

DEPARTMENT OF ENVIRONMENTAL QUALITY
NOTICE OF PROPOSED RULEMAKING HEARING
A Statement of Need and Fiscal Impact accompanies this form.

Department of Environmental Quality
Agency and Division

OAR Chapter 340
Administrative Rules Chapter Number

Larry McAllister
Rules Coordinator

503-229-6412
Telephone

811 SW Sixth Ave., Portland, OR 97204

mcallister.larry@deq.state.or.us

RULE CAPTION

Align Tank Rules with federal regulations and improve existing rules.

HEARINGS

<u>November 16, 2007, 2 PM, Oregon DEQ, 811 SW Sixth Avenue, Portland, Room EQC A, Mitch Scheel, DEQ</u>			
Hearing Date	Time	Location	Hearings Officer

<u>November 19, 2007, 7 PM, Oregon DEQ, 300 SE Reed Market Road, Bend, Conference Room, Mitch Scheel, DEQ</u>			
Hearing Date	Time	Location	Hearings Officer

<u>November 20, 2007, 7 PM, Oregon DEQ, 1102 Lincoln St., Suite 210, Eugene, Conference Room, Mitch Scheel, DEQ</u>			
Hearing Date	Time	Location	Hearings Officer

Auxiliary aids for persons with disabilities are available at hearings upon advance request.

RULEMAKING ACTION

ADOPT:

340-150-0210

AMEND:

340-122-0210, 340-122-0330, 340-150-0006, 340-150-0008, 340-150-0010, 340-150-0020, 340-150-0021, 340-150-0052, 340-150-0102, 340-150-0110, 340-150-0135, 340-150-0150, 340-150-0152, 340-150-0160, 340-150-0163, 340-150-0166, 340-150-0167, 340-150-0168, 340-150-0180, 340-150-0200, 340-150-0250, 340-150-0300, 340-150-0310, 340-150-0350, 340-150-0352, 340-150-0354, 340-150-0360, 340-150-0410, 340-150-0430, 340-150-0450, 340-150-0455, 340-150-0460, 340-150-0465, 340-150-0470, 340-150-0510, 340-150-0555, 340-150-0560, 340-160-0030, 340-160-0150, 340-162-0005, 340-162-0010, 340-162-0020, 340-162-0040, 340-162-0150

REPEAL:

340-162-0054

RENUMBER: None

AMEND AND RENUMBER: None

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

Other Authority: None

Stats. Implemented: ORS 465.200 - 465.455, 466.706 - 466.835

RULE SUMMARY

This rulemaking aligns Tank Rules with federal regulations in addition to improving existing rules.

A) The federal Energy Policy Act of 2005 contains underground storage tank (UST) provisions that requires the Department to adopt rules to:

- Revise the current UST operator training requirements;
- Implement fuel delivery prohibition requirements;
- Require secondary containment and monitoring for new or replaced tanks or piping.

B) Amendments by the 2007 Oregon Legislature to laws governing USTs require the Department to:

- Increased the annual tank fee (from \$85/year to \$135/year); and
- Establish a permanent expedited enforcement program and increase penalty amounts (from a maximum of \$100 to \$500 per violation and an increased aggregate of \$1,500 from \$300).

This rulemaking proposal also improves existing UST regulations by:

- Changing the operating registration certificate to a certificate that is renewed annually;
- Clarifying rule language and resolving existing technical issues;
- Aligning the definition of an UST in Division 122 to that in Division 150; and
- Revising the UST service provider licenses.

To submit comments or request additional information, please contact Mitch Scheel at the Department of Environmental Quality (DEQ), 811 SW Sixth Avenue, Portland, Oregon 97204, toll free in Oregon at 800-452-4011 or direct at 503.299.6704, Fax: 503.229.6954, E-mail: scheel.mitch@deq.state.or.us, or visit DEQ's website <http://www.deq.state.or.us/news/publicnotices/PN.asp>

5 PM, Friday, November 23, 2007

Last day to receive public comments

ORS 183.335(2)(b)(G), The Department of Environmental Quality requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

Signature and Date

Printed name

The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday.