

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 162

REGISTRATION AND LICENSING REQUIREMENTS FOR UNDERGROUND STORAGE TANK SOIL MATRIX

CLEANUP SERVICE PROVIDERS AND SUPERVISORS

340-162-0005

Authority, Purpose, and Scope

(1) These rules are promulgated in accordance with and under the authority of ORS 466.750.

(2) The purpose of these rules is to provide for the regulation of firms and persons who cleanup soil contamination resulting from spills and releases of oil from underground storage tanks utilizing the soil matrix standards in OAR 340-122-0205 to 340-122-0360. These rules establish standards for:

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(a) Licensing of firms performing underground storage tank soil matrix cleanup services for underground storage tanks;

(b) Examination, qualification and licensing of individuals who supervise soil matrix cleanup services for underground storage tanks;

(c) Administration and enforcement of these rules by the Department.

(3) Scope:

(a) OAR 340-162-0005 through 340-162-0150 applies to the cleanup by any person of soil contamination resulting from spills and releases of oil from underground storage tanks regulated by ORS 466.706 through 466.835 and ORS 466.895 through 466.995 and OAR Chapter 340, Division 150;

(b) OAR 340-162-0005 through 340-162-0150 do not apply to services performed by the tank owner, property owner or permittee.

(4) Service Providers and Supervisors licensed under this Division are also licensed to perform work under OAR Chapter 340, Division 163 -- Registration and Licensing

Requirements for Heating Oil Tank Soil Matrix Cleanup Service Providers and Supervisors.

Stat. Auth.: ORS 466.706 - ORS 466.895 & ORS 466.995

Stats. Implemented: ORS 466.750

Hist.: DEQ 27-1990, f. & cert. ef. 7-6-90

340-162-0010

Definitions

As used in these rules:

- (1) "Commission" means the Environmental Quality Commission.
- (2) "Closure" means to remove an underground storage tank from operation, either temporarily or permanently, by abandonment in place or by removal from the ground.
- (3) "Department" means the Oregon Department of Environmental Quality.
- (4) "Director" means the Director of the Oregon Department of Environmental Quality.
- (5) "Facility" means the location at which underground storage tanks are in place or will be placed. A facility encompasses the entire property contiguous to the underground storage tanks that is associated with the use of the tanks.
- (6) "Fee" means a fixed charge or service charge.
- (7) "Firm" means any business, including but not limited to corporations, limited partnerships, and sole proprietorship, engaged in the performance of tank services.
- (8) "Licensed" means that a firm or an individual with supervisory responsibility for the performance of tank services has met the Department's experience and qualification requirements to offer or perform services related to underground storage tanks and has been issued a license by the Department to perform those services.
- (9) "Oil" means gasoline, crude oil, fuel oil, diesel oil, lubrication oil, sludge, oil refuse and any other petroleum related product or fraction thereof that is liquid at a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute.
- (10) "Permittee", as used in this section, has the meaning set forth in ORS 466.706(15).
- (11) "Soil Matrix Cleanup" means action taken to comply with OAR 340-122-0205 through 340-122-0360.

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(12) "Supervisor" means a licensed individual operating alone or employed by a contractor and charged with the responsibility to direct and oversee the performance of tank services at a facility.

(13) "Tank" means underground storage tank.

(14) "Tank Services" include but are not limited to soil cleanup.

(15) "Tank Services Provider" is an individual or firm registered and, if required, licensed to offer or perform tank services on regulated underground storage tanks.

(16) "Underground Storage Tank" or "UST" means an underground storage tank as defined in OAR Chapter 340, Division 150.

Stat. Auth.: ORS 466.706 - ORS 466.895 & ORS 466.995

Stats. Implemented: ORS 466.706 & ORS 466.750

Hist.: DEQ 27-1990, f. & cert. ef. 7-6-90

340-162-0020

General Provisions

(1) After January 1, 1991, no firm shall offer underground storage tank soil matrix cleanup services without first having obtained a license from the Department.

(2) Proof of licensing must be available at all times a service provider is performing soil matrix cleanup services.

(3) After January 1, 1991, Underground Storage Tank Soil Matrix Cleanup Service Providers licensed to perform cleanup services are prohibited from offering or performing cleanup services on regulated underground storage tanks unless an underground storage tank has been issued a permit by the department.

(4) Any Underground Storage Tank Soil Matrix Cleanup Service Provider licensed or certified by the Department under the provisions of these rules shall:

(a) Comply with the appropriate provisions of OAR 340-162-0005 through 340-162-0150;

(b) Comply with the appropriate provisions of OAR 340-122-0205 through 340-122-0360;

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(c) Maintain a current address on file with the Department; and

(d) Perform underground storage tank soil matrix cleanup services in a manner which conforms with all federal and state regulations applicable at the time the services are being performed.

(5) A firm licensed to perform underground storage tank soil matrix cleanup services must submit a checklist to the department following the completion of a soil matrix cleanup. the checklist form will be made available by the Department.

(6) After January 1, 1991, a licensed underground storage tank soil matrix cleanup services supervisor shall be present at a tank site when the following tasks are being performed:

(a) During all excavations made after a leak is suspected or has been confirmed;

(b) When any tanks or lines are removed or decommissioned as a result of a suspected or confirmed release;

(c) When all soil and/or water samples are collected, stored, and packed for shipping to the analytical testing laboratory;

(d) When any soil borings, back-hoe pits or other excavations are made for the purpose of investigating the extent of contamination;

(e) During removal from the open excavation or disposal of any free product or groundwater; and

(7) After January 1, 1991 Underground Storage Tank Soil Matrix Service Providers shall not backfill or close a soil matrix cleanup excavation site before a Department inspection unless authorized verbally or in writing by the Department. Verbal approvals will be confirmed in writing within 30 days by the Department.

NOTE: Additional Oregon licenses may be required when performing soil cleanup services at underground storage tanks and heating oil tanks. See Construction Contractor License requirements in OAR 812-003-0100 through 812-002-0450 and Monitoring Well Constructor License requirements in OAR 690-240-0055 through 690-240-0070.

Stat. Auth.: ORS 465.200 - ORS 465.320 & ORS 466.706 - ORS 466.995
Stats. Implemented: ORS 466.706 & ORS 466.750
Hist.: DEQ 27-1990, f. & cert. ef. 7-6-90; DEQ 15-1991, f. & cert. ef. 8-14-91

340-162-0040

Examination Schedule

(1) To apply for a license from the department to supervise soil matrix cleanups, an individual must take and pass a qualifying examination approved by the department.

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Deleted: At least once prior to November 1, 1990, and twice every year thereafter, the Department shall offer a qualifying examination for any person who wishes to become licensed to supervise underground storage tank soil matrix cleanup services.

Stat. Auth.: ORS 466.706 - ORS 466.895 & ORS 466.995
Stats. Implemented: ORS 466.750
Hist.: DEQ 27-1990, f. & cert. ef. 7-6-90

Deleted: (2) Not less than 30 days prior to offering an examination the Department shall prepare and make available to interested persons, a study guide which may include sample examination questions.

Deleted: (3) The Department shall develop and administer the qualifying examinations in a manner consistent with the objectives of this section.

Stat. Auth.: ORS 465.200 - ORS 465.320 & ORS 466.706 - ORS 466.995
Stats. Implemented: ORS 466.750
Hist.: DEQ 15-1991, f. & cert. ef. 8-14-91

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Reciprocity with Other Jurisdictions¶
The Department may develop agreements with other jurisdictions for the purposes of establishing reciprocity in training, licensing, and certification if the Department finds that the training, licensing and certification standards of the other jurisdictions are at least as stringent as those required by these rules.¶

340-162-0150

Fees

(1) Fees shall be assessed to provide revenues to operate the underground storage tank soil matrix cleanup services licensing program. Fees are assessed for the following:

- (a) Underground Storage Tank Soil Matrix Cleanup Service Provider;
- (b) Underground Storage Tank Soil Matrix Cleanup Supervisors License;
- (c) Underground Storage Tank Soil Matrix Cleanup Examination Study Guides.

(2) Underground Storage Tank Soil Matrix Cleanup service providers shall pay a non-refundable license application fee of \$~~600~~ for a ~~24~~ month license.

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(3) Individuals seeking to obtain an underground storage tank soil matrix cleanup supervisor's license shall pay a non-refundable license application fee of \$150 for a 24 month license.

(4) Examination study guides shall be made available to the public for the cost of production.

(5) Replacement licenses will be provided by the department for a fee of \$10.

Stat. Auth.: ORS 465.200 - 465.320 & 466.706 - 466.995
Stats. Implemented: ORS 466.750
Hist.: DEQ 27-1990, f. & cert. ef. 7-6-90; DEQ 15-1991, f. & cert. ef. 8-14-91; DEQ 8-2005, f. & cert. ef. 7-14-05