulated substance from an UST and such other activities, including, but not limited to, performing release detection, maintaining corrosion protection, preventing spills and overfills, investigating and confirming suspected releases, conducting maintenance, modifications, replacements and repairs of equipment, maintaining a financial responsibility mechanism and keeping and submitting records on the UST and underground pipings' performance. Deleted: 49  
Deleted: additions,
- (53) "Operational life" means the period beginning when installation of the UST system has commenced until the time the UST system is permanently closed. Deleted: 0
- (54) "ORS" means Oregon Revised Statutes. Deleted: 1
- (55) "Owner" means a person who currently owns an UST or owned an UST during the operational life of the tank, including: Deleted: tank's  
Deleted: 2
- (a) In the case of an UST system in use on November 8, 1984, or brought into use after that date, any person who owns an UST system used for storage, use or dispensing of regulated substances; and
- (b) In the case of an UST system in use before November 8, 1984, but no longer in use on that date, any person who owned such UST immediately before the discontinuation of its use.

- (56) "Permittee" means the owner or person designated by the owner, who is in control of or has responsibility for daily UST system operation and maintenance, financial responsibility and UST operator training requirements under a general permit pursuant to OAR 340-150-0160 through 340-150-0168. Deleted: 3
- (57) "Person" means an individual, trust, firm, joint stock company, corporation, partnership, joint venture, consortium, association, state, municipality, commission, political subdivision of a state or any interstate body, any commercial entity or the federal government or any agency of the federal government. Deleted: 4
- (58) "Petroleum" or "oil" means gasoline, crude oil, fuel oil, diesel oil, lubricating oil, oil sludge, oil refuse and crude oil fractions and refined petroleum fractions, including gasoline, kerosene, heating oils, diesel fuels and any other petroleum-related product or waste or fraction thereof that is liquid at a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute. "Petroleum" does not include any substance identified as a hazardous waste under 40 CFR Part 261. Note: For the purposes of chapter 340, divisions 122, 150, 160 and 162, blends of gasoline with ethanol and diesel fuels with biodiesel are "petroleum". Deleted: 5
- (59) "Petroleum UST system" means an UST system that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils. Deleted: 6
- (60) "Pipe" or "piping" means a hollow cylinder or tubular conduit that is constructed of nonearthen materials. Deleted: 57
- (61) "Pipeline facilities" (including gathering lines) means new and existing pipe rights-of-way and any associated equipment, facilities or buildings. Deleted: 58
- (62) "Probability of detection" means the likelihood, expressed as a percentage, that a test method will correctly identify a release from an UST system. Deleted: 59
- (63) "Probability of false alarm" means the likelihood, expressed as a percentage, that a test method will incorrectly identify an UST system as leaking when a release is not occurring. Deleted: 0
- (64) "Property owner" means the legal owner of the real property on which an UST is located. Deleted: 1
- (65) "Registration certificate" means a document issued by the department that authorizes a person to install, operate or decommission an UST system under a general permit pursuant to OAR 340-150-0160 through 340-150-0168. Deleted: 2
- (66) "Regulated substance" includes, but is not limited to: Deleted: 3

(a) Any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (but not including any substance regulated as a hazardous waste under Subtitle C of the SWDA);

(b) Petroleum, including crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute); and

(c) Petroleum based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading and finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils.

(67) "Release" means the discharge, deposit, injection, dumping, spilling, emitting, leaking or placing of a regulated substance from an UST into the air or into or on land or the waters of the state, other than as authorized by a permit issued under state or federal law.

Deleted: 4

(68) "Release detection" or "leak detection" means determining whether a release of a regulated substance has occurred from the UST system into the environment, into the interstitial space between the UST system and its secondary barrier or into a secondary containment unit or sump around the UST.

Deleted: 5

(69) "Repair" means to restore any portion of an UST system that has failed, but does not include the activities defined by "modification" or "replacement".

Deleted: 6

(70) "Replacement" means to effect a change in any part of an UST system by exchanging one unit for a like or similar unit, but does not include activities defined as "repair" or "modification".

Deleted: 67

(71) "Residential tank" means a tank located on property used primarily for single family dwelling purposes.

Deleted: 68

(72) "Septic tank" means a watertight covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such receptacle is distributed for disposal through the soil and settled solids and scum from the tank are pumped out periodically and hauled to a treatment facility.

Deleted: 69

(73) "Service provider" means a person licensed by the department to offer to perform or perform UST services on USTs regulated under OAR chapter 340, division 150.

Deleted: 0

(74) "Storm water" or "wastewater collection system" means piping, pumps, conduits and any other equipment necessary to collect and transport the flow of surface water run off resulting from precipitation or domestic, commercial or industrial wastewater to and from retention areas or any areas where treatment is designated to occur. The collection of

Deleted: 1

storm water and wastewater does not include treatment except where incidental to conveyance.

(75) "Supervisor" means an individual licensed by the department to direct and oversee specific UST services.

Deleted: 2

(76) "Surface impoundment" means a natural topographic depression, human-made excavation or diked area formed primarily of earthen materials (although it may be lined with human-made materials) that is not an injection well.

Deleted: 3

(77) "Suspected release" has the same meaning as described in OAR 340-150-0500(1).

Deleted: 4

(78) "Tank" means a stationary device designed to contain an accumulation of regulated substances and is constructed of nonearthen materials (e.g., concrete, steel, plastic) that provide structural support.

Deleted: 5

(79) "Tank tightness testing" means a method used to determine if an UST is leaking and is used to supplement another release detection method (such as inventory control or manual tank gauging) and to verify a suspected release when another method indicates a failure.

Deleted: 6

(80) "Temporary closure" means a halt in operation activities of an UST system for a limited time where the UST system will be brought back into operation or permanently decommissioned at some future date. For example, an UST may be temporarily closed due to corrective action activities on site, abandonment by the owner and permittee, bankruptcy proceedings, failure to maintain a financial responsibility mechanism, sale in progress or for any other reason that a permittee may choose to stop operating the UST. The term applies to an UST system that meets the definition of "temporary closure" whether or not the department has issued a registration certificate for this activity to the owner and permittee.

Deleted: 77

(81) "Testing" means applying a method to determine the integrity or operational status of any part of an UST system.

Deleted: 78

(82) "Third party evaluation" means an evaluation of a method or system including, but not limited to, a release detection system or tank integrity assessment method that is conducted by an independent organization. The evaluation includes certification that the method evaluated will operate as designed and includes information about any limitations of the method. As used in this definition, "independent" means that the organization that conducted the evaluation may not be owned, controlled by or associated with any client, industry organization or any other institution with a financial interest in the method or system evaluated.

Deleted: 79

(83) "Underground area" means an underground room, such as a basement, cellar, shaft or vault that provides enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor.

Deleted: 0

(84) "Underground piping" means connected piping that is located beneath the ground surface or otherwise covered by earthen materials.

Deleted: 1

(85) "Underground storage tank" or "UST" means any one or combination of tanks (including connected underground pipes) that contains or used to contain a regulated substance and the volume of which (including the volume of connected underground pipes) is 10 percent or more beneath the ground surface or otherwise covered by earthen materials.

Deleted: 2

(86) "UST facility" means the real property on which an UST is installed or will be installed. An UST facility encompasses all contiguous real property owned by the same property owner that is associated with the operation of the UST system.

Deleted: 3

(87) "UST services" includes without limitation, installation, decommissioning, modification, testing (e.g., cathodic protection and tank tightness) and inspection of UST systems.

Deleted: 4

(88) "UST system" means an underground storage tank, underground piping, underground ancillary equipment and containment system, if any.

Deleted: 5

(89) "UST system operator" means the individual designated by the owner and permittee as having control of or responsibility for the operation of an UST system, including the on-site operation and maintenance of the system in a manner to ensure that the UST system is in compliance with applicable state and federal regulations and industry standards.

Deleted: 6

(90) "Wastewater treatment tank" means a tank that is designed to receive and treat influent wastewater through physical, chemical or biological methods.

Deleted: 87

[Publications: Publications referenced are available from the [department](#).]

Deleted: agency

Stat. Auth.: ORS 466.706 - ORS 466.835, 466.994 & 466.995

Stats. Implemented: ORS 466.706, 466.746

Hist.: DEQ 2-1988, f. 1-27-88, cert. ef. 2-1-88; DEQ 3-1989, f. & cert. ef. 3-10-89; DEQ 21-1989(Temp), f. & cert. ef. 9-18-89; DEQ 10-1990, f. & cert. ef. 3-13-90; DEQ 20-1990, f. & cert. ef. 6-7-90; DEQ 24-1998, f. & cert. ef. 11-2-98; DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 8-2003(Temp), f. & cert. ef. 5-21-03 thru 11-14-03; DEQ -16-2003, f. 11-10-03 cert. ef. 11-15-03

### 340-150-0020

#### UST General Permit Registration Certificate Required

(1) A person may not install, operate or close an UST without applying for and being issued a general permit registration certificate from the department for one of the following categories:

**Deleted:** decommission

**Deleted:** UST general permit registration

(a) Installation;

**Deleted:** or

(b) Operation;

(c) Decommissioning, including permanent closure by change-in-service, removal or filling in-place; or

**Deleted:** .

**Deleted:** temporary and

(d) Temporary closure.

(2) An owner or proposed permittee must apply for a registration certificate at least 30 days before installing, operating or decommissioning an unregistered UST. The application must include, but is not limited to, the following information and attachments:

**Deleted:** submit an application to the department

(a) The legal name, signature and mailing address of the owner of the UST;

(b) The legal name, signature and mailing address of the owner of the real property on which the UST system is located;

(c) The legal name, signature and mailing address of the permittee.

(A) If the person designated as the permittee is a corporation, a natural person must be identified as the contact person.

**Deleted:** ; or

**Deleted:** The owner must designate a specific person as the permittee.

**Deleted:** contact

(B) If a permittee is not designated, the owner is the permittee.

(d) A completed EPA Notification for Underground Storage Tanks or equivalent form developed by the department; and

(e) A signed statement by the owner or proposed permittee that the owner or permittee (must identify which one) will comply with the financial responsibility requirements of OAR chapter 340, division 151 before operation of the UST system.

(3) The owner or proposed permittee must include the appropriate registration fee with the application in accordance with OAR 340-150-0110(1) and (7) for an installation certificate for new USTs to be installed or 340-150-0110(6) for an operation or decommissioning certificate for USTs that should have been registered previously.

**Deleted:** 6

**Deleted:** 5

(4) An application that is incomplete, unsigned or that does not include the required attachments or fees will be returned to the owner or proposed permittee for completion. The application will be considered to be withdrawn if the required information is not submitted within 90 days of the date that the application was returned by the department.

(5) If the department determines that a general permit is not required, the owner and proposed permittee will be notified in writing and any fees submitted will be refunded. This notification constitutes final action by the department on the application.

(6) When an application is determined to be complete, the UST facility and each individual UST will be assigned a unique identification number (i.e., UST facility ID number and tank permit number) by the department.

(7) A general permit registration certificate is issued to the permittee for each UST facility. In all cases, the permittee must comply with the general permit requirements whether or not an actual registration certificate is issued.

(8) For the purpose of this rule only, the term "legal name" means the business name registered with the Oregon Secretary of State's Office, Corporation Division (if registered) or full name of an individual.

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995  
Stats. Implemented: ORS 466.746 & ORS 466.760  
Hist.: DEQ 2-1988, f. 1-27-88, cert. ef. 2-1-88; DEQ 20-1990, f. & cert. ef. 6-7-90; DEQ 15-1991, f. & cert. ef. 8-14-91; DEQ 24-1998, f. & cert. ef. 11-2-98; DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0021

#### Termination of Temporary Permits

Any owner or permittee holding a temporary permit to operate an UST on or before December 22, 1998, who was not issued an *operation certificate* by the department by December 23, 1998, must apply for a general permit for temporary closure, or decommission the UST under a general permit for permanent closure or change-in-service pursuant to OAR 340-150-0166, and 340-150-0168.

Deleted: decommission the UST under  
Deleted: ,  
Deleted: through

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995  
Stats. Implemented: ORS 466.746, ORS 466.750, ORS 466.760 & ORS 466.765  
Hist.: DEQ 24-1998, f. & cert. ef. 11-2-98; DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0052

#### Modification of Registration Certificates For Changes in Ownership and Permittee

(1) A new owner or proposed new permittee must submit an application to modify the UST general permit registration certificate if any of the following occur:

Deleted: modification application to the department

- (a) Change of ownership of property on which an UST system is located;
- (b) Change in UST ownership; or

(c) Change in the designated permittee.

(2) The modification application must be signed by the owner, permittee and property owner. The new owner or proposed permittee must submit an application to the department promptly upon confirmation that the change has been legally documented (i.e., property sale is complete). Failure to submit the required modification application will result in termination of the general permit registration certificate, 60 days after the change in accordance with OAR 340-150-0102(1).

Deleted: operation certificate

(3) The modification application must include a copy of the financial assurance mechanism (e.g., insurance certificate or endorsement, trust fund, etc.) that demonstrates compliance with the requirements of OAR chapter 340, division 151.

Deleted: assistance

(4) A \$75 general permit modification fee must accompany the modification application. Checks or money orders must be payable to the Department of Environmental Quality.

(5) A new *operation certificate* will be issued to the permittee upon receipt of all required information and payment of the fee.

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995  
Stats. Implemented: ORS 466.746, ORS 466.760, ORS 466.765 & ORS 466.783  
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0102

#### Termination of General Permit Registration Certificates for Installation, Operation and Temporary Closure

(1) A general permit registration certificate will automatically terminate 60 days after any of the changes set forth in OAR 340-150-0052(1) have occurred, unless the department has received an application for modification by that date.

Deleted: 120

(2) A registration certificate for installation will automatically terminate when the department issues a registration certificate for operation.

Deleted: n

Deleted: certificate

(3) A registration certificate for operation will automatically terminate:

Deleted: n

Deleted: certificate

(a) When the department issues a registration certificate for temporary closure;

Deleted: n

Deleted: certificate

(b) On the date that temporary closure occurred or is discovered by the department if a registration certificate for temporary closure has not been issued; or

Deleted: certificate

Deleted: certificate

(c) On the date change-in-service or permanent closure begins.

(4) A temporary closure certificate will automatically terminate upon completion of all change-in-service or permanent closure requirements or if the UST system is returned to operational status (OAR 340-150-0167(2)(b)).

Deleted: 1

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995  
Stats. Implemented: ORS 466.746 & ORS 466.760  
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

**340-150-0110**

**UST General Permit Registration, Annual Compliance and Other Fees**

(1) An owner and permittee must pay a [\\$400 installation fee for each UST or UST compartment installed and the](#) general permit registration fee for each tank. This fee must accompany the [application for a UST general permit registration certificate](#). The registration fee is the same amount as the annual compliance fee listed in section (2) of this rule.

Deleted: application

(2) Each calendar year (January 1 to December 31) following installation, the owner and permittee must pay an annual compliance fee for each UST that has not been permanently decommissioned, for any portion of the year, according to the following schedule:

(a) \$25 per tank for the years 1988, 1989, 1990, 1991, 1992 and 1993;

(b) \$35 per tank for the years 1994, 1995, 1996 and 1997;

(c) \$60 per tank for the years 1998, 1999, 2000 and 2001, except that for 1998 and 1999 the fee is \$35 for any permittee that self-certifies its compliance with 1998 technical standards to the department;

Deleted: and

(d) \$105 per tank for 2002, which includes a \$20 surcharge per tank;

Deleted: and

(e) \$85 per tank for the years 2003, 2004, ~~2005, 2006 and 2007; and~~

Deleted: .

[\(f\) \\$135 per tank for 2008 and subsequent years.](#)

(3) For multichambered or multicompartmented USTs, the general permit registration fee and annual compliance fee must be paid for each chamber or compartment.

(4) The department will issue an invoice to each permittee for the annual compliance fees due for each UST facility for each calendar year. The permittee must pay fees by the due date listed on the invoice. A \$35 late fee will be added to the total amount due for each invoice for which payment is not received by the due date. At its discretion, the department may allow the permittee to make alternative arrangements for payment.

(5) Each year following installation, an annual operation certificate that identifies the underground storage tank(s) at the facility that are eligible for delivery, deposit or acceptance of a regulated substance will be issued to the permittee provided the department has received:

(a) receipt of proof of compliance with financial responsibility requirements in OAR chapter 340, division 151;

(b) payment of UST fees due under OAR chapter 340, division 150; and

(c) payment of any civil penalty due pursuant to an order issued under ORS 466.706 to 466.882 or ORS 466.994 that is final either upon appeal or by operation of law.

(6) For any UST that was not permitted by May 1, 1988, or that was not permitted before installation during any year thereafter, the owner and permittee must pay the annual compliance fee for each calendar year or part of a calendar year since installation, except that the total amount of fees owed will not be more than \$500 per tank. These fees must be paid before the department will approve a 30-day or 3-day notice to decommission the UST.

Deleted: 5

((7) All checks or money orders for fees must be made payable to the Department of Environmental Quality.

Deleted: 6) In addition to the general permit registration fee, an owner and permittee must pay a \$400 installation fee for each UST installed. This fee must be included with the general permit registration application.¶

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994, ORS 466.995 & Ch. 767, OL 1997

Stats. Implemented: ORS 466.783, ORS 466.785

Hist.: DEQ 2-1988, f. 1-27-88, cert. ef. 2-1-88; DEQ 20-1989(Temp), f. & cert ef. 8-1-89 (and corrected 8-3-89); DEQ 34-1989, f. & cert. ef. 12-14-89; DEQ 20-1990, f. & cert. ef. 6-7-90; DEQ 7-1994, f. & cert. ef. 3-22-94; DEQ 24-1998, f. & cert. ef. 11-2-98; DEQ 6-2003, f. & cert. ef. 2-14-03

**340-150-0115** [Renumbered to 340-150-0600]

**340-150-0125** [Renumbered to 340-150-0620]

**340-150-0135**

**General Requirements for Owners and Permittees**

Deleted: ,

Deleted: and UST System Operators

(1) An owner and permittee must comply with the UST operator training requirements in OAR 340-150-0200 or OAR 340-150-0210, as applicable.

Deleted: designate a specific person as the UST system operator. If an UST system operator is not designated, the permittee is the UST system operator.

(2) The property owner, UST owner and permittee must allow any department employee or authorized representative of the department access to property where an UST is located at any reasonable time to interview persons, inspect equipment and site

Deleted: The

conditions, collect samples, take still or video pictures, conduct an investigation or review and copy records.

(3) An owner and permittee of a petroleum UST system subject to this division must continuously comply with the financial responsibility requirements of OAR chapter 340, division 151.

(4) An owner and permittee must provide information regarding an UST system, UST facility or UST system operator to the department upon request.

**Deleted:** ,  
**Deleted:** or UST facility attendant

(5) An owner and permittee must notify the department within 30 days of any of the following:

**Deleted:** in writing

(a) A change in contents of an UST as listed on the *operation certificate* from one regulated substance to another (e.g., gasoline to diesel);

(b) A change in the name of the contact person for the permittee, if the permittee has not changed; and

(c) A change in the mailing address or phone number of the property owner, owner or permittee.

**Deleted:** ; and

**Deleted:** (d) A decision by the owner and permittee to place any UST system into temporary closure status.

(6) Upon receipt of any information submitted in accordance with section (5) of this rule, the department may issue a modified *operation certificate* or a *temporary closure certificate*. The \$75 registration certificate modification fee is not applicable to the changes described in this subsection.

**Deleted:** are reported

**Deleted:** to the department at the same time as a change specified under OAR 340-150-0052

**Deleted:** unless these

(7) An owner and permittee of an UST system subject to this division must also comply with the following release reporting, site investigation and corrective action requirements:

(a) OAR 340-122-0205 through 340-122-0360 for petroleum USTs.

(b) OAR 340-122-0010 through 340-122-0115 for USTs containing nonpetroleum regulated substances, except that any releases must be reported in accordance with the requirements of OAR chapter 340, division 142.

**Deleted:** (8) An owner and permittee of any UST system used solely to contain fuel for emergency power generators must comply with all provisions of this division, except for the release detection requirements of OAR 340-150-0400 through 340-150-0470 and the training and emergency response information requirements of 340-150-0200.

(8) In addition to any other requirements of this division, an owner and permittee must decommission any UST system that does not meet the requirements of this division in accordance with the general permit registration requirements for permanent closure (OAR 340-150-0166 or 340-150-0168).

**Deleted:** 9

(9) Any notification made to the department by an owner and permittee may be made in writing sent by U.S. mail, electronic mail, facsimile or verbally by telephone provided it is received by the department by the required due date, unless otherwise specified by rule.

Deleted: 10

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995  
Stats. Implemented: ORS 466.746, ORS 466.765, ORS 466.805 & ORS 466.815  
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0150

#### Depositing Regulated Substances in USTs

(1) No person shall deposit, cause to be deposited or accept deposit of a regulated substance into an UST unless the owner and permittee of the UST facility have a valid operation certificate for the UST posted in a conspicuous location at the facility clearly visible to distributors depositing regulated substances into the UST.

Deleted: A

Deleted: may not

Deleted: or

Deleted: current

Deleted: for the tank

(2) Before arranging for delivery of a regulated substance, an owner and permittee must provide the operation certificate number and the identification number for each UST to any person depositing a regulated substance into the UST.

(3) If a general permit registration certificate is revoked, suspended or terminated, an owner and permittee must return the operation certificate to the department.

Deleted: provide written notice of the change in status to any person who previously deposited a regulated substance into the UST. A copy of the notice must be provided

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995  
Stats. Implemented: ORS 466.746 & ORS 466.760  
Hist.: DEQ 2-1988, f. 1-27-88, cert. ef. 2-1-88; DEQ 3-1989, f. & cert. ef. 3-10-89; DEQ 24-1998, f. & cert. ef. 11-2-98; DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0152

#### Requirements for Distributors of Regulated Substances for Deposit into USTs

(1) Each distributor must obtain and maintain a written record of operation certificate numbers for every UST facility and the identification number for each UST into which it deposits a regulated substance.

Deleted: In addition to the requirements of OAR 340-150-0150(1), a

Deleted: delivers

(2) A distributor may not deposit a regulated substance into an UST unless a valid operation certificate for the UST is posted in a conspicuous location at the UST facility clearly visible to those depositing regulated substances into the UST.

(3) Upon request by the department, a distributor must provide a written record of all USTs into which it deposited a regulated substance during the past three years, regardless of whether the UST is registered with or regulated by the department. The list must include, but is not limited to, customer name, delivery address, operation certificate

Deleted: 2

number (as applicable), UST identification number, type of regulated substance delivered and delivery date.

Deleted: and the

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995  
Stats. Implemented: ORS 466.746  
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0160

#### General Permit Requirements for Installing an UST System

(1) To maintain compliance with a general permit installation certificate, the permittee must:

(a) Install all UST system components and ancillary equipment in accordance with the following performance standards and requirements:

(A) For installation of USTs and underground piping, OAR 340-150-0300 and 340-150-0302;

(B) Install under-dispenser containment for each new, moved or replaced fuel dispenser system. This rule does not apply to repairs of a dispenser system;

(C) For spill and overfill protection, OAR 340-150-0310;

(D) For corrosion protection, OAR 340-150-0320 and 340-150-0325; and

(E) For release detection, OAR 340-150-0400 through 340-150-0470.

(b) Allow the department access to the UST facility and records (OAR 340-150-0135(2));

(c) Provide information to the department upon request and submit information regarding UST system or UST facility changes (OAR 340-150-0135(4) and (5));

(d) Comply with all installation notification and written report requirements (OAR 340-150-0300); and

(2) Except as provided by OAR 340-150-0156, all UST installation services must be performed under the supervision of a person licensed as a DEQ UST services supervisor who is working for a company licensed as a DEQ UST services service provider in accordance with OAR chapter 340, division 160.

Deleted: (1) Notwithstanding OAR 340-150-0150(1), the department may, at its discretion, approve the deposit of a regulated substance into the UST before the issuance of an operation certificate on a case by case basis. Dispensing of a regulated substance from the UST is strictly prohibited. Following approval by the department, the permittee must:¶  
(a) Provide the distributor of the regulated substance with the installation certificate number and UST identification number for each tank, including an explanation that the certificate number will be superseded by an operation certificate number (OAR 340-150-0150(2));¶  
(b) Report, investigate and perform corrective action for any confirmed release that may occur after delivery of a regulated substance (OAR 340-150-0135(7)); and¶  
(c) Provide proof of compliance with the financial responsibility requirements of OAR chapter 340, division 151 to the department before accepting delivery of petroleum (OAR 340-150-0135(3)).¶

Deleted: 2

Deleted: B

Deleted: C

Deleted: D

Deleted: e

Deleted: Not allow any person other than a service provider or supervisor licensed by the department to perform UST installation services, except as provided by OAR 340-150-0156.

(3) Notwithstanding OAR 340-150-0150(1), the department may, at its discretion, approve the deposit of a regulated substance into the UST before the issuance of an

Deleted: 2

operation certificate on a case by case basis. Dispensing of a regulated substance from the UST is strictly prohibited. Following approval by the department, the permittee must:

(a) Provide the distributor of the regulated substance with the installation certificate number and UST identification number for each tank, including an explanation that the certificate number will be superseded by an operation certificate number (OAR 340-150-0150(2));

(b) Report, investigate and perform corrective action for any confirmed release of a regulated substance (OAR 340-150-0135(7)); and

Deleted: that may occur after delivery

(c) Provide proof of compliance with the financial responsibility requirements of OAR chapter 340, division 151 to the department before accepting delivery of petroleum (OAR 340-150-0135(3)).

(4) The UST system installation will be considered complete upon final review and approval by the department of the completed installation checklist and certification of compliance signed by the owner, permittee and service provider (i.e., the tank installer) as required by OAR 340-150-0300(9). An operation certificate will be issued to the permittee once the installation has been approved by the department.

Deleted: 3

Deleted: 8

(5) The [general permit registration certificate for installation](#) automatically expires upon issuance of a [general permit registration certificate for operation](#) (OAR 340-150-0102(2)).

Deleted: 4

Deleted: certificate

Deleted: n

Deleted: certificate

Stat. Auth.: ORS 466.706 - ORS 466.995

Stats Implemented: ORS 466.706, ORS 466.740, ORS 466.746, ORS 466.750, ORS 466.760, ORS 466.765, ORS 466.770, ORS 466.783 ORS 466.775, ORS 466.785, ORS 466.800, ORS 466.805, ORS 466.810 & ORS 466.815

Hist.: DEQ 24-1998, f. & cert. ef. 11-2-98; DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0163

#### General Permit Requirements for Operating an UST System

(1) To maintain compliance with the [general permit registration certificate for operation](#), the permittee must operate and maintain the UST system in accordance with the following performance standards and requirements:

Deleted: An operation certificate will be issued to the permittee upon approval by the department of the UST installation and receipt of proof of compliance with the financial responsibility requirements of OAR chapter 340, division 151 for petroleum USTs. Delivery and deposit of a regulated substance is allowed under the operation certificate, once the permittee has provided the distributor with the operation certificate number and UST identification number for each tank.(2)

(a) [The valid operation certificate must be posted in a conspicuous location at the UST facility clearly visible to distributors depositing regulated substances into the UST \(OAR 340-150-0150\);](#)

Deleted: operation

Deleted: a

(b) Prevent spills and overfills (OAR 340-150-0310);

- (c) Maintain corrosion protection, including testing, record keeping and reporting of test failures (OAR 340-150-0320 and 340-150-0325); Deleted: b
- (d) Perform release detection for USTs and underground piping, including monitoring, testing and record keeping (OAR 340-150-0400 through 340-150-0470); Deleted: c
- (e) Periodically inspect internally lined USTs and report to the department any inspection failures (OAR 340-150-0360); Deleted: d
- (f) Report to the department any suspected release of regulated substances within 24 hours (OAR 340-150-0500) and investigate suspected releases within seven days (340-150-0510); Deleted: e
- (g) Report to the department any spills, overfills or confirmed releases within 24 hours and investigate or take corrective action as required by: Deleted: f
  - (A) OAR 340-122-0205 through 340-122-0360 for petroleum USTs.
  - (B) OAR 340-122-0010 through 340-122-0115 for USTs containing nonpetroleum regulated substances, except that releases must be reported in accordance with the requirements of OAR chapter 340, division 142.
- (h) Repair, modify or replace UST system components as necessary to correct, detect or prevent releases (OAR 340-150-0350 through 340-150-0354); Deleted: g
- (i) Continuously maintain a financial responsibility mechanism for petroleum UST systems (OAR chapter 340, division 151); Deleted: h
- (j) Allow the department access to the UST facility and records (OAR 340-150-0135(2)); Deleted: i
- (k) Provide information to the department upon request and submit information regarding UST system or UST facility changes (OAR 340-150-0135(4) and (5)); Deleted: j
- (l) Pay all annual compliance fee invoices by the specified due date or be subject to late fees (OAR 340-150-0110); Deleted: k
- (m) Submit application for modification of registration certificate to the department upon any change in ownership of the property, UST system or designated permittee (OAR 340-150-0052). Failure to submit a request for modification is cause for automatic termination of the operation certificate (OAR 340-150-0102(1)); and Deleted: l  
Deleted: Report  
Deleted: tank
- (n) Comply with all UST operator training requirements (OAR 340-150-0200 or OAR 340-150-0210).
- (2) Except as provided by OAR 340-150-0156, all UST services shall be performed under the supervision of a person licensed as a DEQ UST services supervisor who is working Deleted: m

[for a company licensed as a DEQ UST services service provider in accordance with OAR chapter 340, division 160.](#)

**Deleted:** Not allow any person other than a service provider or supervisor licensed by the department to perform UST services, except as provided by OAR 340-150-0156.¶

(3) The permittee may not operate an UST that does not meet the conditions and requirements of the operation certificate and all other applicable rules and statutes. The permittee must:

**Deleted:** 3) The permittee must have a designated UST system operator and comply with the training requirements of OAR 340-150-0200 after the required date

(a) Immediately take all actions necessary to bring the UST system into compliance; or

**Deleted:** 4

(b) Submit a 30-day notice of permanent closure to the department and immediately begin to manage the UST system in compliance with the conditions and requirements of a general permit for permanent closure in accordance with OAR 340-150-0166 or 340-150-0168.

(4) When an UST system will no longer be operated due to proposed change-in-service, temporary or permanent closure, the permittee must notify the department of the proposal in writing 30 days in advance of the change.

**Deleted:** 5

(5) The operation certificate for an UST will terminate upon issuance of a temporary closure certificate or when temporary closure, change-in-service or permanent closure begins (OAR 340-150-0102(3)).

**Deleted:** 6

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995

Stats Implemented: ORS 466.706, ORS 466.740, ORS 466.746, ORS 466.750, ORS

466.760, ORS 466.765, ORS 466.770, ORS 466.775, ORS 466.783, ORS ORS 466.785,

ORS 466.805, ORS 466.810 & ORS 466.815

Hist.: DEQ 24-1998, f. & cert. ef. 11-2-98; DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0166

#### General Permit Requirements for Closure of an UST System by Change-in-Service

(1) An UST system may be used to store a nonregulated substance without removal of the tank (i.e., change-in-service), except that an UST or any underground piping that has held a regulated substance may not be used under any circumstances to store water for consumption by humans or livestock or for the watering of feed crops.

**Deleted:** A permittee may continue to use a

**Deleted:** .

**Deleted:** A

(2) At least 30 days before beginning the change-in-service, the permittee must submit an application for a change-in-service general permit to the department. The department may allow a shorter notice period on a case by case basis. In addition to general information about the UST facility, tank ownership and UST system, the application must include:

(a) Information about the proposed use of the UST system;

(b) A written site assessment plan that meets the requirements of OAR 340-150-0180; and

(c) Any other information the department may require.

(3) After approval of the site assessment plan by the department and at least three working days before beginning the change-in-service, the permittee must notify the department of the confirmed date and time the change-in-service will begin to allow observation by the department.

(4) A general permit registration certificate will not be issued. The permittee must, however, comply with the requirements of the general permit for decommissioning by change-in-service. In addition to all other requirements of this rule, the permittee must:

(a) Report to the department any spills, overfills or confirmed releases within 24 hours and investigate or take corrective action as required by:

(A) OAR 340-122-0205 through 340-122-0360 for petroleum USTs.

(B) OAR 340-122-0010 through 340-122-0115 for USTs containing nonpetroleum regulated substances, except that releases must be reported in accordance with the requirements of OAR chapter 340, division 142.

(b) Continuously maintain a financial responsibility mechanism for petroleum UST systems required by OAR chapter 340, division 151, until the department has determined that the change-in-service is complete;

(c) Allow the department access to the UST facility and records (OAR 340-150-0135(2));

(d) Provide information to the department upon request and submit information regarding UST system or UST facility changes (OAR 340-150-0135(4) and (5)); and

(e) Pay all annual compliance fees when due and any applicable, late fees (OAR 340-150-0110).

Deleted: ; and

Deleted: invoices by the specified due date or be subject to

(4) Except as provided by OAR 340-150-0156, all UST services shall be performed under the supervision of a person licensed as a DEQ UST services supervisor who is working for a company licensed as a DEQ UST services service provider in accordance with OAR chapter 340, division 160.

Deleted: f

Deleted: Not allow any person other than a service provider and supervisor licensed by the department to perform UST services, except as provided by OAR 340-150-0156.

(5) The permittee must empty the UST system and clean it by removing all liquids and accumulated sludge. The USTs and removed materials must be recycled or disposed of in accordance with all federal, state and local requirements. One or more of the following cleaning and closure procedures must be used:

(a) American Petroleum Institute RP 1604, "Closure of Underground Petroleum Storage Tanks";

Deleted: (1996)

(b) American Petroleum Institute Publication 2015, "Cleaning Petroleum Storage Tanks";

Deleted: (2001)

(c) American Petroleum Institute RP 1631, "Interior Lining of Underground Storage Tanks" (contains guidance information); or

Deleted: (2001)

(d) The National Institute for Occupational Safety and Health "Criteria for a Recommended Standard: Working in Confined Space" (Publication No. 80-106) (guidance for conducting safe closure procedures at some hazardous substance USTs).

Deleted: , December 1979

(6) Within 30 days of completion of the field work or other period approved by the department, the permittee must complete and submit a change-in-service checklist and site assessment report (OAR 340-150-0180(8)) signed by the owner, permittee and service provider to the department.

Deleted: 7

(7) The UST system change-in-service will be considered complete upon final review and approval by the department of the completed change-in-service checklist and site assessment report. The department will provide a letter to the permittee indicating that the change-in-service has been completed.

(8) The permittee must maintain records of change-in-service, including the site assessment report and associated documents, for three years after the change-in-service checklist and report have been approved by the department. If the UST facility is sold within this time period the permittee must provide these records to the new property owner (OAR 340-150-0140).

Deleted: agency

[Publications: Publications referenced are available from the [department](#).]

Stat. Auth.: ORS 466.706 - ORS 466.995 & ORS 465.200 - ORS 465.990  
Stats Implemented: ORS 465.200, ORS 465.210, ORS 465.255, ORS 465.260, ORS 466.706, ORS 466.710, ORS 466.740, ORS 466.746, ORS 466.750, ORS 466.760, ORS 466.765, ORS 466.770, ORS 466.775, ORS 466.785, ORS 466.800, ORS 466.805, ORS 466.810 & ORS 466.815  
Hist.: DEQ 24-1998, f. & cert. ef. 11-2-98; DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0167

#### General Permit Requirements for Temporary Closure of an UST System

(1) At least 30 days before beginning temporary closure, the permittee must submit an application for a temporary closure general permit to the department. The department may allow a shorter notice period on a case by case basis.

(2) A temporary closure certificate will expire one year from the date of issuance. Thirty days before the expiration date, the permittee must submit one of the following to the department:

Deleted: 1

Deleted: The department will issue a temporary closure certificate to the permittee upon receipt of the required notice in accordance with OAR 340-150-0135(5)(d).

(a) An application for a change-in-service (OAR 340-150-0166) or permanent closure (340-150-0168) general permit;

Deleted: This

(b) A written request to return the UST system to operational status; or

(c) A written request to extend the expiration date of the temporary closure certificate.

Deleted: for an  
Deleted: sion  
Deleted: of

(A) Requests to extend the temporary closure certificate will be considered by the department only if all USTs identified under the initial temporary closure certificate are empty of all regulated substances and a site assessment (OAR 340-150-0180) has been conducted to determine if a release has occurred. In lieu of a site assessment, the department may accept release detection records for the last 12 months the tank(s) was in operation. If the department approve the request for extension, the expiration date will be extended to a date determined by the department and a revised temporary closure certificate will be issued to the permittee.

Deleted: s  
Deleted: period

(B) If the department denies the request, the permittee must decommission the UST system by permanent closure or change-in-service by the date established by the department. The department will notify the permittee of the denial in writing and include the reasons the request was denied.

(3) To maintain compliance with the general permit temporary closure certificate, the permittee must:

Deleted: 2

(a) Cap and secure all lines, pumps, access-ways and ancillary equipment, except the vent lines, if the UST system is temporarily closed for three months or more;

(b) Report suspected releases of regulated substances to the department within 24 hours (OAR 340-150-0500) and investigate suspected releases within seven days (340-150-0510);

(c) Report to the department any confirmed releases within 24 hours and investigate or take corrective action as required by:

(A) OAR 340-122-0205 through 340-122-0360 for petroleum USTs.

(B) OAR 340-122-0010 through 340-122-0115 for USTs containing nonpetroleum regulated substances, except that releases must be reported in accordance with the requirements of OAR chapter 340, division 142.

(d) Continuously maintain a financial responsibility mechanism for petroleum UST systems (OAR chapter 340, division 151);

(e) Allow the department access to the UST facility and records (OAR 340-150-0135(2));

(f) Provide information to the department upon request and submit information regarding UST system or UST facility changes (OAR 340-150-0135(4) and (5));

(g) Pay all annual compliance fees when due and any applicable late fees (OAR 340-150-0110); and

Deleted: invoices by the specified due date or be subject to late fees (OAR 340-150-0110)

(h) Report to the department any change in ownership of property, UST system, or designated permittee (OAR 340-150-0052).

Deleted: ; and

Deleted: or tank

(4) Except as provided by OAR 340-150-0156, all UST services shall be performed under the supervision of a person licensed as a DEQ UST services supervisor who is working for a company licensed as a DEQ UST services service provider in accordance with OAR chapter 340, division 160.

Deleted: i

Deleted: Not allow any person other than a service provider or supervisor licensed by the department to perform UST services, except as provided by OAR 340-150-0156.

(5) If the UST is empty of all regulated substances, the permittee must comply with the requirements of section (3) of this rule and must submit documentation to the department that the tank was emptied and that the removed regulated substance and sludge was recycled or disposed of in accordance with state, federal and local regulations. This documentation must be submitted with the notice provided to the department (OAR 340-150-0167, (1) or within 30 days after the tank has been emptied.

Deleted: 3

Deleted: 2

Deleted: 35

Deleted: 5)(d)

(6) If the UST is not empty, the permittee must comply with the requirements of section (3) of this rule and perform release detection for USTs and underground piping, including monitoring, testing and record keeping in accordance with OAR 340-150-0400 through 340-150-0470.

Deleted: 4

Deleted: 2

(7) If the UST and underground piping are metal, the permittee must operate, test and maintain equipment and keep records for corrosion protection in accordance with OAR 340-150-0320 and 340-150-0325.

Deleted: a

(8) If the UST is lined, the permittee must periodically inspect the lining in accordance with OAR 340-150-0360.

Deleted: b

(9) When necessary to correct, detect or prevent releases, the permittee must repair, modify or replace UST system components (OAR 340-150-0350 through 340-150-0354).

Deleted: c

(10) The permittee must maintain all records related to the temporary closure for three years after a change-in-service or permanent closure checklist and site assessment report have been approved by the department. If the UST facility is sold within this time period, the permittee must provide these records to the new property owner (OAR 340-150-0140).

Deleted: 5

Stat. Auth.: ORS 465.200 - ORS 465.455 & ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995

Stats. Implemented: ORS 465.205, ORS 465.400, ORS 466.706, ORS 466.740, ORS 466.746, ORS 466.750, ORS 466.760, ORS 466.765, ORS 466.770, ORS 466.775, ORS 466.783, ORS 466.785, ORS 466.805, ORS 466.810 & ORS 466.815

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

**340-150-0168**

**General Permit Requirements for Decommissioning an UST System by Permanent Closure**

(1) At least 30 days before beginning permanent closure, the [owner and permittee, or the licensed service provider on behalf of the owner and permittee](#), must submit an application for a permanent closure general permit to the department. The department may allow a shorter notice period on a case by case basis.

(2) If the [owner or permittee](#) is proposing to permanently close the UST in-place and fill it with an inert material or if the UST contains a hazardous substance other than petroleum, the application must include a written site assessment plan that meets the requirements of OAR 340-150-0180. Permanent closure cannot begin until the department approves the site assessment plan.

(3) At least three working days before beginning permanent closure, the [owner and permittee, or the licensed service provider on behalf of the owner and permittee](#), must notify the department of the confirmed date and time permanent closure will begin to allow observation by the department.

(4) The permittee must empty the UST system and clean it by removing all liquids and accumulated sludge. The USTs and removed materials must be recycled or disposed of in accordance with all federal, state and local requirements. One or more of the following cleaning and closure procedures must be used:

(a) American Petroleum Institute RP 1604, "Closure of Underground Petroleum Storage Tanks";

Deleted: (1996)

(b) American Petroleum Institute Publication 2015, "Cleaning Petroleum Storage Tanks";

Deleted: (2001)

(c) American Petroleum Institute RP 1631, "Interior Lining of Underground Storage Tanks", (contains guidance information); or

Deleted: (2001)

Deleted: (2001)

(d) The National Institute for Occupational Safety and Health (NIOSH) "Criteria for a Recommended Standard: Working in Confined Space" (Publication No. 80-106) (guidance for conducting safe closure procedures at some hazardous substance USTs).

Deleted: , December 1979

(5) The permittee must perform a site assessment that meets the requirements of OAR 340-150-0180 after the UST system and all ancillary equipment have been removed from the tank pit. If the UST is closed in-place, the site assessment must be conducted in accordance with the approved site assessment plan. If any equipment (i.e., tanks or piping) are to be disposed of instead of recycled, the disposal location [must be approved in advance in writing](#) by the department.

Deleted: permittee must first have the

(6) Within 30 days of completion of the field work or other period approved by the department, the permittee must complete and submit to the department a permanent closure checklist and site assessment report (OAR 340-150-0180) signed by the owner, permittee and service provider to the department.

(7) A general permit registration certificate will not be issued to the permittee. However, the permittee must comply with the requirements of this general permit for permanent closure. In addition to all other requirements of this rule, the permittee must:

(a) Report to the department any spills or confirmed releases within 24 hours and investigate or take corrective action as required by:

(A) OAR 340-122-0205 through 340-122-0360 for petroleum USTs.

(B) OAR 340-122-0010 through 340-122-0115 for USTs containing nonpetroleum regulated substances, except that releases must be reported in accordance with the requirements of OAR chapter 340, division 142.

(b) Continuously maintain a financial responsibility mechanism for petroleum UST systems (OAR chapter 340, division 151);

(c) Allow the department access to the UST facility and records (OAR 340-150-0135(2));

(d) Provide information to the department upon request and submit information regarding UST system or UST facility changes (OAR 340-150-0135(4) and (5));

(e) Pay all annual compliance fees when due and any applicable late fees (OAR 340-150-0110).

**Deleted:** invoices by the specified due date or be subject to late fees (OAR 340-150-0110); and

(8) Except as provided by OAR 340-150-0156, all UST services shall be performed under the supervision of a person licensed as a DEQ UST services supervisor who is working for a company licensed as a DEQ UST services service provider in accordance with OAR chapter 340, division 160.

**Deleted:** f

**Deleted:** Not allow any person other than a service provider and supervisor licensed by the department to perform UST services, except as provided by OAR 340-150-0156.

(9) The UST system permanent closure will be considered complete upon approval by the department of the completed permanent closure checklist and site assessment report (OAR 340-150-0180). The department will provide a letter to the permittee indicating that the permanent closure has been completed.

**Deleted:** 8

(10) The permittee must maintain records of permanent closure, including the site assessment report and associated documents, for three years after the permanent closure checklist and report have been approved. If the UST facility is sold within this time period the permittee must provide these records to the new property owner (OAR 340-150-0140).

**Deleted:** 9

[Publications: Publications referenced are available from the department.]

**Deleted:** agency

Stat. Auth.: ORS 465.200 - ORS 465.455 & ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995

Stats. Implemented: ORS 465.205, ORS 465.400, ORS 466.706, ORS 466.740, ORS 466.746, ORS 466.750, ORS 466.760, ORS 466.765, ORS 466.770, ORS 466.775, ORS 466.783, ORS 466.785, ORS 466.805, ORS 466.810 & ORS 466.815

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0180

#### Site Assessment Requirements

Deleted: for Permanent Closure or Change-In-Service

(1) An owner and permittee must complete a site assessment to measure for the presence of a release where contamination is most likely to be present at the UST facility and submit results of the assessment to the department when the following events occur:

Deleted: Before a change-in-service (OAR 340-150-0166) or permanent closure (340-150-0168) is completed, a

(a) Change-in-service (OAR 340-150-0166);

(b) Permanent Closure (OAR 340-150-0168);

(c) Underground piping is replaced, decommissioned by removal or abandoned; and

(d) Fuel dispensers are moved, replaced, decommissioned or abandoned.

(2) In selecting sample types, sample locations and measurement methods, an owner and permittee must consider the method of closure, the nature of the stored substance, the type of backfill, the depth to groundwater and other factors appropriate for identifying the presence of a release.

(3) For USTs containing petroleum, the owner and permittee must measure for the presence of a release by following the sampling and analytical procedures specified in OAR 340-122-0205 through 340-122-0360 and section (5) of this rule.

Deleted: 2

Deleted: 4

(4) For USTs containing regulated substances other than petroleum (including waste oil tanks), petroleum USTs to be closed in-place and USTs to undergo a change-in-service, an owner and permittee must submit a written site assessment plan (i.e., sampling plan) to the department and receive department approval before beginning permanent closure or change-in-service. The plan must include the following information:

Deleted: 3

(a) A site diagram, drawn to scale, that identifies:

(A) The location of all USTs and underground piping, dispenser islands, buildings and nearby properties;

(B) All surface water bodies within 1/4 mile of the UST facility;

(C) Any potential conduits for spreading contamination that may exist (e.g., water or sewer lines); and

(D) All proposed sample locations, clearly marked.

(b) A list of analytical procedures and sample collection methods to be used;

(c) General information about the sample collector and UST facility;

(d) The location of all proposed sampling points that meet the requirements of section (4) of this rule; and

(e) Any other information as specified by the department.

(5) Unless otherwise directed or approved by the department, an owner and permittee must meet the following requirements for sampling and analysis:

Deleted: 4

(a) Soil samples must be collected from the native soils located no more than two feet beneath the bottom of the tank pit in areas where contamination is most likely to be found;

(b) For in-place closure or change-in-service of an UST, a minimum of four soil samples must be collected, one each from beneath both ends of the tank and on each side;

(c) For the removal of a single tank, two to four soil samples must be collected as appropriate based on site conditions, including the condition of the removed tank;

(d) For the removal of multiple USTs from the same pit, in addition to subsection (c) of this section, one soil sample must be collected for each 100 square feet of area in the pit from areas where contamination is most likely to be found;

(e) For underground piping:

Deleted: or where piping runs were located in the past

(A) For piping runs between 5 and 20 feet, a minimum of two soil samples must be collected from the native soils directly beneath the areas where contamination is most likely to be found, unless otherwise approved by the department; and

Deleted: A

(B) For piping runs of more than 20 feet in length, beginning at the dispensers, at least one additional soil sample must be collected at each 20-foot interval;

(f) For dispensers, at least one soil sample must be collected from the native soils directly beneath each dispenser;

(g) For UST components (e.g., underground piping or dispensers) located directly above an area to be excavated, the area must be visually assessed before excavation work is conducted and soil samples collected if contamination is observed or suspected;

(h) All soil samples must be analyzed by the Northwest Total petroleum Hydrocarbon Identification Analytical Method (NWTPH-HCID, DEQ, December 1996)) test specified in OAR 340-122-0218(1)(d)(A) to determine if a confirmed petroleum release exists; and

(i) If water is present in the UST pit, regardless of whether obvious contamination is present, the department must be notified within 24 hours of discovery.

(6) The guidance contained in Appendix K of this division may be used to comply with sections (4) and (5) of this rule.

Deleted: 3

Deleted: 4

Deleted: 5

Deleted: 6

(7) An owner and permittee must report a confirmed release to the department within 24 hours of confirmation whether by observance or receipt of analytical results. Upon discovery of a release, an owner and permittee must:

(a) Immediately initiate corrective action. An owner and permittee may request and the department may approve a specific time schedule to initiate corrective action on a case by case basis depending on the severity of the contamination or other relevant factors; and

(b) Follow the requirements of OAR 340-122-0225 for "Initial Abatement and Site Check" and 340-122-0235 for "Free Product Removal" as appropriate.

(8) An owner and permittee must submit a written report of the results of the site assessment to the department within 30 days of completion of the field work or other period approved by the department.

Deleted: 7

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995

Stats. Implemented: ORS 466.746 & ORS 466.765

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0200

#### Training Requirements for UST System Operators and Emergency Response Information

Deleted:

(1) This rule is effective through August 7, 2009, after which it is superseded by the provisions of OAR 340-150-0210 (except to the extent expressly incorporated into that rule).

(2) The owner and permittee of each UST facility that dispenses a regulated substance from an UST to a motor vehicle or container must:

Deleted: issued an operation certificate by the department

(a) employ trained personnel who can properly operate and maintain the UST system; and

(b) provide emergency response information to any person that dispenses a regulated substance from the UST system.

Deleted: must

(3) UST system operator. An owner and permittee must require that the designated UST system operator complete training within 90 days of designation, unless the individual has previously completed a training option and a copy of the training documentation is maintained at the UST facility.

Deleted: 2

Deleted: that meets the following requirements:  
(a) An individual designated as the UST system operator before February 1, 2004, must complete one of the training options in section (4) of this rule by before that date.  
(b) An individual designated as the UST system operator after February 1, 2004, must complete trainin

(4) Elements of required training.

(a) All training options must include the essential training elements listed in Appendix L of this division and as further described in an UST system operator training manual developed by the department; and

(b) The department may periodically audit or review any of the training options to verify that the training follows the department's training manual.

Deleted: (c) The department may extend the initial training compliance date beyond February 1, 2004, if the department determines that there are an insufficient number of training options available.

Deleted: 3

Deleted: 4

(5) Training options. The UST system operator must either:

(a) Attend a training session sponsored by a training vendor listed by the department. A training vendor is a person, company or organization listed by the department that has agreed to present UST system operator training using the training manual developed by the department;

(b) Successfully pass an examination designed for UST system operators offered by a national service and approved by the department;

(c) Complete an internet or computer software training or examination program approved by the department; or

(d) Complete any other equivalent training method approved by the department.

(6) Documentation and record keeping. An owner and permittee must submit verification of UST system operator training completion to the department on or after March 1, 2004.

Deleted: bybefore

Deleted: 5

(a) Verification may include a copy of the certificate of training completion signed by the UST system operator along with any examination results or a list of persons who attend a training session as submitted by the training vendor. The list must include: the UST system operator's name and signature; the date training was completed; and the name, site address and the department's UST facility identification number for the UST facility that the UST system operator serves. The list must also include a confirmation statement by the training vendor that the training session was conducted using the department's UST system operator training manual.

(b) An owner and permittee must permanently retain each certificate of completion signed by the UST system operator on file at the UST facility, including a copy of any examination results. If training records are not kept at the UST facility, an owner and permittee must have the records available for review by the department upon request.

(7) Exemption or deferral from training. The department may exempt an owner and permittee from the training requirements for an UST system operator if an owner and permittee demonstrates to the department's satisfaction that a hardship condition exists. Additionally, the department may defer the compliance date for UST system operator training to an alternate date on a case-by-case basis for an owner and permittee who meets the requirements of this section.

Deleted: 6

(a) To be considered for an UST system operator hardship exemption or deferral, an owner and permittee must demonstrate that the following conditions exist:

(A) The owner and permittee are the same person and owns only one UST facility;

(B) The permittee is both the UST system operator and the only person regularly on site who can operate the UST system equipment; and

(C) The permittee has been unable to locate another person to operate the UST facility for the permittee for a scheduled training session date or for the amount of time needed to complete a training option.

(b) The permittee must submit a written request for a hardship exemption or deferral to the department. The request must include the following information:

(A) A brief description of how the permittee meets the requirements of subsection (a) of this section; and

Deleted: under

(B) A list of available training options and other possible solutions explored by the permittee together with an explanation demonstrating why none of these alternatives are feasible.

(c) The department will review exemption and deferral requests within 60 days of receipt of the completed request. Upon approval by the department, the permittee must review the training manual developed by the department and sign an affidavit stating that the permittee has read and understands the UST operation and maintenance requirements.

Deleted: The permittee must submit the affidavit to the department by March 1, 2004, or other date designated by the department.

(d) The permittee must keep a copy of all records pertaining to approval of a hardship exemption or deferral, including the written request for hardship and signed affidavit. Records must be kept permanently at the UST facility. If records are not kept at the UST facility, the permittee must have the records available for review by the department upon request; and

Deleted: ;

Deleted: r

(e) UST facilities where the permittee has been granted a hardship exemption will be placed on a priority list for technical assistance and inspection by the department.

(7) Emergency response information. In addition to the requirements of sections (1) through (6) of this rule, an owner and permittee must provide information about emergency response procedures to any person who dispenses a regulated substance,

including, but not limited to, procedures for overfill protection during delivery of regulated substances, operation of emergency shut off system and alarm response, release reporting and any site specific emergency procedures. The information must include any emergency response requirements made necessary by site specific human health and safety issues or the presence of environmentally sensitive areas, such as nearby streams, wetlands or potential conduits for spreading contamination. The emergency response information must be provided by:

- (a) Written instructions that are provided to any person who dispenses a regulated substance at the UST facility;
- (b) Signage posted in prominent areas of the UST facility that is easily visible to any person dispensing a regulated substance; or
- (c) A combination of both subsections (a) and (b) of this section.

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995  
 Stats. Implemented: ORS 466.743 & ORS 466.746  
 Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

**340-150-0210**

**Training Requirements for UST Operators**

(1) On or after August 8, 2009, owners and permittees must comply with the training requirements for UST operators in this rule.

(2) The owner and permittee of each UST facility issued an operation certificate by the department must employ Class A, Class B and Class C operators who can properly operate and maintain the UST system and respond to events indicating emergency conditions or responding to alarms caused by spills or releases from the UST system. The three classes of operators are generally identified in the following table:

	<u>Class A Operator</u>	<u>Class B Operator</u>	<u>Class C Operator</u>
<u>Who fits this class of operator?</u>	<u>The individual who generally focuses on the statutory and regulatory requirements related to operating and maintaining the underground storage tank system</u>	<u>The individual who is generally responsible for field implementation of applicable underground storage tank regulatory requirements and implements day-to-day aspects of operating, maintaining, and recordkeeping at one or more facilities</u>	<u>All those that dispense a regulated substance to a motor vehicle or container or those who are generally the first line of response to events indicating emergency conditions or responding to alarms</u>

<a href="#">What are the training requirements?</a>	<a href="#">Broad overview of regulatory requirements</a>	<a href="#">In-depth training on implementing regulatory requirements</a>	<a href="#">Actions to take in the event of a leak or other emergency</a>
---	---	---	---

[\(3\) Beginning August 8, 2009, an owner and permittee must designate their Class A, Class B and Class C operators and require that those operators complete training that meets the following requirements:](#)

[\(a\) An individual designated as a Class A or Class B operator must complete one of the training options in section 4 of this rule within 90 days of designation unless the individual has previously completed a training option under OAR 340-150-0200\(5\) and can provide verification of the training completion consistent with OAR 340-150-0200\(6\)\(a\).](#)

[\(b\) An individual designated as a Class C operator must be trained before dispensing a regulated substance or assuming responsibility for responding to emergencies.](#)

[\(c\) An individual who is designated to more than one operator class must be trained in each operator class for which he or she is designated.](#)

[\(d\) Individuals designated as a Class A or Class B operator for a UST facility that fails an UST compliance inspection must repeat one of the training options in section \(5\) of this rule within 90 days of the UST facility failing the compliance inspection.](#)

[\(4\) All training options for Class A and Class B operators must include the essential training elements listed in Appendix L of this division.](#)

[\(5\) Training options. Class A and Class B operators must either:](#)

[\(a\) Attend a training session sponsored by a training vendor approved by the department. A training vendor is a person, company or organization approved by the department that has agreed to present UST system operator training in accordance with all requirements of this rule;](#)

[\(b\) Successfully pass an examination designed for UST Class A operators or Class B operators offered by a national service and approved by the department;](#)

[\(c\) Complete an internet or computer software training or examination program designed for Class A or Class B operators and approved by the department; or](#)

[\(d\) Complete any other equivalent training method approved by the department.](#)

[\(6\) Emergency response information.](#)

[\(a\) Designated Class A or Class B operators must provide training to Class C operators on emergency response procedures, including, but not limited to, procedures for overflow](#)

protection during delivery of regulated substances, operation of emergency shut off systems, alarm identification and response, release reporting and any site specific emergency procedures. The information must include any emergency response requirements made necessary by site specific human health and safety issues or the presence of environmentally sensitive areas, such as nearby streams, wetlands or potential conduits for spreading contamination. The emergency response information must be provided by :

(A) Written instruction to any person who is designated a Class C operator at the UST facility;

(B) Signage posted in prominent areas of the UST facility that is easily visible to any person that is designated as a Class C operator or dispenses a regulated substance; or

(C) A combination of both subsections (A) and (B) of this section.

(7) Documentation and record keeping.

(a) Written verification of training completion for Class A, B and C operators must include: the UST operator's name, the date training was completed; and the name, site address and the department's UST facility identification number for the UST facility that the UST operator serves.

(b) An owner and permittee must permanently retain each certificate of completion on file at the UST facility, including a copy of any examination results. If training records are not kept at the UST facility, an owner and permittee must have the records available for review by the department upon request.

**340-150-0250**

### **Expedited Enforcement Process**

(1) Nothing in this rule shall affect the department's use of OAR chapter 340, division 12 "Enforcement Procedures and Civil Penalties" for compliance with the UST regulations, except as specifically noted. Nothing in this rule requires the department to use the expedited enforcement process for any particular violation. The field penalty amounts assigned in section (4) of this rule are only applicable to actions taken by the department under this rule.

(2) An owner and permittee is excluded from participation in the expedited enforcement process if:

(a) The total field penalty amount for all violations identified during a single inspection or file review would exceed \$1,500;

Deleted: 3

(b) The department has issued a field penalty or civil penalty to the owner or permittee for the same violation at the same UST facility within the previous three years; or

(c) At its discretion, the department determines that an owner and permittee is not eligible for the expedited process. This determination will be done on a case by case basis. (One example may be when an owner and permittee of multiple UST facilities has received multiple field citations for the same or similar violations, but has not made corrections at all facilities.)

(3) For any owner and permittee with documented violations or conditions that exclude participation in the expedited enforcement process as provided in section (2) of this rule, the department will take appropriate enforcement action in accordance with OAR chapter 340, division 12.

(4) The following field penalties will be assessed for those documented violations or conditions cited using the expedited enforcement process under this rule, in lieu of the enforcement process in OAR chapter 340, division 12:

(a) A class I UST violation listed in OAR 340-12-0067(1): ~~\$150 - \$500~~;

Deleted: 0

(b) A class II UST violation listed in OAR 340-012-0067(2): \$50 - ~~150~~; and

(c) A class III violation listed in OAR 340-012-0067(3) when an owner or permittee has received prior notice of the violation through a field citation and has not corrected the violation: \$50.

(5) An owner or permittee issued a field citation has 30 calendar days from the date of issuance to submit payment for the total field penalty amount. Payment is deemed submitted when received by the department. A check or money order in the amount of the field penalty must be submitted to: Department of Environmental Quality -- Business Office, 811 SW Sixth Avenue, Portland, OR 97204. Participation in the expedited enforcement process is voluntary -- by submitting payment, the owner and permittee agree to accept the field citation as the final order by the commission and to waive any right to an appeal or any other judicial review of the determination of violation, compliance schedule or assessment of the field penalty in the field citation.

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995

Stats. Implemented: ORS 466.746 & 466.835

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 12-2004, f. & cert. ef. 12-27-04

### **340-150-0300**

#### **Installation of USTs and Piping**

(1) An owner and permittee must have an installation certificate issued by the department before beginning installation of the UST (OAR 340-150-0160). The requirements and procedures for applying for an UST installation certificate are described in OAR 340-150-0020.

(2) An owner and permittee must install USTs and underground piping in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions. The codes and standards listed in Appendix A of this division may be used to comply with the requirements of this rule.

(3) An owner and permittee must install USTs and underground piping that are made of or lined with materials that are compatible with the substance stored in the UST system. An owner and permittee storing alcohol blends may use the codes listed in Appendix B of this division to comply with the requirements of this section of the rule.

(4) An owner and permittee must install UST systems that meet the following performance standards:

Deleted: may only

(a) Spill and overflow prevention equipment and requirements (OAR 340-150-0310);

(b) Corrosion protection performance standards for USTs and underground piping (OAR 340-150-0320); and

(c) Release detection performance standards (OAR 340-150-0400 through 340-150-0470).

(5) All new and replacement USTs and connected piping must be secondarily contained and monitored using the interstitial monitoring release detection method specified in 340-150-0465. In the case of replacement of an existing UST or existing underground piping, secondary containment and interstitial monitoring are required only for the UST or piping being replaced, not to other USTs and connected pipes comprising such systems. Note: This rule does not apply to UST system repairs as specified in 340-150-0350.

Note: DEQ's guidance document, *Replacement of Underground Piping*, describes when partial replacement of piping requires an entire run of piping to be secondarily contained.

(6) The person installing the UST system must be licensed by the department to perform UST services (OAR chapter 340, division 160), except as provided by OAR 340-150-0156.

Deleted: 5

(7) At least 30 days before beginning the UST system installation, an owner and permittee, or a licensed service provider acting on behalf of the owner and permittee, must provide notice to the department on an application provided by the department. The department may allow a shorter notice period on a case by case basis.

Deleted: 6

Deleted:

(8) At least three working days before beginning UST installation, an owner and permittee, or a licensed service provider acting on behalf of the owner and permittee, must notify the department of the confirmed date and time the installation will begin. The department may request additional prior notifications of the start date and time of specific installation or related testing activities.

Deleted: 7

(9) An owner and permittee must complete an installation checklist on a form provided by the department and submit the checklist to the department before an operating certificate can be issued. The checklist requires information about installation procedures and standards used, including any observations made by a service provider during the installation of the UST system. The checklist must include:

Deleted: 8

Deleted: installation

(a) A certification of compliance signed by the owner, permittee and service provider (i.e., the tank installer) that certifies that:

Deleted: t

(A) The UST system was installed in accordance with required methods and standards;

(B) The UST system was installed, in compliance with requirements for cathodic protection, release detection and spill and overfill protection; and

Deleted: and

(C) The owner and permittee will meet requirements for financial responsibility;

Deleted: that t

Deleted: ;

(b) One copy of the as-built drawing for the UST facility that includes the locations of all USTs, underground piping and ancillary equipment;

(c) A list of major UST components installed;

(d) All manufacturer specifications, completed checklists or other installation documents for USTs and components, including warranties;

(e) A copy of third party evaluation approval summaries, as applicable to any release detection equipment or methods;

(f) A copy of approval documents (sign-off or pressure test results) provided by the state fire marshal or local fire department, if available; and

(g) Photographs (or color copies of photographs) of key phases of the installation, including, but not limited to, major equipment (i.e., USTs and underground piping) and materials used in the installation, the excavation area before placement of USTs or underground piping, installation area after the placement of USTs and underground piping, but before backfilling and any other items of interest that document the installation process. Videos, negatives, floppy disks, undeveloped film, etc. are not acceptable substitutes for standard color photographs.

Deleted: to be

(10) An operation certificate will be issued to the permittee in accordance with OAR 340-150-0160(3) after department review and approval of the completed installation checklist and all required documentation.

Deleted: 9

Deleted: 3

Deleted: 1

[**Note 1:** USTs and underground piping must be installed to meet all requirements of the [International Fire Code](#) pertaining to USTs in accordance with OAR chapter 837, division 40 "Fire and Life Safety Regulations" (Department of Oregon State Police, Office of State Fire Marshal).]

Deleted: Oregon Uniform Fire Code

[**Note 2:** Appendix J of this division includes a list of additional guidance documents that owners and permittees may find useful.]

[ED. NOTE: Appendices & Publications referenced are available from the [department](#).]

Deleted: x

Deleted: agency

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995

Stats. Implemented: ORS 466.746 & ORS 466.765

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0310

#### Spill and Overfill Prevention Equipment and Requirements

(1) An owner and permittee must install, operate and maintain spill prevention equipment, such as a spill catchment basin or spill bucket, that will prevent the release of a regulated substance to the environment when the transfer hose is detached from the fill pipe.

(2) An owner and permittee must install, operate and maintain overfill prevention equipment and follow fill procedures that prevent any of the fittings located on top of the UST from being exposed to a regulated substance due to overfilling; and

(a) Automatically shuts off flow into the UST when the UST is no more than 95 percent full; or

(b) Alerts the person depositing the regulated substance into the UST when the UST is no more than 90 percent full by restricting the flow into the tank or by triggering a high level alarm.

(3) For all UST systems installed or overfill equipment replaced on or after March 1, 2003, an owner and permittee must be able to provide visual verification that the overfill equipment functions as required by section (2) of this rule. For overfill equipment installed before March 1, 2003, an owner and permittee must be able to demonstrate to the department that the equipment functions properly by any method deemed acceptable by the department.

Deleted: is

(4) In addition to the overfill requirements of section (2) of this rule, an owner and permittee must:

(a) Measure the volume of regulated substance in each UST to confirm that the volume available is greater than the volume of the regulated substance to be deposited into the UST before each deposit is made; and

(b) Develop and implement procedures to ensure that each deposit of a regulated substance into the UST is monitored constantly to prevent overfilling and spilling.

(5) An owner and permittee may use the codes and procedures listed in Appendix C of this division to comply with the requirements of this rule.

(6) Spill and overfill prevention equipment is not required if the UST system is filled by deposits of a regulated substance of no more than 25 gallons at one time (a waste oil tank may be one example).

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995

Stats. Implemented: ORS 466.746 & ORS 466.765

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0350

#### UST System Repairs

(1) An owner and permittee of an UST system requiring repair must effect the repair such that the repair will prevent and detect releases due to structural failure or corrosion as long as the UST system is used to store a regulated substances.

(2) Metal pipe sections and fittings that have released a regulated substance as a result of corrosion or other damage may not be repaired. They must be replaced with new piping that complies with the installation requirements for new UST systems (OAR 340-150-0300).

Deleted: cannot

Deleted: and

Deleted: as a modification to an UST system in accordance with OAR 340-150-0352(4)

(3) Repair methods. An owner and permittee must repair UST system components according to the manufacturer's specifications and perform repairs in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory. The codes and standards listed in Appendix H of this division may be used to comply with this section. A manufacturer's authorized representative may make repairs to fiberglass or other nonmetallic USTs.

(4) Lined tanks. An owner and permittee of an UST that has been previously repaired or upgraded using the interior lining method may repair the UST by restoring or adding additional lining to the UST if the metal portion of the UST has been determined to be structurally sound by use of the integrity assessment (inspection) method specified by American Petroleum Institute Publication 1631, "Recommended Practice for the

Deleted: (2001)

Interior Lining of Existing Steel Underground Storage Tanks." An owner and permittee must refer to OAR 340-150-0352 and 340-150-0360 for additional requirements for internally lined tanks. An owner and permittee must permanently decommission an UST if the integrity assessment determines that the UST is no longer structurally sound.

Deleted: .

(5) Tanks. Before operating a repaired or newly lined UST, an owner and permittee must:

(a) Have the UST tightness tested after completion of the repair and report to the department any test failures (OAR 340-150-0445); and

(b) For all repaired tanks except those repaired by lining, obtain written documentation that the original manufacturer has recertified the repaired UST as meeting current UST performance requirements (OAR 340-150-0300). If the original manufacturer is not available (e.g., no longer in business, unknown, etc.) another manufacturer of the same tank brand or type must certify in writing that the UST meets the current UST performance requirements.

(6) Piping. Before operating repaired piping, an owner and permittee must have the underground piping tightness tested after completion of the repair and report to the department any test failure (OAR 340-150-0410).

(7) Corrosion protection. An owner and permittee must have a cathodic protection system tested within six months following a repair to ensure proper operation and report to the department any test failure (OAR 340-150-0325).

(8) Spill and overflow. An owner and permittee must repair spill and overflow equipment when necessary; following repair, the spill and overflow equipment must meet the requirements of OAR 340-150-0310.

(9) Record keeping. An owner and permittee must maintain records that demonstrate compliance with the requirements of this rule for the remaining operating life of the UST system. Records must include information such as a description of the work, date performed, name and address of the company that performed the work, equipment model number (as appropriate), test results and any other related data. An owner and permittee must make all repair records available for review by the department upon request.

Deleted: agency

[Publications: Publications referenced are available from the [department](#).]

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995

Stats. Implemented: ORS 466.746 & ORS 466.765

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### **340-150-0352**

Deleted: and Additions

### **UST System Modifications**

(1) An owner and permittee, or a licensed service provider on behalf of the owner and permittee, must:

(a) Notify the department of their intent to modify an UST system at least 30 days before any modification work is scheduled to start by submitting an application for UST system modification to the department.

(b) Notify the department of the confirmed date and time the modification will begin at least three working days before beginning the modification to allow observation by the department.

(2) The owner or permittee must submit a completed UST system modification checklist to the department within 30 days after completion of the modification.

(3) An owner and permittee must follow the requirements of this rule when making UST system modifications, not specifically listed below.

Deleted: . For any other modifications

Deleted: , an owner and permittee must follow sections (5) through (7) of this rule

Deleted: 1

Deleted: 2

(4) An owner and permittee of a metal UST previously protected with cathodic protection may modify the UST by the addition of internal lining if all of the following requirements are met:

(a) Before the addition of a lining, the integrity of the tank is assessed by a method that has been third party evaluated and approved on a national level (e.g., the method is on a list of approved alternative integrity assessment methods published by the Environmental Protection Agency);

(b) The lining is installed in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory; and

(c) The modifications comply with all requirements of OAR 340-150-0360(2) for internally lined tanks.

(5) An owner and permittee of an UST that has been internally lined may modify the UST by the addition of corrosion protection if all of the following requirements are met:

Deleted: 3

(a) Before the addition of corrosion protection, the integrity of the UST is assessed using the method specified by **American Petroleum Institute Publication 1631**, "Recommended Practice for the Interior Lining of Existing Steel Underground Storage Tanks" to ensure that the tank is structurally sound and free of corrosion holes and that the lining is still performing according to manufacturer requirements;

Deleted: (2001)

(b) The corrosion protection system meets the performance standards of OAR 340-150-0320(3); and

(c) The modifications comply with all requirements of OAR 340-150-0360(2) for internally lined USTs.

(6) For modification of an UST system by the addition of new piping, an owner and permittee must comply with the installation requirements for new UST systems (OAR 340-150-0300) and this rule.

Deleted: 4

Deleted: or replacement of damaged piping

(7) An owner and permittee may use the codes and standards listed in Appendix H of this division to comply with this rule.

Deleted: 5

(8) An owner and permittee must maintain records that demonstrate compliance with the requirements of this rule for the remaining operating life of the UST system. Records must include a description of the work, date performed, name and address of the company that performed the work, equipment model number (as appropriate), test results, modification application and checklist and any other related data. An owner and permittee must make all records for UST system modifications and additions available for review by the department upon request.

Deleted: (6) An owner and permittee must notify the department of their intent to modify an UST system at least 30 days before any modification work is scheduled to start by submitting an application for UST system modification to the department. ¶  
(a) At least three working days before beginning the modification, an owner or permittee must notify the department of the confirmed date and time the modification will begin to allow observation by the department. ¶  
(b) The owner or permittee must submit a completed UST system modification checklist to the department within 30 days after completion of the modification.

[Publications: Publications referenced are available from the [department](#).]

Deleted: 7

Deleted: agency

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995

Stats. Implemented: ORS 466.746 & ORS 466.765

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

#### 340-150-0354

#### UST System Replacements

(1) An owner and permittee must replace any part of an UST system as necessary for the UST system to meet the following performance standards:

- (a) Spill and overfill protection (OAR 340-150-0310);
- (b) Corrosion protection (OAR 340-150-0320 and 340-150-0325); and
- (c) Release detection (OAR 340-150-0400 through 340-150-0470).

(2) Metal pipe sections and fittings that have released a regulated substance as a result of corrosion or other damage must be replaced with new piping that complies with the installation requirements for new UST systems (OAR 340-150-0300).

Deleted: For the purpose of these rules, the replacement of m

Deleted: modification and the owner and permittee must comply with OAR 340-150-0352(4) and 340-150-0300 instead of this rule

(3) An owner and permittee must maintain records that demonstrate compliance with the requirements of this rule for the remaining operating life of the UST system. Records must include information such as a description of the work, date performed, name and address of the company that performed the work, equipment model number (as appropriate), test results and any other related data. An owner and permittee must make

Deleted: is considered a

all records for UST system replacements available for review by the department upon request.

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995

Stats. Implemented: ORS 466.746 & ORS 466.765

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0360

#### Requirements for Internally Lined USTs

(1) Internally lined USTs without corrosion protection. An owner and permittee of an internally lined UST that does not have corrosion protection must have the UST internally inspected or assessed in accordance with a method that has been evaluated and approved by a third party to ensure the tank is structurally sound and the lining is still performing in accordance with all original design specifications. An owner and permittee must have the internal lining inspections or assessments conducted:

Deleted: operator

(a) Within ten years after lining; and

(b) Every five years thereafter.

(2) Internally lined USTs with corrosion protection. An owner and permittee of an internally lined UST that has corrosion protection must conduct internal lining inspections or assessments of the UST as required by section (1) of this rule. However, internal inspections are not required if the owner and permittee meet each of the following conditions:

Deleted: tank

(a) The integrity of the UST was inspected or assessed before the addition of corrosion protection;

Deleted: and

Deleted: is

(b) Written documentation of the inspection results and the internal inspection or assessment is provided to the department that demonstrates the work was conducted in accordance with a code of practice developed by a nationally recognized association, an independent testing laboratory or by a method that has been third party evaluated and approved; and

Deleted: .

(c) If the original integrity inspection or assessment was not conducted, documentation is not available or the documentation is not sufficient as determined by the department, an owner and permittee must complete at least one internal inspection of the tank lining using the method specified by **American Petroleum Institute Publication 1631**, "Recommended Practice for the Interior Lining of Existing Steel Underground Storage Tanks".

Deleted: (2001)

(3) The owner and permittee must permanently decommission an UST system if any internal inspection determines that the UST is no longer structurally sound.

[Publications: Publications referenced are available from the [department](#).]

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995

Stats. Implemented: ORS 466.746 & ORS 466.765

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0410

#### Release Detection Requirements and Methods for Underground Piping

(1) For underground piping that routinely contains a regulated substances, an owner and permittee of a petroleum UST system must provide release detection which meets the requirements of this rule.

(2) Pressurized piping. For underground piping that conveys regulated substances under pressure, an owner and permittee must insure that the piping is equipped with an automatic line leak detector that alerts an owner and permittee to the presence of a leak by restricting or shutting off the flow of regulated substances through underground piping or by triggering an audible or visual alarm. Interstitial monitoring sensor systems or stand alone "sump" sensors are not an acceptable alternative for a line leak detector. In addition,

(a) The line leak detector must be approved by a national organization (e.g., the National Work Group on Leak Detection);

(b) The line leak detector must be capable of detecting a leak of three gallons per hour at ten pounds per square inch line pressure within one hour; and

(c) An annual test of the operation of the line leak detector must be conducted in accordance with the manufacturer's requirements.

(3) In addition to the requirements of section (2) of this rule, an owner and permittee with pressurized piping must conduct an annual line tightness test that can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure. Interstitial monitoring sensors may replace the annual line tightness test if:

(a) The equipment is designed, constructed and installed to monitor all portions of the underground piping that routinely contains a regulated substance; and

(b) The requirements for interstitial monitoring (OAR 340-150-0465) are met.

(4) Suction piping. For underground piping that conveys a regulated substance under suction (i.e., piping that operates at less than atmospheric pressure), an owner and permittee must check the piping for the presence of air in the pipeline in accordance with the **National Fire Protection Association standard NFPA, 329**, "Recommended Practices for Handling Releases of Flammable and Combustible Liquids and Gases"

Chapter 5, Release Detection of Tanks and Piping, subsection 5-2.3.2(b), if any of the following indicator conditions are observed by any person dispensing a regulated substance:

(a) If there are indications of air in the pipeline or other unusual operating conditions are observed (refer to [National Fire Protection Association standard 329](#) subsection 5-2.3.2(a) for specific indicators), the pipeline check valve should be inspected to determine if it is seated tightly. The check valve must be repaired, replaced or sealed off as appropriate depending on the results of the inspection; and

Deleted: NFPA

(b) The requirements of OAR 340-150-0350 through 340-150-0354 must be met for any repair, modification or replacement actions taken to correct a problem.

(5) In addition to the requirements of section (4) of this rule, an owner and permittee of suction piping must conduct a line tightness test at least once every three years that can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure.

(6) Release detection is not required for suction piping that is designed and constructed to meet the following standards:

(a) The below grade underground piping operates at less than atmospheric pressure;

(b) The below grade underground piping is sloped so that the contents of the pipe will drain back into the UST if the suction is released;

(c) Only one check valve is present in each suction line;

(d) The check valve is located directly below and as close as practical to the suction pump; and

(e) A method is provided that allows the department to readily determine compliance with this section of the rule.

(7) In lieu of conducting [line tightness tests on either pressurized or suction piping](#), an owner and permittee may conduct monthly monitoring by one of the applicable release detection methods described in OAR 340-150-0450 through 340-150-0470, if the method is designed to detect a release from any portion of the underground piping that routinely contains a regulated substance.

Deleted: annual

(8) An owner and permittee must retain at a minimum the [last completed line test or the most current 12 consecutive months of release detection records for piping](#).

(9) An owner and permittee must report to the department any leak test results or other observations or results indicating the possibility of a release within 24 hours as a suspected release (OAR 340-150-0500) and immediately begin investigation in accordance with 340-150-0510.

[Publications: Publications referenced are available from the [department](#).]

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995

Stats. Implemented: ORS 466.746 & ORS 466.765

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0430

#### Inventory Control Method of Release Detection

(1) An owner and permittee using inventory control as a release detection method must meet the requirements of this rule. Inventory control cannot be used as a release detection method for underground piping.

(2) Use of inventory control as a release detection method is allowed for a period of:

(a) Ten years after the installation of the UST system; or

(b) Ten years after the UST system achieved compliance with corrosion protection requirements; except

Deleted: but

(c) In no case may inventory control be used as a primary release detection method after December 22, 2008; and

(d) After the period of use has expired as listed in subsections (a) through (c) of this section, an owner and permittee must use one of the release detection methods in OAR [340-150-0435](#) or 340-150-0450 through 340-150-0470.

(3) Regulated substance (i.e., product) inventory control must be recorded daily and reconciled monthly to detect a release of at least 1.0 percent of flow-through plus 130 gallons on a monthly basis.

(4) Inventory volume measurements for regulated substance inputs (deliveries), withdrawals and the amount still remaining in the UST must be recorded each operating day.

(5) The equipment used to measure the level of regulated substance in the UST (e.g., stick or automatic tank gauge) must be capable of measuring the level of the regulated substance over the full range of the tank's height to the nearest one-eighth of an inch.

(6) Regulated substance inputs must be reconciled with delivery receipts by measurement of the tank inventory volume before and after each delivery.

(7) Regulated substance deliveries must be made through a drop tube that extends to within one foot of the tank bottom.

**Note:** To meet Stage I air quality vapor control requirements, drop tubes must be within six inches of the tank bottom.

(8) Regulated substance dispensing must be metered and recorded within the local standards for meter calibration or an accuracy of six cubic inches for every five gallons of the regulated substance withdrawn.

(9) The measurement of any water level in the bottom of the tank must be made to the nearest one-eighth of an inch at least once a month.

(10) Any monthly inventory reconciliation (positive or negative) that exceeds the comparison number of 1.0 percent of flow-through plus 130 gallons or greater leak rate in any single month is considered to be a release detection failure.

An owner and permittee must:

Deleted: (a)

(a) Report to the department a release detection failure that occurs for two consecutive months within 24 hours as a suspected release (OAR 340-150-0500) and immediately begin investigation in accordance with 340-150-0510; and

Deleted: report

Deleted: to the department within 24 hours

(b) Immediately investigate all larger-than-normal or reoccurring variations in results, including widely fluctuating water levels in the UST and report such variations to the department as a suspected release if the variation cannot be accounted for, without waiting to obtain a second month of data.

Deleted: ImmediatelyAn owner and permittee must i

(11) An owner and permittee must have USTs tightness tested (OAR 340-150-0445) at least once every five years when inventory control is used as the sole or primary release detection method.

(12) An owner and permittee must retain at a minimum the most current 12 consecutive months of release detection records and the last two tightness test results.

(13) An owner and permittee may use the practices described in the **American Petroleum Institute Publication 1621**, "Recommended Practice for Bulk Liquid Stock Control at Retail Outlets", where applicable, as guidance in meeting the requirements of this rule.

Deleted: (1993)

Deleted: agency

[Publications: Publications referenced are available from the [department](#).]

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995

Stats. Implemented: ORS 466.746 & ORS 466.765

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0450

#### Automatic Tank Gauging Release Detection Method

(1) An owner and permittee using equipment for automatic tank gauging (ATG) that tests for the loss of a regulated substance and conducts inventory control as a release detection method must use equipment that meets the requirements of this section. The ATG system must:

Deleted: (a)

(a) Be able to detect a 0.2 gallon per hour leak rate with a probability of detection of at least 95 percent and a probability of false alarm of no more than 5 percent for all portions of the UST that routinely contain a regulated substance; and

Deleted: be

(b) The ATG system must be an approved leak detection method or equipment as listed by a national organization (e.g., the National Work Group on Leak Detection).

Deleted: Be

(2) For USTs, an owner and permittee must monitor and test for releases at least once every 30 days and record the results for each month.

(3) For underground piping, an owner and permittee must monitor and test for releases if the ATG system is designed to detect a release from any portion of the underground piping that routinely contains a regulated substance and record the results for each month as follows:

(a) Daily for pressurized piping.

(b) Once every 30 days for suction piping.

(4) An owner and permittee must:

(a) Report to the department any leak test results indicating the possibility of a release (i.e., test failure) within 24 hours as a suspected release (OAR 340-150-0500) and immediately begin investigation in accordance with OAR 340-150-0510; and

(b) Immediately investigate all larger-than-normal or reoccurring variations in results, including widely fluctuating water levels in the tank and report such variations as a suspected release if the variation cannot be accounted for, without waiting to obtain a second month of data.

(5) An owner and permittee must retain at a minimum the most current 12 consecutive months of release detection records.

(6) ATG systems installed before December 22, 1990, are exempt from the leak rate quantities, probability limits and third party evaluation requirements of this rule, except:

(a) The ATG system must be able to detect a 0.2 gallon per hour leak rate from any portion of the UST that routinely contains a regulated substance; and

(b) An owner and permittee can only use the ATG system to obtain daily regulated substance volumes for the inventory control release detection method (OAR 340-150-0430) if the ATG does not meet the requirements of section (1) of this rule.

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995  
Stats. Implemented: ORS 466.746 & ORS 466.765  
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0455

#### Vapor Monitoring Release Detection Method

(1) An owner and permittee may use testing or monitoring for vapors within the soil gas of the excavation zone as a release detection method for an UST or underground piping if the method is approved by the department in writing before installing or operating any portion of the vapor monitoring system, including wells.

(2) ~~At least 30 days before installing any portion of the vapor monitoring system, an owner and permittee must submit~~ a written design plan (including all technical data and design information) ~~to the department~~ prepared and signed by a registered professional engineer or a registered geologist specially qualified by education and experience to design release detection systems. The design plan must meet the following minimum requirements:

**Deleted:** An owner and permittee must submit to the department, a

(a) The materials used as backfill must be sufficiently porous (e.g., gravel, sand, crushed rock) to readily allow diffusion of vapors from releases into the excavation area;

(b) The stored regulated substance or a tracer compound placed in the UST system, must be sufficiently volatile (e.g., gasoline) to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank;

(c) The measurement of vapors by the monitoring device must not be rendered inoperative by groundwater, rainfall or soil moisture or other known interferences so that a release could go undetected for more than 30 days;

(d) The level of background contamination in the excavation zone must not interfere with the method used to detect releases from the tank; and

(e) The vapor monitors must be designed and operated to detect any significant increase in concentration above background of the regulated substance stored in the UST system, a component or components of that substance or a tracer compound placed in the UST system.

(3) Before installation of monitoring wells, an owner and permittee must have the site assessed to demonstrate compliance with the requirements of this rule, ~~and to establish the number and positioning of monitoring wells that will detect releases within the~~

**Deleted:** section

excavation zone from any portion of the UST or underground piping that routinely contains a regulated substance.

(4) The department will approve the installation if, after reviewing the design plan, it determines that the vapor monitoring system proposed is capable of detecting a release from any portion of the UST or underground piping that routinely contains a regulated substance.

(5) An owner and permittee must mark and secure monitoring wells at all times to prevent unauthorized access and tampering.

(6) Release detection observation, documentation and reporting requirements. An owner and permittee must:

(a) Operate and maintain the continuous monitoring device or manual method so the equipment will detect the presence of vapors as noted in subsection (2)(e) of this rule;

(b) Perform an alarm test at least once each month;

(c) Check the excavation zone for releases and record the observation results for each month. At a minimum, records must include documentation that the system is properly operated and maintained and include results of alarm tests which must be made according to the following schedule:

Deleted: .

(A) On a daily basis for USTs and pressurized piping.

(B) Once every 30 days for suction piping.

(d) Report any observations or alarms indicating the possibility of a release to the department within 24 hours as a suspected release (OAR 340-150-500) and immediately begin investigation in accordance with OAR 340-150-0510.

Deleted: to the department

(7) An owner and permittee must retain at a minimum the most current 12 consecutive months of release detection records and vapor well installation approval documents must be available for department review upon request.

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995

Stats. Implemented: ORS 466.746 & ORS 466.765

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### **340-150-0460**

#### **Groundwater Monitoring Release Detection Method**

(1) An owner and permittee may use testing or monitoring for liquid regulated substances on or in the groundwater as a release detection method for an UST or underground piping

if the method is designed to detect a release from any portion of the UST or underground piping that routinely contains a regulated substance.

(2) At least 30 days before installing or operating any portion of the groundwater monitoring system, an owner and permittee must submit to the department a written design plan (including all technical data and design information) prepared and signed by a registered professional engineer or a registered geologist specially qualified by education and experience to design release detection systems. The design plan must meet the following minimum requirements:

**Deleted:** An owner and permittee must submit to the department, a

(a) The regulated substance stored must be immiscible in water and have a specific gravity of less than one;

(b) Sufficient data must be included, and periodically checked, to demonstrate that groundwater will never be more than 20 feet from the ground surface and the hydraulic conductivity of the soil between the UST system and the monitoring wells or devices is not less than 0.01 cm/sec (e.g., the soil should consist of gravels, coarse to medium sands, coarse silts or other permeable materials);

(c) The slotted portion of the monitoring well casing must be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low groundwater conditions;

(d) Monitoring wells must be sealed from the ground surface to the top of the filter pack; and

(e) Monitoring wells or devices must intercept the excavation zone or be as close to it as is technically feasible.

**Deleted:** are

(3) Before installation of monitoring wells, an owner and permittee must have the site assessed to demonstrate compliance with the requirements of this rule, and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the UST or piping that routinely contains a regulated substance.

**Deleted:** section

(4) The department will approve the installation if, after reviewing the design plan, it determines that the groundwater monitoring system proposed is capable of detecting a release from any portion of the UST or underground piping that routinely contains a regulated substance.

(5) An owner and permittee must mark and secure monitoring wells at all times to prevent unauthorized access and tampering.

(6) Release detection observation, documentation and reporting requirements. An owner and permittee must:

(a) Operate and maintain the continuous monitoring device or manual method so the equipment will detect the presence of at least one-eighth of an inch of free product on top of the groundwater in the monitoring wells;

(b) Perform an alarm test at least once each month;

(c) Check the excavation zone for releases and record the observation results for each month. At a minimum, records must include documentation that the system is properly operated and maintained and include results of alarm tests, which must be made, according to the following schedule:

Deleted: .

(A) On a daily basis for USTs and pressurized piping.

(B) Once every 30 days for suction piping.

(d) Report to the department any observations or alarms indicating the possibility of a release within 24 hours as a suspected release (OAR 340-150-500) and immediately begin investigation in accordance with OAR 340-150-0510.

(7) An owner and permittee must retain at a minimum the most current 12 consecutive months of release detection records and groundwater well installation approval documents must be available for department review upon request.

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995

Stats. Implemented: ORS 466.746 & ORS 466.765

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### **340-150-0465**

#### **Interstitial Monitoring Release Detection Method**

(1) An owner and permittee may use an interstitial monitoring system as a release detection method if:

(a) The system is designed, constructed and installed in accordance with a national code of practice or industry standard and the interstitial monitoring system is an approved leak detection system (method and equipment) for that system as listed by a national organization (e.g., the National Work Group on Leak Detection); and

(b) The system is able to detect a leak from any portion of an UST or underground piping that routinely contains a regulated substance.

(2) An owner and permittee must meet the following requirements for the specific type of UST system or piping:

(a) Multiwalled UST systems. The sampling or testing method must be able to detect a release through the inner wall in any portion of the UST. The provisions outlined in the Steel Tank Institute's "Standard for Dual Wall Underground Storage Tanks" (2001) may be used as guidance for aspects of the design and construction of underground metal double walled tanks.

Deleted: Institute

(b) UST systems with a secondary barrier within the excavation zone. The sampling or testing method used must be able to detect a release between the UST system and the secondary barrier.

(A) The secondary barrier around or beneath the UST system must consist of artificially constructed material that is sufficiently thick and impermeable (at least 10<sup>-6</sup> cm/sec for the regulated substance stored) to direct a release to the monitoring point and permit its detection;

(B) The secondary barrier must be compatible with the regulated substance stored so that a release from the UST system will not cause a deterioration of the barrier or allow a release to pass through the barrier;

(C) For USTs with corrosion protection, the secondary barrier must be installed so that it does not interfere with the proper operation of the corrosion protection system;

(D) Groundwater, soil moisture or rainfall cannot render the testing or sampling method used inoperative so that a release could go undetected for more than 30 days or one day if used for pressurized underground piping;

(E) Before installation, an owner and permittee must have the site assessed to demonstrate that the secondary barrier is always above the seasonal high groundwater level and not in a 25-year flood plain, unless the barrier and monitoring system are designed for use under such conditions; and

(F) An owner and permittee must mark and secure monitoring wells at all times to prevent unauthorized access and tampering.

(c) USTs with an internally fitted liner. An automated device must be able to detect a release between the inner wall of the UST and the liner and the liner must be compatible with the regulated substance stored.

(d) Double walled pressurized piping. Interstitial monitoring sensors must be installed in any sump which houses a noncontinuous junction of the interstitial space (e.g., any and all points along the piping run where the interstitial space is no longer continuous).

Deleted: transition

(3) An owner and permittee must monitor the UST and underground suction piping for a release at least every 30 days and record the results for each month.

(4) An owner and permittee must monitor pressurized underground piping for a release daily and record the results [daily](#) for each month.

(5) An owner and permittee must retain at a minimum the most current 12 consecutive months of release detection records. Records must include, at a minimum, the date the system was checked, observations made and the name or initials of the person conducting the monitoring. In addition, records for electronic systems must include: power status (on or off), alarm indication status (yes or no) and sensor malfunction noted (yes or no).

(6) An owner and permittee must report to the department any leak test observations, alarms or results indicating the possibility of a release to the interstitial area within 24 hours as a suspected release (OAR 340-150-0500) and immediately begin investigation in accordance with 340-150-0510.

Deleted: agency

[Publications: Publications referenced are available from the [department](#).]

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995

Stats. Implemented: ORS 466.746 & ORS 466.765

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0470

#### Other Methods of Release Detection

(1) An owner and permittee may use a release detection method for an UST or underground piping not otherwise specified in OAR 340-150-0410 through 340-150-0465 if:

(a) [The device is able to detect a 0.2 gallon per hour leak rate with a probability of detection of at least 95 percent and a probability of false alarm of no more than 5 percent for all portions of the UST or underground piping that routinely contains a regulated substance;](#)

Deleted: t

(b) [The method is an approved leak detection method or equipment as listed by a national organization \(e.g., the National Work Group on Leak Detection\).](#)

Deleted: and

(2) An owner and permittee must monitor the UST and underground suction piping for a release at least every 30 days and record the results for each month.

(3) An owner and permittee must monitor pressurized underground piping for a release daily and record the results [daily](#) for each month.

(4) An owner and permittee must:

(a) Report to the department any release detection test results indicating the possibility of a release (i.e., test failure or alarm) [to the department](#) within 24 hours as a suspected

release (OAR 340-150-0500) and immediately begin investigation in accordance with OAR 340-150-0510; and

(b) Immediately investigate all larger-than-normal or reoccurring variations in monitoring results and, if the variation cannot be accounted for, report such variations to the department as a suspected release, without waiting to obtain a second confirmation of data.

Deleted: if the variation cannot be accounted for,

(5) An owner and permittee must retain at a minimum the most current 12 consecutive months of release detection records.

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995

Stats. Implemented: ORS 466.746 & ORS 466.765

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-150-0510

#### Suspected Release Investigation and Confirmation Steps

(1) Following the discovery of a suspected release of a regulated substance, an owner and permittee must immediately initiate investigation and confirmation of the suspected release, as required by this rule. This investigation must be completed within seven days or as otherwise approved or directed by the department.

Deleted: a

Deleted: of a regulated substance

(2) Upon expiration of the 7-day period or other period approved by the department, an owner and permittee must notify the department of the investigation results by submitting to the department:

(a) A written description of the system test that confirmed a release did not occur, including any test results; or

Deleted: conducted confirming

(b) A written plan of action to complete the suspected release investigation system test or site assessment. Any plan of action must include a firm schedule for completion.

(3) System test.

(a) An owner and permittee must conduct tightness testing to determine whether a leak exists in any portion of the UST that routinely contains a regulated substance (OAR 340-150-0445) or the underground piping (340-150-0410) or both.

(b) An owner and permittee must investigate the cause of a release into any secondary containment unit including, but not limited to, underground piping, turbine sumps, transition sumps and dispenser pans by conducting tests in accordance with manufacturer requirements or as directed by the department. All regulated substances (product) or product and water mixture must be removed from the containment system and properly disposed in accordance with all state, federal and local requirements.

(c) If the suspected release was not reported due to any of the conditions described in OAR 340-150-0500(1)(a) and the system test results do not indicate that a release has occurred, further investigation is not required, unless otherwise directed by the department.

Deleted: a

(d) If the suspected release was reported due to any of the conditions described in OAR 340-150-0500(1)(a) or the system test results indicate that a release exists, an owner and permittee must assess and repair, replace or modify the UST system and begin corrective action in accordance with sections (4) and (5) of this rule.

Deleted: b

(4) Site assessment.

(a) If the test results for the UST, piping or secondary containment units do not indicate that a release exists, but the suspected release was reported due to any of the conditions described in OAR 340-150-0500(1)(a) or if directed by the department, an owner and permittee must conduct a site assessment for contaminated soil or groundwater. An owner and permittee must measure for the presence of a release where contamination is most likely to be present based on all information available. In selecting sample types, sample locations and measurement methods, an owner and permittee must consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth to groundwater and other factors appropriate for identifying the presence and source of the release. The requirements for sample collection, analytical tests and methods contained in OAR 340-122-0205 through 340-122-0360 must be used as appropriate. The department may require that a sampling plan be submitted for approval before conducting any sampling on a case by case basis. In addition:

(b) If the site assessment results do not indicate that a release has occurred, further investigation is not required unless specifically directed by the department.

Deleted: a

(c) If the site assessment results indicate that a release has occurred, an owner and permittee must begin corrective action in accordance with section (5) of this rule.

Deleted: b

(5) If the suspected release investigation confirms that a release has occurred, an owner and permittee must report the confirmed release to the department within 24 hours of confirmation and comply with the following release reporting, site investigation and corrective action requirements:

(a) For petroleum USTs; OAR 340-122-0205 through 340-122-0360.

(b) For USTs containing non petroleum regulated substances; OAR 340-122-0010 through 340-122-0115, except that releases must be reported in accordance with the requirements of OAR chapter 340, division 142.

Deleted: non

(6) The department may require that an owner and permittee perform additional actions not specifically listed in this rule on a case by case basis to address actual or potential threat to human health or the environment.

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995  
Stats. Implemented: ORS 466.746 & ORS 466.765  
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

**340-150-0555**

**Compliance Dates for USTs and Piping**

(1) An owner and permittee must comply with all release detection requirements for a new or existing UST system or permanently close the UST system by the following schedule:

(a) For UST systems installed before 1965 and for UST systems where the installation date is unknown:

(A) December 22, 1989, for tanks and suction piping.

(B) December 22, 1990, for pressurized piping.

(b) For UST systems installed between 1965 and 1969 - December 22, 1990, for tanks, suction piping and pressurized piping.

(c) For UST systems installed between 1970 and 1974:

(A) December 22, 1990, for pressurized piping.

(B) December 22, 1991, for tanks and suction piping.

(d) For UST systems installed between 1975 and 1979:

(A) December 22, 1990, for pressurized piping.

(B) December 22, 1992, for tanks and suction piping.

(e) For UST systems installed between 1980 and December 22, 1988:

(A) December 22, 1990, for pressurized piping.

(B) December 22, 1993, for tanks and suction piping.

(f) For tanks, suction piping and pressurized piping, release detection requirements must be met upon date of installation for all new UST systems installed after December 22, 1988.

(2) An owner and permittee of a new UST system installed after December 22, 1988, must comply with the corrosion protection performance standards for tanks and piping (OAR 340-150-0320 and 340-150-0325) at the time of installation.

Deleted: by no later than December 22, 1998

(3) An owner and permittee of an existing UST system installed on or before December 22, 1988, must comply with the requirements for upgrading USTs and piping (OAR 340-150-0560) by no later than December 22, 1998.

(4) An owner and permittee that does not comply with section (2) or (3) of this rule must decommission the UST system in compliance with the requirements of OAR 340-150-0166 through 340-150-0168 by no later than December 22, 1998.

Deleted: In lieu of complying with section (2) or (3) of this rule, a

(5) An owner and permittee of a hazardous substance UST system (e.g., an UST containing any nonpetroleum regulated substance) installed on or before December 22, 1988, must comply with the release detection requirements of OAR 340-150-0400 and 340-150-0410 until December 22, 1998. After December 22, 1998, an owner and permittee of a hazardous substance UST system must comply with the requirements of OAR 340-150-0420.

Deleted: ll

Deleted: s

(6) An owner and permittee of a new or existing UST system that does not meet the performance standards in OAR 340-150-0300 or 340-150-0560 may use monthly inventory control and annual tank tightness testing as a release detection method until December 22, 1998. After that date, an owner and permittee must upgrade or permanently close the UST system.

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995

Stats. Implemented: ORS 466.746 & ORS 466.765

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### **340-150-0560**

#### **Upgrading Requirements for Existing UST Systems**

This rule describes the technical requirements for UST systems that an owner and permittee was required to meet by December 22, 1998, in accordance with OAR 340-150-0555(3). The equivalent federal rule citation has been included for reference.

(1) Tank upgrading requirements. An owner and permittee of a steel UST must upgrade the UST system to meet one of the following requirements in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory (40 § CFR 280.21(b)):

(a) Interior lining. An UST may be upgraded by internal lining (40 CFR § 280.21(b)(1) if:

(A) The lining is installed in accordance with the requirements of 40 CFR § 280.33 (OAR 340-150-0352); and

(B) Within ten years after lining and every five years thereafter, the lined UST is internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications (OAR 340-150-0360).

(b) Cathodic protection (40 CFR § 280.21(b)(2)). An UST may be upgraded by the addition of cathodic protection if the cathodic protection system meets the requirements of 40 CFR § 280.20(a)(2)(ii), (iii) and (iv) (OAR 340-150-0320(3)) and the integrity of the UST is ensured using one of the following methods:

(A) The UST is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes before installing the cathodic protection system;

(B) The UST has been installed for less than ten years and is monitored monthly (or daily as required by the specific method) for releases in accordance with 40 CFR § 280.43(d) through (h) (OAR 340-150-0450 through 340-150-0470);

(C) The UST has been installed for less than ten years and is assessed for corrosion holes by conducting two tightness tests that meet the requirements of 40 CFR § 280.43(c) (OAR 340-150-0445). The first tightness test must be conducted before installing the cathodic protection system. The second tightness test must be conducted between three and six months following the first operation of the cathodic protection system; or

(D) The UST is assessed for corrosion holes by a method that is determined by the department to prevent releases in a manner that is no less protective of human health and the environment than [the methods described in](#) paragraphs (A) through (C) of this subsection.

(c) Internal lining combined with cathodic protection (40 CFR § 280.21(b)(3)). An UST may be upgraded by both internal lining and cathodic protection if:

(A) The lining is installed in accordance with the requirements 40 CFR § 280.33 (OAR 340-150-0352); and

(B) The cathodic protection system meets the requirements of 40 CFR § 280.20(a)(2)(ii), (iii) and (iv) (OAR 340-150-0320(3)).

(2) An owner and permittee may use the following codes and standards to comply with section (1) of this rule:

(a) American Petroleum Institute Publication 1631, "Recommended Practice for the Interior Lining of Existing Steel Underground Storage Tanks";

Deleted: (2001)

(b) National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection";

(c) National Association of Corrosion Engineers Standard RP-02-85, "Control of External Corrosion on Metallic Buried, Partially Buried or Submerged Liquid Storage Systems"; and

(d) American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems."

(3) Piping upgrading requirements (40 § CFR 280.21(c)). An owner and permittee of metal underground piping that routinely contains a regulated substance, must cathodically protect the piping in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and meet the requirements of 40 CFR § 280.20(b)(2)(ii) (iii) and (iv) (OAR 340-150-0320(2) through (4)). An owner and permittee may use the following codes and standards to comply with this requirement (40 CFR § 280.20(b)):

Deleted: steel

Deleted: substances

(a) Underwriters Laboratories Subject 971, "UL Listed Non-Metal Pipe";

(b) Underwriters Laboratories Standard 567, "Pipe Connectors for Flammable and Combustible and LP Gas";

(c) Underwriters Laboratories of Canada Guide ULC-107, "Glass Fiber Reinforced Plastic Pipe and Fittings for Flammable Liquids"; and

(d) Underwriters Laboratories of Canada Standard CAN 4-S633-M81, "Flexible Underground Hose Connectors."

(4) Spill and overfill prevention equipment (40 CFR § 280.21(d)). To prevent spilling and overfilling associated with transfer of a regulated substance to the UST system, an owner and permittee of an existing UST system must comply with new UST system spill and overfill prevention equipment requirements specified in 40 CFR § 280.20(c) (OAR 340-150-0310).

(5) Reporting requirements (40 CFR § 280.21(e) as previously modified by OAR 340-150-0003(41)). At least 30 days before beginning the upgrading of an existing UST system under sections (1) and (3) of this rule, an owner and permittee must notify the department, on a form provided by the department, of their intent to upgrade an existing UST system. Unless the department agrees to waive the requirement, at least three working days before beginning the upgrade, an owner, permittee or licensed service provider performing the work must notify the department of the confirmed date and time the upgrade will begin to allow observation by the department. An owner, permittee or licensed service provider must submit a completed installation checklist to the department within 30 days after completion of the upgrade.

Deleted: 2

[Publications: Publications referenced are available from the [department](#).]

Stat. Auth.: ORS 466.706 - ORS 466.835, ORS 466.994 & ORS 466.995

Stats. Implemented: ORS 466.746 & ORS 466.765

Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03