Oregon Department of Environmental Quality
Oregon Environmental Quality Commission meeting
May 10-11, 2018
Agency Staff Report
Rulemaking, Action item D

Underground Storage Tanks Regulations Revisions 2017

# Table of Contents

# DEQ recommendation to the EQC

DEQ recommends that the Environmental Quality Commission adopt the proposed rules as seen on pages 23 through 101 and the appendices as seen on pages 163 through 168 of this staff report as part of Chapter 340 of the Oregon Administrative Rules, with the proposed rules to take effect on June 1, 2018.

# Overview

The U.S. Congress and State of Oregon passed laws in the late 1980s requiring people to upgrade and maintain their underground storage tanks in response to the problem of petroleum leaks contaminating groundwater. Today, DEQ manages Oregon's program with a primary purpose to minimize leaks. DEQ's Underground Storage Tank program does this by verifying leak prevention equipment is operating properly. This means ensuring businesses with USTs have proper corrosion protection equipment, spill and overfill protection, and leak detection systems. Historical data shows tank sites without functioning leak prevention equipment have an increased likelihood of releases contaminating groundwater.

In 2015, EPA revised the federal UST regulations. This proposed rulemaking incorporates those 2015 revisions. This means Oregon must revise OAR 340, Divisions 150 and 151, to comply by October 2018.

In 2017, the Oregon Legislature amended laws governing underground storage tank fees with the passage of House Bill 2168. The bill directed DEQ to adopt rules increasing the annual tank fee from $135 per year to $325 per year over four years.

Without the additional funding from the proposed fee increases, DEQ would be unable to carry out the program by conducting adequate inspections to verify if USTs are properly equipped, operated and maintained.

DEQ proposes that the Oregon Environmental Quality Commission approve the proposed rules allowing DEQ to continue verifying owners and operators properly equip, operate, and maintain USTs.

The proposed amendments would require:

- Walkthrough inspections
- Overfill prevention equipment inspections
- Spill prevention equipment tests
- Containment sump tests and
- Operability tests for release detection equipment.

The amendments would also address UST systems deferred in the 1988 regulation by:

- Removing the release detection deferral for emergency generator tanks
- Removing deferrals for airport hydrant fuel distribution systems and UST systems with field-constructed tanks and

Other proposed rule amendments include:

- Providing for other changes to improve release prevention and detection and program implementation. This includes such measures as requiring testing after repairs to spill and overfill prevention equipment and secondary containment; eliminating flow restrictors in vent lines as an overfill prevention option for all new tanks; and, when overfill prevention equipment is replaced, addressing responses to interstitial monitoring alarms; and establishing requirements for demonstrating compatibility with fuels containing greater than E10 and greater than B20.
- Referencing newer technologies, including explicitly adding continuous in-tank leak detection, as release detection methods;
- Updating codes of practice listed in the UST regulation; and
- Implementing law governing underground storage tanks by the 2017 Oregon Legislature (HB 2168) increasing the annual tank fee from $135 per year to $325 per year over four years using this schedule**:**
    - For calendar year 2018, fees would be $195 per tank
    - For calendar year 2019, fees would be $245 per tank
    - For calendar year 2020, fees would be $295 per tank and
    - For calendar year 2021 and for each subsequent calendar year, fees would be $325 per tank

This rulemaking proposal also improves existing UST regulations by making grammatical, editorial and technical corrections.

The proposed rules apply to all owners of regulated underground storage tankss in Oregon.

# Statement of Need

### What need would the proposed rule address?

EPA passed final UST rules in 2015. DEQ must be in compliance with those revised rules by October 2018. Without a fee increase, DEQ will be unable to fully implement those rules and would face the potential loss of other funds, such as the Leaking UST and Leaking UST Prevention grant funding for cleanups and inspections. This could include funding of $1.317 million in federal FY 2017.

Without adequate funding for Oregon's UST program, DEQ will not have the ability to carry out the program or conduct an adequate number of inspections to verify if owners and operators are properly equipping, operating and maintaining USTs. Without a fully operational program, USTs pose a threat to human health and the environment.

### How would the proposed rule address the need?

The proposed rules would increase the tank fee, allow DEQ to maintain existing positions in the program, fund a new policy position and bring DEQ's current UST rules into compliance with EPA regulations.

### How will DEQ know the rule addressed the need?

- The UST program will:
    - Maintain existing positions;
    - Hire a new policy position;
    - Be in compliance with current EPA rules; and
    - Be able to meet the federal requirement to inspect each regulated facility once every three years.

# Rules affected, authorities, supporting documents

**Lead division**
Operation Division

**Program or activity**
UST Compliance program

**Chapter 340 action**

Adopt

340-150-0137
340-150-0315

Amend

| | | | | |
|---|---|---|---|---|
| 340-150-0001 | 340-150-0006 | 340-150-0008 | 340-150-0010 | 340-150-0020 |
| 340-150-0052 | 340-150-0102 | 340-150-0110 | 340-150-0135 | 340-150-0160 |
| 340-150-0167 | 340-150-0168 | 340-150-0180 | 340-150-0210 | 340-150-0250 |
| 340-150-0300 | 340-150-0310 | 340-150-0320 | 340-150-0325 | 340-150-0350 |
| 340-150-0352 | 340-150-0354 | 340-150-0400 | 340-150-0430 | 340-150-0440 |
| 340-150-0445 | 340-150-0450 | 340-150-0465 | 340-150-0500 | 340-150-0510 |
| 340-150-0550 | 340-150-0560 | 340-151-0015 | 340-150-0025 | |

Repeal

| | | |
|---|---|---|
| 340-150-0166 | 340-150-0455 | 340-150-0460 |

Renumber

None.

## Statutory authority – ORS

465.200-465.455 466.706-466.995

## Statutes implemented – ORS

| | | | | |
|---|---|---|---|---|
| 465.205 | 465.400 | 466.706 | 466.710 | 466.720 |
| 466.740 | 466.743 | 466.746 | 466.750 | 466.760 |
| 466.765 | 466.770 | 466.775 | 466.783 | 466.785 |
| 466.800 | 466.805 | 466.810 | 466.815 | 466.835 |

## Legislation

HB 2268 (2017)

## Documents relied on for rulemaking

| Document title | Document location |
|---|---|
| Assessment Of The Potential Costs, Benefits, And Other Impacts Of The Final Revisions To EPA's Underground Storage Tank Regulations | EPA Cost Assessment |

# Fee Analysis

The 2017 Oregon Legislature passed House Bill 2268 increasing the annual per tank fee from $135 to $325 over four years using this schedule:

- For calendar year 2018, $195 per tank;
- For calendar year 2019, $245 per tank;
- For calendar year 2020, $295 per tank; and
- For calendar year 2021 and for each subsequent calendar year, $325.

A fee increase is required to implement the UST program. The fees would be paid by all owners and permittees of regulated USTs in Oregon.

EQC authority to act on the proposed fees is ORS 466.785.

The proposed fees would address change in Other Funds revenue by maintaining adequate funding to maintain existing positions in the UST program and allow for a new policy position.

Due to increased program costs, DEQ fell behind on the federal requirement to inspect each facility once every three years 2016 due to a lack of revenue from fees and federal grants to fill two vacant positions. EPA increased its number of inspections for federal fiscal year 2016 to compensate for DEQ staff reductions but Oregon is still unable to meet the federal requirement.

### Affected party involvement in fee-setting process

DEQ worked with a rules advisory committee that also served as the fiscal advisory committee in the fee-setting process. Representatives of both large and small businesses were on the fiscal advisory committee.

### Effect and explanation of new fees

This program does not receive any General Funds.

The increased per tank fee will sustain the program for six years, until the year 2024.

| New Fee Schedule | | |
|---|---|---|
| **Expected Fee Increase** | | **% Increase from 2017** |
| 2018 | $304,000 | 44 percent |
| 2019 | $554,000 | 81 percent |
| 2020 | $800,000 | 119 percent |
| 2021 | $944,000 | 141 percent |

| Current Fees – Fiscal Year 2017 (fee last changed in 2007) | | |
|---|---|---|
| **Program Costs** | **Revenue** | **%** |
| Program costs covered by fees | $756,913 | 67 percent |
| Program costs covered by federal funds | $380,000 | 33 percent |
| Program costs covered by General Fund<br>**Note:** No general funds used for this program | $0 | 0 percent |

| Transactions and Revenue | | | |
|---|---|---|---|
| **Biennium** | **Number of fee payers** | **Impact on revenue (+/-)** | **Total revenue** |
| **Current biennium** | 1,750 | + $858,000 | $2,222,000 |
| **Next biennium** | 1,730 (estimated) | + $1,744,000 | $3,090,000 |

# Statement of fiscal and economic impact

## Fiscal and Economic Impact

- The regulatory requirements focus on additional testing and inspection of existing equipment and do not reflect large-scale investments in equipment or significant changes to facility operations.
- The facility costs are approximately $715 per year for an average facility. Due to these small per-facility costs it is unlikely regulated entities will close or change the market structure represent in response to the final UST regulation.
- Many of the requirements in the final UST regulation will not immediately impose new costs upon UST owners or operators. For example, new requirements for walkthrough inspections do not require owners or permittees to perform those tests at the time the regulation comes into effect. Instead, they will have three years to satisfy the new requirements.
- State UST legislation's (HB 2268) economic impact on all tank owners is: The increase in the annual tank fee from $135 per year to $325 per year over 4 years.

### Statement of Cost of Compliance

### State agencies
State agencies owning regulated USTs will experience the same effects as large or small business owners.

### Local governments
Local governments owning regulated USTs will experience the same effects as large or small business owners.

### Public
There is no direct or indirect economic impact on the general public as a result of the proposed rule revisions.

### Large businesses - businesses with more than 50 employees
Large business owners would experience the same potential financial effect as small business owners.

## Small businesses – businesses with 50 or fewer employees

### a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

The proposed rule changes will affect approximately 400 small businesses with fewer than 50 employees, that own one or more regulated UST facilities.

### b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

We anticipate economic impact for new inspection and testing requirements. However, these will have a relatively small economic impact relative to the total costs currently associated with complying with the UST regulations.

### c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

We anticipate economic impact for new inspection and testing requirements. However, these will have a relatively small economic impact relative to the total costs currently associated with complying with the UST regulations.

### d. Describe how DEQ involved small businesses in developing this proposed rule.

The program convened its stakeholder group consisting of industry, trade organizations, and service provider representation. One small UST facility owner from a rural county in Oregon participated in this rulemaking.

# Documents relied on for fiscal and economic impact

| Document title | Document location |
|---|---|
| Assessment of the Potential Costs, Benefits, And Other Impacts Of The Final Revisions To EPA's Underground Storage Tank Regulations | EPA Cost Analysis |

# Advisory committee

DEQ appointed an advisory committee.

As ORS 183.33 requires, DEQ asked for the committee's recommendations on:

- Whether the proposed rules would have a fiscal impact,
- The extent of the impact, and

- Whether the proposed rules would have a significant adverse impact on small businesses; if so, then how DEQ could comply with ORS 183.540 to reduce that impact.

The committee reviewed the draft fiscal and economic impact statement and documented its findings as stated in the approved minutes dated October 26, 2017. Meeting notes are posted on the advisory committee web page here: UST 2017 Rulemaking Advisory Committee.

The committee reviewed and discussed the fiscal impact statement and determined the proposed rules would not have a significant adverse impact on small businesses in Oregon.

## Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel. DEQ determined the proposed rules would have no effect on the development costs because the Environmental Protection Agency's analysis determined the costs of the new regulation remain modest at the facility level and, even when coupled with DEQ's increased tank fees, would not significantly increase the cost of fuel.

# Federal relationship

### Relationship to federal requirements

ORS 183.332, 468A.327 and OAR 340-011-0029 require DEQ to attempt to adopt rules corresponding with existing equivalent federal laws and rules unless there are reasons not to do so.

The proposed rules are not different from or in addition to federal requirements in 40 C.F.R. part 280.

# Land Use

## Land-use considerations

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with state wide land-use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
    - Resources, objectives or areas identified in the statewide planning goals, or
    - Present or future land uses identified in acknowledged comprehensive plans

To determine whether the proposed rules involve programs or actions that affect land use, DEQ reviewed its Statewide Agency Coordination plan, which describes the DEQ programs that have been determined to significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

| Goal | Title |
|---|---|
| 5 | Open Spaces, Scenic and Historic Areas, and Natural Resources |
| 6 | Air, Water and Land Resources Quality |
| 9 | Ocean Resources |
| 11 | Public Facilities and Services |
| 16 | Estuarial Resources |

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

## Determination

DEQ determined that these proposed rules do not affect land use under OAR 340-018-0030 or DEQ's State Agency Coordination Program.

# Advisory Committee

## Advisory committee

### Background

DEQ convened the UST Compliance advisory committee four times, and included representatives from industry, small and large businesses, and an environmental organization. The committee's web page is located at: UST 2017 Advisory Committee.

The committee members were:

| UST Rulemaking Advisory Committee | |
|---|---|
| **Name** | **Representing** |
| Danelle Romain | Fuel Marketers and Gasoline Dealers |
| Jeff Stephens | Petroleum Equipment Manufacturers |
| Mark Fitz | Fueling Providers |
| Donald Goddard | Small Business |
| Greg Toran | Subject Matter Expert |
| Marjorie MartzEmerson | Environmental Advocates and Small Businesses |
| Amanda Dalton | Northwest Grocers |
| Katherine Griffith | Federal UST Program |
| Dennis Bock | Large Business |
| Brian Doherty | Petroleum Production and Marketing |
| Paul Romain | Fuel Marketers and Gasoline Dealers |

The committee met on May 31, 2016, July 13, 2016, Oct. 18, 2016, and Oct. 26, 2017.

## Meeting notifications

To notify people about the advisory committee's activities, DEQ:

- Sent GovDelivery bulletins, a free e-mail subscription service, to the following lists:
    - Rulemaking
    - Underground Storage Tank Program
- Added advisory committee announcements to DEQ's calendar of public meetings at DEQ Calendar.
- Provided news release statements announcing advisory committee meeting details
- Provided notice of meetings and links to committee information through postings on Facebook and Twitter.

## Committee discussions

Meeting minutes and recordings are available by request from DEQ or from the advisory committee webpage at: UST 2017 Rulemaking Web Page.

## EQC prior involvement

DEQ shares general information with EQC through the monthly Director's Report.

DEQ did not present additional information specific to this proposed rule revision.

## Public Notice

DEQ provided notice of the proposed rulemaking hearing on Feb. 12, 2018 by:

- On Jan. 12, 2018, filing notice with the Secretary of State for publication in the February *Oregon Bulletin;*
- Notifying the EPA by mail;
- Posting the Notice, Invitation to Comment and Draft Rules on the web page for this rulemaking, located at UST 2017 Rulemaking;
- Emailing 9,272 interested parties on the following DEQ lists through GovDelivery:
    - Rulemaking;
    - Underground Storage Tanks;
    - DEQ Public Notices.
- Issuing a press release
- Emailing the following key legislators required under ORS 183.335:
    - Senator Michael Dembrow, Chair, Senate Interim Committee on Environmental and Natural Resources;
    - Senator Alan Olsen, Vice-Chair, Senate Interim Committee on Environment and Natural Resources;
    - Representative Ken Helm, Chair, House Interim Committee on Energy and Environment;
    - Representative Karin Power, Vice-Chair, House Interim Committee on Energy and Environment;
- Emailing advisory committee members;
- Postings on Twitter and Facebook;
- Posting on the DEQ event calendar: DEQ Calendar.

## Request for other options

During the public comment period, DEQ requested public comment on whether to consider other options for achieving the rules' substantive goals while reducing the rules' negative economic impact on business. This document includes a summary of comments and DEQ responses.

# Public Hearings

## Public hearings

DEQ held  public hearing. DEQ did not receive any comments at the hearing. Later sections of this document include a summary of the 3 comments received during the open public comment period, DEQ's responses, and a list of the commenters. Original comments are on file with DEQ.

## Presiding Officers' Record

### Public Hearing

Date: February 15, 2018
Place: 700 NE Multnomah Street, Portland, OR 97232,
Start Time: 2:00 P.M.
Ending Time: 2:50 P.M.
Presiding Officer: Mitch Scheel

The presiding officer convened the hearing, summarized procedures for the hearing, and explained that DEQ was recording the hearing. The presiding officer asked people who wanted to present verbal comments to sign the registration list, or if attending by phone, to indicate their intent to present comments. The presiding officer advised all attending parties interested in receiving future information about the rulemaking to sign up for GovDelivery email notices.

As Oregon Administrative Rule 137-001-0030 requires, the presiding officer summarized the content of the rulemaking notice.

One person attended the hearing in person and four people attended by teleconference. No person presented any oral testimony or written comments.

## Public comment period

DEQ accepted public comment on the proposed rulemaking from Jan.12, 2018, until 4:00 p.m. on Feb. 20, 2018.

# Summary of comments and DEQ responses

For public comments received by the close of the public comment period, the following table organizes comments into one category with cross references to the commenter number. DEQ's response follows the summary. Original comments are on file with DEQ.

DEQ did not change the proposed rules in response to comments.

Scott Braunsten, of PBS Engineering and Environmental, submitted the only comments.

**List of Comments**

| Comment # | Comment Summary | Commenter Numbers |
|---|---|---|
| 1 | Specify sample location and analyses when groundwater is encountered during site assessment activities. | 1 |
| 2 | Specify sample location and analyses when groundwater is encountered during site assessment activities for in-place decommissionings. | 1 |
| 3 | Modify definition of "confirmed release" to state when groundwater is not encountered, a confirmed release is a detection above Soil Matrix level 1 clean up standards. | 1 |

**Comment 1**

Comment for 340-150-0180: The commenter suggests including something on what to do when groundwater is encountered, such as specified in 340-122. This includes where to collect samples and what analyses are required.

**Response**

DEQ believes the following rules in 340-150-0180 (Site Assessment Requirements) adequately describe site assessment requirements when groundwater is encountered. DEQ does not believe revisions to the proposed rules to address this issue are necessary:

- 340-150-0180(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.
    - OAR 340-122-0205 through 340-122-0360 are the rules covering cleanup of leaking underground storage tanks and details sampling and analysis when groundwater is encountered.

- 340-150-0180(5)(i) If water is present in the UST pit, regardless of whether obvious contamination is present, DEQ must be notified within 24 hours of discovery.
    - Notification to DEQ allows for direct communication with DEQ regarding sampling and analysis requirements when groundwater is encountered.

- 340-150-0180(6) The guidance contained in Appendix K of this division may be used to comply with sections (4) and (5) of this rule.
    - Appendix K details site assessment requirements when groundwater is encountered.

**Comment 2**

Comment regarding 340-150-0180 (5)(b): The commenter suggests addressing in-place closure when groundwater is encountered. Current text requires four samples collected beneath the tank, regardless of the presence or absence of groundwater. Soil samples collected beneath the water table may not represent site conditions for petroleum-containing USTs and could give erroneous results.

**Response**

DEQ believes the following rules in 340-150-0180 (Site Assessment Requirements) adequately describe site assessment requirements for in-place decommissionings when groundwater is encountered. DEQ therefore believes revisions to the proposed rules to address this issue are not necessary:

- 340-150-0180(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.
    - OAR 340-122-0205 through 340-122-0360 are the rules covering cleanup of leaking underground storage tanks and details sampling and analysis for in-place decommissionings when groundwater is encountered.

- 340-150-0180(5)(i) If water is present in the UST pit, regardless of whether obvious contamination is present, DEQ must be notified within 24 hours of discovery.
    - Notification to DEQ allows for direct communication with DEQ regarding sampling and analysis requirements for in-place decommissionings when groundwater is encountered.

- 340-150-0180(6) The guidance contained in Appendix K of this division may be used to comply with sections (4) and (5) of this rule.
    - Appendix K details site assessment requirements for in-place decommissionings when groundwater is encountered

**Comment 3**

Comment regarding 340-150-0010: The commenter suggests modifying the definition of "confirmed release" to include a comment that, when groundwater is not encountered, a confirmed release is a detection above Soil Matrix level 1 clean up standards. It is burdensome for DEQ and tank owners to have to file a release, submit forms, and have DEQ oversight, for simple sites where closure is guaranteed.

**Response**

A primary purpose of requiring reporting of releases from USTs to DEQ is to verify that proper sampling and analysis, including constituents sampling, are conducted properly according to regulation to protect human health and the environment. DEQ does not believe revisions to the proposed rules to address this issue are necessary and current release reporting requirements are necessary to ensure assessment and cleanup work is protective of human health and the environment.

DEQ changed the following in the proposed rules posted for public comment after additional internal discussions:

- **340-150-0167(4) General Permit Requirements for Temporary Closure of an UST System –** This revision was made to clarify rule requirements when ownership/permittee changes at a site with tank(s) in temporary closure, including the requirement to submit a modification application, and now reads:

  *If the permittee has changed since DEQ received the application for a temporary closure certificate under OAR 340-150-0167(1), the new permittee must submit an application to modify the general permit registration certificate as required by OAR 340-150-0052 and an application for a temporary closure general permit within 30 days of a change in ownership.*

- **340-150-0465(5) Interstitial Monitoring Release Detection Method –** This rule should not have referenced "double walled" containment sumps and it was shortened to simply reference 150-0310(8) to require the appropriate testing of overfill and spill containment. The implementation date was also revised from July 1, 2020, to October 1, 2020, to better reflect new EPA reporting requirements. It now reads:

  *Beginning October 1, 2020, owners and permittees must follow OAR 340-150-0310(8) to ensure that containment sumps used for interstitial monitoring of piping are operating properly and will prevent releases to the environment.*

- The following implementation dates were revised from July 1, 2020, to October 1, 2020, to better reflect new EPA reporting requirements in the following rules:

- 340-150-0008(8)
- 340-150-0137(1)
- 340-150-0310(10)
- 340-150-0315
- 340-150-0400(2)

# Implementation

**Notification**

The proposed rules would become effective upon filing on approximately June 1, 2018. DEQ will send GovDelivery emails when the EQC adopts the proposed rules.

**Compliance and enforcement**

- Affected parties - DEQ will notify all know tank owners, permittees of UST facilities, property owners where USTs are known to be located, legislative officials, licensed UST Service Providers and other interested parties of the proposed rules if EQC adopts the proposed rules.

**Systems**

- Website - Update web page by adding all guidance information on new rules and related information.
- Database – Revise UST Database to include new inspection data entry fields for:
    - Spill and overfill testing;
    - Operator training;
    - Walkthrough inspection requirements; and
    - New technical performance rate performance measure.

**Training**

- Affected parties - DEQ will provide “reader friendly” guidance documents for tank owners to explain new requirements including spill and overfill containment testing and walkthrough inspections.
- DEQ staff - Training will be conducted for appropriate staff and managers by appropriate members of the rulemaking team. This plan should be detailed enough to show the steps needed to implement new activities (e.g., spill and

overfill containment testing, walkthrough inspections) and include a schedule for providing the training to staff. Training to include UST inspector training session, including internal roles & responsibilities, review of UST rule changes, administrative changes (e.g. data entry), and technical issues.

# Five-year review

ORS 183.405

## Requirement

Oregon law requires DEQ to review new rules within five years after EQC adopts them. The law also exempts some rules from review. DEQ determined whether the rules described in this report are subject to the five-year review. DEQ based its analysis on the law in effect when EQC adopted these rules.

### Exemption from five-year rule review

The Administrative Procedures Act exempts the following proposed rules from the five-year review because the proposed rules amend or repeal an existing rule. ORS 183.405(4).

| | | | |
|---|---|---|---|
| 340-150-0001 | 340-150-0006 | 340-150-0008 | 340-150-0010 |
| 340-150-0020 | 340-150-0052 | 340-150-0102 | 340-150-0110 |
| 340-150-0135 | 340-150-0160 | 340-150-0167 | 340-150-0168 |
| 340-150-0180 | 340-150-0210 | 340-150-0250 | 340-150-0310 |
| 340-150-0320 | 340-150-0325 | 340-150-0350 | 340-150-0352 |
| 340-150-0354 | 340-150-0400 | 340-150-0430 | 340-150-0440 |
| 340-150-0445 | 340-150-0450 | 340-150-0465 | 340-150-0500 |
| 340-150-0510 | 340-150-0550 | 340-150-0560 | 340-151-0015 |
| 340-151-0025 | | | |

### Five-year rule review required

No later than May 10, 2023, DEQ will review the newly adopted rules listed below to determine whether:

- The rule has had the intended effect
- The anticipated fiscal impact of the rule was underestimated or overestimated
- Subsequent changes in the law require that the rule be repealed or amended
- There is continued need for the rule.

DEQ will use “available information” to comply with the review requirement allowed under ORS 183.405 (2).

| | | | |
|---|---|---|---|
| 340-150-0137 | 340-150-0315 | | |

# Draft Rules – With Edits Highlighted

Key to Identifying Changed Text:
~~Deleted Text~~
New/inserted text
~~Text deleted from one location~~ - and moved to another location

## DEPARTMENT OF ENVIRONMENTAL QUALITY

**DIVISION 150**

**UNDERGROUND STORAGE TANK RULES**

**340-150-0001**

**Purpose and Scope**

**RULE SUMMARY: Deleted unnecessary note on publications.**

**[Note: The rule amendments EQC adopted in May 2018 take effect on June 1, 2018.]**

(1) The purpose of these rules is:

(a) To provide for the regulation of underground storage tanks (USTs) to protect the public health, safety, welfare and the environment from the potential harmful effects of spills and releases from underground tanks used to store regulated substances;

(b) To prevent releases due to structural failure, system leaks, corrosion, spills and overfills for as long as an UST system is used to store regulated substances;

(c) To promote the proper operation and maintenance of UST systems through training of UST facility personnel and expedited enforcement of violations; and

(d) To obtain state program approval to manage underground storage tanks in Oregon in lieu of the federal program, as required by ORS 466.720.

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

Statutory/Other Authority: ORS 465.200-455, 466.706-835, 466.994 & 466.995
Statutes/Other Implemented: ORS 465.205, 465.400, 466.715, 466.720 & 466.746

History:
DEQ 6-2003, f. & cert. ef. 2-14-03
DEQ 24-1998, f. & cert. ef. 11-2-98
DEQ 15-1991, f. & cert. ef. 8-14-91
DEQ 26-1990, f. & cert. ef. 7-6-90
DEQ 20-1990, f. & cert. ef. 6-7-90

**340-150-0006**

**Applicability and General Requirements**

**RULE SUMMARY: Update rule citations, and clarify rule language.**

(1) An owner and permittee of an UST system as defined by OAR 340-150-0010 (9386) must comply with this division, except to the extent the system is exempted or compliance deferred or limited by 340-150-0008.

(2) An owner and permittee of an UST system must apply to DEQthe 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 as defined by OAR 340-150-0010(32).

(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:** (4) Throughout this division, the terms "owner "permittee" or "owner and permittee" areis used to denote joint responsibility for compliance by both the owner and the permittee. Where the owner and permittee are different people, DEQ will deem compliance by either will be deemed to be compliance by both.

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.706, 466.710 & 466.746
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0008**

**Exemptions and Deferrals**

**RULE SUMMARY: Update rule citations, delete specific UST systems, and clarify rule language.**

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

(2) Heating oil tanks are exempt from OAR chapter 340, divisions 150 and 151.~~, but t~~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 are exempt from the requirements of OAR chapter 340, divisions 150 and 151:

(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 49 U.S.C. 60101, et seq., or

(B) Intrastate pipeline facilities regulated under State laws as provided in 49 U.S.C. 60101, et seq., and which are determined by the Secretary of Transportation, U.S. Department of Transportation, to be connected to a pipeline or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline.

(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) (42. U.S.C. Chapter 82) 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 (33 U.S.C. § 1251 et seq.);

(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:

(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~~C.F.R. Part 50 Appendix A (October 13, 2015).~~;~~

~~(d) Airport hydrant fuel distribution systems; and~~

~~(e) UST systems with field constructed tanks.~~

(5) A person may not operate ~~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~~)~~:

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

(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~~ including release detection requirements of OAR 340-150-0400 through 340-150-0470. Emergency generator tanks are not required to meet the release detection requirements until October 1, 2020, ~~except Notwithstanding the foregoing,~~ all new and replacement USTs and connected piping used solely to contain fuel for emergency power generators, or used to contain fuel for both emergency power generators and heating, ~~and connected piping,~~ must be secondarily contained and monitored using the interstitial monitoring release detection method specified in 340-150-0465 ~~as provided in 340-150-0300(5)~~.

[Note~~Publications~~: Publications referenced are available from ~~the agency~~DEQ or from the publisher.]

Stat. Auth.: ORS 465.200 - 465.455, 466.706 - 466.835, 466.994, 466.995
Stats. Implemented: ORS 465.205, 465.400, 466.710 - 466.720, 466.746
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0010**

**Definitions**

**RULE SUMMARY: Add new definitions, update rule citations, revise numbering, and clarify rule language.**

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

(1)(a) "Airport hydrant fuel distribution system" (also called airport hydrant system) means an UST system that fuels aircraft and operates under high pressure with large diameter piping that typically terminates into one or more hydrants (fill stands).

(b) The airport hydrant system begins where fuel enters one or more tanks from an external source such as a pipeline, barge, rail car, or other motor fuel carrier.

(~~1~~2) "Ancillary equipment" means any devices including, but not limited to, ~~connected~~ such devices as piping, fittings, flanges, valves and pumps used to distribute, meter or control the flow of regulated substances to and from an UST.

(~~2~~3)(a) "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 that provides thorough construction documentation.

(b) ~~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.

(4) “Belowground release” means any release to the subsurface of the land and to groundwater. This includes, but is not limited to, releases from the belowground portions of an underground storage tank system and belowground releases associated with overfills and transfer operations as the regulated substance moves to or from an underground storage tank.

(5) “Beneath the surface of the ground” means beneath the ground surface or otherwise covered with earthen materials.

(~~3~~6) ~~-~~“Cathodic protection” means a technique used 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.

(7) "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 metal ~~underground metal~~ piping and tank ~~equipment~~systems. At~~.~~ a minimum, such persons must have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and tank systems.

(~~5~~8) "CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. § 1906 et seq.).

(~~6~~9) "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~~10) “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.~~ who has primary responsibility to operate and maintain the UST system in compliance with regulatory requirements.

(~~8~~11) “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.~~ who has day-to-day responsibility for implementing the applicable regulations. The Class B operator typically implements in-field aspects of operation, maintenance, and associated recordkeeping for the UST system.

(~~9~~12) “Class C operator” means an individual ~~that is~~ responsible for ~~responding to alarms or other indications of emergencies caused by spills or releases from UST systems.~~ initially addressing emergencies presented by a spill or release from an UST system. The Class C operator typically controls or monitors the dispensing or sale of regulated substances.

(130) "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.

(141) "Commission" or "EQC" means the Oregon Environmental Quality Commission.

(152) "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.

(163) "Confirmed release" means:

(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,. [Note: View a PDF of this document by clicking on "Tables" link below.] or

(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: Physical/Chemical Methods Compendium" SW-846", 3rd Edition, (U.S. Environmental Protection Agency EPA).

(17) "Connected piping" means all piping piping, including valves, elbows, joints, flanges and flexible connectors,) attached to an UST system through which regulated substances flow and that are located beneath the ground surface or otherwise covered by earthen materialsvalves, 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.

(18) "Consumptive use" with respect to heating oil means consumed on the premises.

(19) "Containment Sump" means a container that is designed to be liquid tight and to contain leaks and spills of regulated substances from piping, dispensers, pumps and related components in the containment area. Containment sumps may be single walled or secondarily contained and located at the top of tank (tank top or submersible turbine pump sump), underneath the dispenser (under-dispenser containment sump), or at other points in the piping run (transition or intermediate sump).

(1520) "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 p~~Preventing~~on~~, eliminating~~on~~, removing~~al~~, abating~~ement~~, controlling, investigating~~on~~, assessing~~ment~~, evaluating~~on~~ or monitoring ~~of~~ a hazard or potential hazard or threat, including migration of a regulated substance; or

(b) Transport~~at~~ing~~on~~, storing~~age~~, treating~~ment~~ or disposing~~al~~ of a regulated substance or contaminated material from a site.

(21~~16~~)(a) "Corrosion expert" means a person who, is qualified, by possessing ~~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.

(b) Corrosion experts must be:

(A) ~~accredited~~Accredited or certified as being ~~by~~qualified by NACE (National Association of Corrosion Engineers), ~~-~~or

(B) ~~b~~A registered professional engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks, and

(C) ~~l~~Licensed by DEQ~~the department~~ under OAR chapter 340, division 160.

(22~~17~~) "Decommission" means ~~temporary or permanent closure, including temporary or~~ permanent removal from operation including~~,~~ filling in-place, removal from the ground or change-in-service to a nonregulated status of any UST system component.

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

(23~~9~~) "De ~~minimis~~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.

(24~~0~~) "DEQ"~~Department"~~ means the Oregon Department of Environmental Quality.

(25~~1~~) "Dielectric material" means a material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate ~~an~~ UST system~~systems~~s from the surrounding soils. Dielectric bushings are used to electrically isolate portions of ~~an~~the UST system (e.g., ~~the~~ tank from ~~underground~~ piping).

(26~~22~~) "Dispenser" means a device located aboveground ~~that is~~ used ~~for the~~to deliver~~y of~~ a regulated substance from an UST ~~-~~system (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.

(27) “Dispenser system” means the dispenser and the equipment necessary to connect the dispenser to the underground storage tank system.

(2823) "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.

(2924) "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.

(3025) "Electrical equipment" means equipment that is located beneath the ground surface or otherwise covered by earthen materials and that contains dielectric fluid that is necessary for the operation of equipment to operate, such as transformers and buried electrical cable.

(3126) "Emergency generator" means an engine that uses fuel a regulated substance) to produce auxiliary electrical or mechanical energy for use in emergencies.

(3227) "Empty" means the tank contains no more that all materials have been removed using commonly employed practices so that no more than one inch (2.5 centimeters) of a liquid containing a regulated substance orresidue or 0.3 percent by volumeweight of the total capacity of the tank remain in the UST system.

(3328) "Excavation zone" means the volume containing thean 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.

(3429) “Farm tank” is a tank located on a tract of land devoted to the producingtion 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.

(350) "Fee" means a fixed charge or service charge.

(361) "Field constructed tank" means a tank constructed in the field. For example, a tank constructed of concrete that is poured in the field, or a steel or fiberglass tank primarily fabricated in the field, is considered field-constructed.an UST that is constructed at the location it will be installed rather than factory-built.

(3732) "Field penalty" means a civil penalty amount assessed in a field citation.

(3833) "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 priorbefore to their introduction into the production process or for the storage of finished products or by-products from the production process.

(390) "Free product" means a regulated substance that is present as a nonaqueous phase liquid (e.g., liquid not dissolved in water).

(4035) "Gathering lines" means any pipeline, equipment, facility, or building used in the transportingation of oil or gas during oil or gas production or gathering operations.

(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.

(4123) "Hazardous substance UST system" means an UST system that contains a hazardous substance defined in section 101(14) of CERCLA the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (but not including any substance regulated as a hazardous waste under subtitle C) or any mixture of such substances and petroleum, and which is not a petroleum UST system. 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).

(4233) "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.

(3943) "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).

(444) "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.

(4541) "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, placingement of the tank, underground piping, release detection devices, corrosion protection systems, spill and overfill devices, and any associated administrative activities such as notifications, record keeping, and record submissions.

(4642) "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).

(43)47) "Investigation" means monitoring, surveying, testing, sampling, analyzing or other information gathering techniques.

(484) "Leak" has the same meaning as "release" as defined by OAR 340-150-0010(7067).

(495~~5~~) "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.

(504~~6~~) "Maintenance" means the normal operational upkeep to prevent an UST system from releasing producta ~~regulated substance or to ensure that a release is detected~~.

(512~~7~~) "Modification" means ~~to~~ changinge ~~the~~ an UST system currently in use by installingation ~~of~~ new UST system components. This includes, but is not limited to:~~,~~

(a) ~~the a~~Addingtion ~~of~~ corrosion protection to a previously lined tank,

(b) ~~i~~Installingation ~~of new underground piping~~50 percent or more of new underground piping (excluding connectors) connected to a single tank,

(c) ~~c~~Changing the primary release detection method to ~~one of the~~another method~~s~~ listed in OAR 340-150-0435 or 340-150-0450 through 340-150-0470, or

(d) ~~a~~Adding secondary containment.

(e) "Modification" does not include those activities defined as "repair" or "replacement."~~.~~

(52~~6~~) “Motor Fuel” ~~means~~ ameans a complex blend of hydrocarbons typically used in operating a motor engine, such as motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any blend containing one or more of these substances (for example: motor gasoline blended with alcohol). ~~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.~~

(53~~4~~) "Multichamber" or "multicompartment" 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 multicompartmented UST for the purpose of these rules.

(54~~0~~) "Native soil" means the soil outside of the immediate boundaries of the pit that was originally excavated for the purpose of installing an UST.

(55~~1~~) "OAR" means Oregon Administrative Rules.

(56) "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.~~

(57)~~5)~~ "Operational life" refers to the period when the ~~installation of the tank~~UST system installation begins ~~has commenced~~ until the time the tank system is ~~properly closed~~decommissioned under 340-150-0168.

(58~~94~~) "ORS" means Oregon Revised Statutes.

(59~~7~~) "Owner" means a person who currently owns an UST ~~or~~or ~~owned~~who owned an UST. ~~during the operational life of the tank, including:~~

~~(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.~~

(6~~56~~0) "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~~set forth in OAR chapter 340, division 150.

(61~~7~~) "Person" means an individual, trust, firm, joint stock ~~company,~~ company, federal agency, corporation, partnership, joint venture, consortium, association, state, municipality, commission, political subdivision of a state or any interstate body, any commercial entity, ~~or~~and the United States Government~~federal government or any agency of the federal government~~.

(62~~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. For the purposes of chapter 340, divisions 150 and 160, blends of gasoline with ethanol and diesel fuels with biodiesel are “petroleum.”. "Petroleum" does not include any substance identified as a hazardous waste under 40 CFRC.F.R. Part 261 (October 13, 2015).

(6359) "Petroleum UST system" means an UST system that contains petroleum or a mixture of petroleum with de minimusminimis 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.

(6460) "Pipe" or "piping" means a hollow cylinder or tubular conduit that is constructed of nonearthen materials.

(6561) "Pipeline facilities," (including gathering lines,) means new and existing pipe rights-of-way and any associated equipment, facilities or buildings.

(662) "Probability of detection" means the likelihood, expressed as a percentage, that a test method will correctly identify a release from an UST system.

(67163) "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.

(6864) "Property owner" means the legal owner of the real property on which an UST is located.

(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.

(6696) "Regulated substance" meansincludes, but is not limited to:

(a) Any substance defined in section 101(14) of CERCLA. This does not include any substance regulated as a hazardous waste under subtitle C; and

(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).

(c) The term regulated substance includes but is not limited to petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

~~(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 though 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.~~

(706~~7~~) "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.

(716~~8~~) "Release detection" or "leak detection" means determining whether a release of a regulated substance has occurred from the UST system into the environment~~,~~ or a leak has occurred into the interstitial space between the UST system and its secondary barrier, or into a secondary containment unit or sump around the UST.

(726~~9~~) "Repair" means ~~to~~ restorinG~~e~~ to proper operating condition a tank, pipe, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, release detection equipment, or other UST system component, that has caused a release of a regulated substance from the UST system or has failed to function properly.~~any portion of an UST system that has failed,~~ ~~,~~Repair ~~but~~ does not include the activities defined by "modification" or "replacement."~~.~~

(73) "Replaced" means decommissioning a tank and installing another tank.

~~(07) "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".~~

(747~~1~~) "Residential tank" means a tank located on property used primarily for ~~single family~~single-family dwelling purposes.

(75) "Secondary containment" or "secondarily contained" means a system for a tank or piping that includes an inner and outer barrier with an interstitial space that can be monitored for leaks. This term includes containment sumps when the sump is used for interstitial monitoring of piping.

(7672) "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.

(7773) "Service provider" means a person licensed by DEQthe department to offer to perform or perform UST services on USTsunder OAR chapter 340, division 150.

(7837) "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 cCollectingon of storm water and wastewater does not include treatment except where incidental to conveyance.

(7975) "Supervisor" means an individual licensed by DEQthe department to direct and oversee specific UST services.

(8076) "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.

(8177) "Suspected release" has the same meaning as described in OAR 340-150-0500(1).

(8278) "Tank" means a stationary device designed to contain an accumulation of regulated substances that and is constructed of nonearthen materials (e.g., concrete, steel, plastic) that provide structural support.

(8379) "Tank tTightness testing" means a method used to determine if any part of an UST system is leaking, and isleaking that is used to supplement another release detection method, (such as inventory control or manual tank gauging,) or and to verify if a suspected release occurred when there is an indication a suspected release has occurreds. when another method indicates a failure.

(8480) "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 DEQthe department has issued a registration certificate for this activity to the owner and permittee.

(8581) "Testing" means applying a method to determine the integrity or operational status of any part of an UST system.

(8682) "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.

(8783) "Under-Dispenser Containment," or "UDC," means containment underneath a dispenser system that willdesigned to prevent leaks from the dispenser and piping within or above the UDC from reaching soil or groundwater. Such containment must:

(a) Be liquid-tight on its sides, bottom, and at any penetrations;

(b) Be compatible with the substance conveyed by the piping; and

(c) Allow for visual inspection and access to the components in the containment system, be monitored, or both.

(8884) "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.

(8985) "Underground piping" means connected piping that is located beneath the ground surface or otherwise covered by earthen materials.

(9086) "Underground storage tank" or "UST" means any one, or a combination of tanks, (including connected underground pipeing,) that contains or used to contain a regulated substance and the volume of which, (including the volume of connected underground pipes,ing) is 10 percent or more beneath the ground surface or otherwise covered by earthen materials.

(9168) "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.

(9278) "UST services" includes, without limitation, installatiinstallingon, decommissioning, modifyingication, testing (e.g., cathodic protection and tank tightness) and inspectingon of UST systems.

(9388) "UST system" or "Tank System" means an underground storage tank, connected underground piping, underground ancillary equipment and containment system, if any.

(99) "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.~~

(~~94~~100) "Wastewater treatment tank" means a tank ~~that is~~ designed to receive and treat influent wastewater through physical, chemical or biological methods.

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

[Note: View a PDF of Northwest Total Petroleum Analytical Method by clicking on "Tables" link below.]

Stat. Auth.: ORS 466.706 - 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; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0020**

**UST General Permit Registration Certificate Required**

**RULE SUMMARY: Clarified rule language.**

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

(a) Installation;

(b) Operation;

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

(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:

(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.

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

(d) If the UST has not previously been permitted by or registered with DEQ, ~~A~~a completed EPA Notification for Underground Storage Tanks or equivalent form developed by DEQ.

~~(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 set forth in OAR 340-150-0110 with the application~~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~~.

(4) DEQ will return ~~A~~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. DEQ will consider ~~T~~the application ~~will be considered to be~~ withdrawn if the required information is not submitted within ~~9~~30 days of the date ~~that~~ DEQ returned the application. However, DEQ will consider a general permit application for the installation of an UST system withdrawn if the required information is not submitted within 90 days of the date DEQ returned the application

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

(6) When DEQ determines an application is ~~determined to be~~ complete, DEQ will assign 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) DEQ issues ~~A~~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~~ has been 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 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 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; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0052**

**Modification of Registration Certificates fFor Changes in Ownership and Permittee**

**RULE SUMMARY: Update and clarify rule language.**

(1) A new owner or proposed new permittee must submit an application to modify the UST general permit registration certificate within 30 days of ~~if~~ any of the following occurring:

(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 owner, permittee, and property owner must sign ~~T~~the modification application. ~~must be signed by the owner, permittee and property~~ ~~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 6 days after the change in accordance with OAR 340-150-0102(1).~~

(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.

(4) The applicant must include ~~A~~a $75 general permit modification fee ~~must accompany~~with the modification application. Checks or money orders must be payable to DEQ~~the Department of Environmental Quality~~.

(5) DEQ will issue ~~A~~a new ~~operation~~general permit registration certificate ~~will be issued~~ to the permittee upon receipt of all required information and payment of the fee.

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746, 466.760, 466.765 & 466.783
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0102**

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

**RULE SUMMARY: Update and clarify rule language.**

(1) A general permit registration certificate will automatically terminate 360 days after any of the changes set forth in OAR 340-150-0052(1) have occurred, unless DEQthe department has received an application for modification by that date.

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

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

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

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

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

(4) A registration certificate for operation will automatically terminate on the date set forth on the certificate if the permittee fails to provide DEQ with the following prior to June 30th of each year:

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

(b) Payment of fees due under OAR 340-150-0110.

(54) A temporary closure certificate will automatically terminate upon completion of all change-in-service or permanent closuredecommissioning requirements in OAR 340-150-0168 or if DEQ issues a registration certificate for operation for the UST listed on the temporary closure certificate. system is returned to operational status (OAR 340-150-0167(2)(b)).

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.760
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0110**

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

**RULE SUMMARY: Update rule citations and clarify rule language.**

(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 of~~as~~ the annual compliance fee ~~listed~~ in section (2) of this rule applicable to the year of installation.

(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 DEQ~~the department~~;

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

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

(f) $135 per tank for 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017 ~~and subsequent years~~.

(g) $195 per tank for 2018;

(h) $245 per tank for 2019;

(i) $295 per tank for 2020;

(j) $325 per tank for 2021 and subsequent years.

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

(4) DEQ~~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. DEQ will ~~A~~assess a $35 late fee ~~will be added to the total amount due~~ for each invoice ~~for~~ which ~~payment~~ is not ~~received~~ paid by the due date. At its discretion, DEQ~~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) 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 466.994 that is final either upon appeal or by operation of law.~~

(5~~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 DEQ~~the department~~ will approve a 30-day or 3-day notice to decommission the UST.

(6~~7~~) All checks or money orders for fees must be made payable to DEQ~~the Department of Environmental Quality~~.

Stat. Auth.: ORS 466.706-835, 466.994, 466.995 ~~& Ch. 767, OL 1997~~
Stats. Implemented: ORS 466.783 & 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; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0135**

**General Requirements for Owners and Permittees**

**RULE SUMMARY: Update and clarify rule language.**

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

(2) The property owner, UST owner and permittee must allow any DEQ~~department~~ employee or authorized representative of DEQ~~the department~~ access to property where an UST is located at any reasonable time to interview persons, inspect equipment and site 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 a~~n~~ UST system, UST facility or UST system operator to DEQ~~the department~~ upon request.

(5) An owner and permittee must notify DEQ~~the department~~ at least 30 days before~~: any of the following:~~

~~(a) A change in~~changing the contents of an UST from one regulated substance to another, (e.g., gasoline to diesel) ~~or~~including switching to a regulated substance containing greater than 10 percent ethanol, greater than 20 percent biodiesel, or any other regulated substance identified by DEQ.

(6) Owners and permittees must demonstrate compatibility of the UST system, ~~(~~including the tank, piping, containment sumps, pumping equipment, release detection equipment, spill equipment, and overfill equipment~~)~~. Owners and permittees may demonstrate compatibility of the UST system by using one of the following options:

(a) Certification or listing of UST system equipment or components by a nationally recognized, independent testing laboratory for use with the regulated substance stored; or

(b) Equipment or component manufacturer approval. The manufacturer's approval must be in writing, indicate an affirmative statement of compatibility, specify the range of biofuel blends the equipment or component is compatible with, and be from the equipment or component manufacturer; or

(c) Use another option determined by DEQ to be no less protective of human health and the environment than the options listed in this section.

(7) An owner and permittee must notify DEQ for the following:

(a~~c~~b) A change in the name of the contact person for the permittee, if the permittee has not changed.

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

(8~~6~~) Upon receipt of any information submitted under~~in accordance with~~ section (5) of this rule, DEQ~~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 sub~~section (5) or (7) of this rule.

(9~~7~~) An owner and permittee of a~~n~~ 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.

(10~~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)~~.

(11~~9~~) Under dispenser containment is required for each new, moved or modified dispenser. This section does not apply to repairs of a dispenser system. Such containment must:

(a) Be liquid tight on its sides, bottom, and at any penetrations;

(b) Be compatible with the substance conveyed by the piping; and

(c) Allow for visual inspection and access to the components in the containment system, be monitored or both.

(12) All new or replacement USTs and new connected piping, ~~(~~including new piping installed during a modification,~~)~~ must be secondarily contained and monitored using the interstitial monitoring release detection method specified in OAR 340-150-0465. Secondary containment systems must be designed, constructed and installed to contain regulated substances released from the UST system until they are detected and removed, and prevent the release of regulated substances to the environment any time during the operational life of the UST system. In the case of the replacement of an UST or modification of underground piping, secondary containment and interstitial monitoring are required only for that UST or piping. This section does not apply to UST system repairs as specified in OAR 340-150-0350.

(13~~10~~) Any notification made to DEQ~~the department~~ by an owner and permittee must~~may~~ be made in writing sent by U.S. mail, electronic mail, facsimile or verbally by telephone. To be effective, DEQ must receive notifications ~~provided it is received by the department~~ by the required due date, unless otherwise specified by rule.

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746, 466.765, 466.805 & 466.815
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0137**

**UST Systems with Field-Constructed Tanks and Airport Hydrant Fuel Distribution Systems**

**RULE SUMMARY: New rule section to comply with revised federal rules effective October 13, 2015**

(1) On or after October 1, 2020, owners and permittees of field constructed tanks and airport hydrant fuel distribution system tanks must comply with OAR 340-150-0137(2) and the training requirements for UST operators in this rule.

(2) EQC incorporates by reference into this division Title 40 C.F.R., Part 280, Subpart K (October 13, 2015).

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.706, 466.710 & 466.746

**340-150-0160**

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

**RULE SUMMARY: Update and clarify rule language.**

(1) An owner and permittee may not begin installing an UST before DEQ has issued that person an installation certificate.

(2) 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 DEQ on an application DEQ provides. DEQ may allow a shorter notice period on a case-by--case basis.

(3) 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 DEQ of the confirmed date and time the installation will begin. DEQ may require additional notifications of the start date and time of specific installation or related testing activities.

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

(5) An owner and permittee must install UST system components, including underground piping, that is 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.

(6) An UST system that an owner and permittee installs must meet the following performance standards:

(a) Spill and overfill prevention equipment and requirements contained in OAR 340-150-0310);

(b) Corrosion protection performance contained in OAR 340-150-0320; and

(c) Release detection performance requirements contained in OAR 340-150-0400 through 340-150-0470.

(7) At the time of installation, an UST and connected piping must be secondarily contained and monitored using the interstitial monitoring release detection method specified in OAR 340-150-0465. Secondary containment systems must be designed, constructed and installed to contain regulated substances released from the UST system until they are detected and removed, and to prevent the release of regulated substances to the environment any time during the operational life of the UST system.

~~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)); and~~

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

(~~8~~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~~under OAR chapter 340, division 160.

(~~9~~3) ~~Notwithstanding OAR 340-150-0150(1)~~On a case-by-case basis, DEQ~~the department~~ may~~, at its discretion,~~ approve ~~the~~ depositing ~~of~~ a regulated substance into the UST before DEQ issues ~~the issuance of~~ an operation certificate. After DEQ provides such approval, the permittee must provide the distributor depositing 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. Under no circumstances can a person ~~D~~ddispens~~cing of~~ a regulated substance from the UST before DEQ issues an ~~the~~ operation certificate. ~~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(2b)~~ ~~Report, investigate and perform corrective action for any confirmed release 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 ( 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.~~

(10) An owner and permittee must submit a complete installation checklist on a DEQ required form. 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:

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

(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

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

(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 approval documents (sign-off or pressure test results) provided by the Oregon State Fire Marshal or local fire department, if applicable; and

(f) 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.

(11) DEQ will issue an operation certificate to the permittee after DEQ reviews and approves the completed checklist and all other documentation submitted under section (10) of this rule.

~~(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)).

(12) USTs and underground piping must be installed to meet the requirements of the Oregon Uniform Fire Code pertaining to USTs as OAR chapter 837, division 40 "Fire and Life Safety Regulations" (Department of Oregon State Police, Office of State Fire Marshal) specifies.

[Note: Appendix J of this division includes a list of additional guidance documents that owners and permittees may find useful. Readers can view a PDF of all appendices by clicking on the "Tables" link below.]

Stat. Auth.: ORS 466.706 - 466.995
Stats Implemented: ORS 466.706, 466.740, 466.746, 466.750, 466.760, 466.765, 466.770, 466.783 466.775, 466.785, 466.800, 466.805, 466.810 & 466.815
Hist.: DEQ 24-1998, f. & cert. ef. 11-2-98; DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

~~**340-150-0166**~~

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

**RULE SUMMARY: Deleted outdated rule section (340-150-0166).**

~~(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.~~

~~(2) At least 30 days before beginning the change-in-service, the permittee must submit an application for a change-in-service general permit registration certificate 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).~~

~~(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.~~

~~(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";~~

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

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

~~(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).~~

~~(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.~~

~~(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).~~

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

~~Stat. Auth.: ORS 466.706 - 466.995 & 465.200 - 465.990~~
~~Stats Implemented: ORS 465.200, 465.210, 465.255, 465.260, 466.706, 466.710, 466.740, 466.746, 466.750, 466.760, 466.765, 466.770, 466.775, 466.785, 466.800, 466.805, 466.810 & 466.815~~
~~Hist.: DEQ 24-1998, f. & cert. ef. 11-2-98; DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08~~

**340-150-0167**

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

**RULE SUMMARY: Update and clarify rule language.**

(1) At least 30 days before beginning temporary closure, the ~~owner and~~ permittee must submit an application for a temporary closure general permit to DEQ~~the department~~. DEQ~~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.~~ At least 30 days before the expiration date on a temporary closure certificate, the permittee must submit one of the following to DEQ~~the department~~:

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

(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.

(3~~A~~) The extension of ~~Requests to extend the~~ a temporary closure certificate will only be issued by ~~considered by the department~~ DEQ ~~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, DEQ~~the department~~ may accept other documentation that indicates no release has occurred.

(a) If DEQ~~the department~~ approves the request for extension, the expiration date will be extended to a date determined by DEQ~~the department~~ and a revised temporary closure certificate will be issued to the ~~permittee~~ permittee. DEQ will not issue a temporary closure certificate lasting longer than 10 years.

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

(4~~3~~) If the permittee has changed since DEQ received the application for a temporary closure certificate under OAR 340-150-0167(1), the new permittee must submit an application to modify the general permit registration certificate as required by OAR 340-150-0052 and an application for a temporary closure general permit within 30 days of a change in ownership.

(5~~3~~) To maintain compliance with the general permit temporary closure certificate, the permittee must~~:~~

~~(a)~~ ~~C~~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~~

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

(64) Except as provided by OAR 340-150-0156, all UST services must~~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~~under OAR chapter 340, division 160.

(75) If the UST is empty of all regulated substances, the permittee must comply with the requirements of section (35) of this rule. ~~and must submit d~~Documentation ~~to the department~~ showing 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 to DEQ with ~~with~~ the notice provided ~~to the department~~ ~~(~~under OAR 340-150-0167(1) or (2), or within 30 days after the tank has been emptied.

(86) If the UST is not empty, the permittee must comply with the requirements of section (35) of this rule and perform release detection for USTs and underground piping, including monitoring, testing and record keeping ~~in accordance with~~ as required by OAR 340-150-0137 and 340-150-0400 through 340-150-0470.

(97) If the UST or~~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.

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

~~(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).~~

(11) As long as the UST remains in temporary closure, the permittee must pay all annual compliance fees when due and any applicable late fees.

~~(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).~~

Stat. Auth.: ORS 465.200-455 & 466.706-835, 466.994 & 466.995
Stats. Implemented: ORS 465.205, 465.400, 466.706, 466.740, 466.746, 466.750, 466.760, 466.765, 466.770, 466.775, 466.783, 466.785, 466.805, 466.810 & 466.815
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0168**

**General Permit Requirements for Decommissioning an UST System by Permanent Closure or Change-in-Service**

**RULE SUMMARY: Update and clarify rule language.**

(1) At least 30 days before beginning decommissioning by permanent closure or change-in-service, the owner and permittee, or the licensed service provider on behalf of the owner and permittee, must submit to DEQ a general permit registration form and notice of intent to decommission the UST or to complete a change-in-service. DEQ may allow a shorter notice period on a case-by-case basis.

(2) DEQ will not issue a general permit registration certificate to the permittee.

(3) The owner and permittee, or the licensed service provider on behalf of the owner, must submit to DEQ for approval a written site assessment plan that meets the requirements of OAR 340-150-0180(4) if the owner or permittee is proposing to:

(a) ~~If the owner or permittee is proposing~~ Permanently close the UST in-place and fill it with an inert material;

(b) Use the UST to store an unregulated substance (i.e. change-in-service);

(c) Permanently close an UST that 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.~~

(4) If the UST system will be used to store an unregulated substance without removing the tank, the owner and permittee must provide information to DEQ on the proposed use of the UST system with the notice required under section (1) of this rule. Under no circumstance may an UST or any underground piping that has held a regulated substance be used to store water for consumption by humans or livestock or for the watering of feed crops.

(5) At least three working days before beginning the decommissioning, the owner and permittee, or the licensed service provider on behalf of the owner and permittee, must notify DEQ of the confirmed date and time decommissioning will begin to allow observation by DEQ.

(64) The permittee must empty the UST system and clean it by removing all liquids and accumulated sludge. The permittee must recycle or dispose of ~~T~~the USTs and removed materials ~~must be recycled or disposed of~~ in accordance with all federal, state and local requirements. 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 DEQ.

One or more of the following cleaning and closure procedures may~~ust~~ be used:

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

(b) American Petroleum Institute Publication 2015, "Safe Entry and Cleaning of Petroleum Storage Tanks, Planning and Managing Tank Entry From Decommissioning Through Recommissioning";

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

(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).

(~~5~~7) 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~~approval of a site assessment plan was required under section (3) of this rule, the site assessment must be conducted in accordance with ~~the approved site assessment plan~~DEQ's approval. ~~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.~~

(~~6~~8) Within 30 days after completing ~~of completion of~~ the field work or other period approved by DEQ~~the department~~, the permittee must complete and submit to DEQ~~the department~~ an underground storage tank decommissioning ~~permanent closure~~ checklist and site assessment report (OAR 340-150-0180) signed by the owner, permittee and service provider. ~~to the department.~~

(9) Except as provided by OAR 340-150-0156, all UST 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.

(10) The UST system decommissioning will be considered complete when DEQ approves the completed decommissioning checklist and site assessment report. DEQ will provide a letter to the permittee indicating that the decommissioning is complete.

(11) Until DEQ approves the reports under section (10), the permittee must pay all annual compliance fees when due and any applicable late fees.

(12) The permittee must maintain records of permanent closure, including the site assessment report and associated documents, for three years after the ~~permanent closure~~ decommissioning 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).

[Note~~Publications~~: Publications referenced are available from DEQ~~the agency~~ or from the publisher.]

Stat. Auth.: ORS 465.200-455 & 466.706-835, 466.994 & 466.995
Stats. Implemented: ORS 465.205, 465.400, 466.706, 466.740, 466.746, 466.750, 466.760, 466.765, 466.770, 466.775, 466.783, 466.785, 466.805, 466.810 & 466.815
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0180**

**Site Assessment Requirements ~~for Permanent Closure or Change-In-Service~~**

**RULE SUMMARY: Update and clarify rule language.**

(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 must submit results of the assessment to DEQ~~the department~~ when any of the following events occur:

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

(a~~b~~) ~~Permanent Closure~~Decommissioning (OAR 340-150-0168); or

(b~~e~~) Request for Extension of Temporary Closure Certificate (OAR 340-150-0167~~(2)(c)(A)~~; or

(cd) Underground piping is ~~replaced~~modified, decommissioned by removal, or abandoned; ~~and~~or

(de) ~~Fuel d~~Dispensers are moved, ~~replaced~~modified, decommissioned or abandoned unless~~.~~ the dispenser has under dispenser containment (UDC).

(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.

(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 DEQ~~the department~~ and receive DEQ~~department~~ approval before beginning permanent closure or change-in-service. The plan must include the following information:

(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 (5) of this rule; and

(e) Any other information as DEQ specifies~~d by the department~~.

(5) Unless ~~otherwise~~ DEQ directs~~ed~~ or approves~~d~~ otherwise ~~by the department~~, an owner and permittee must meet the following requirements for sampling and analysis:

(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:

(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 DEQ; and

(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, DEQ~~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.

(7) An owner and permittee must report a confirmed release to DEQ ~~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 DEQ~~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 DEQ~~the department~~ within 30 days after~~of~~ completing~~on of~~ the field work or other period DEQ approve~~d by the department~~.

[Note: View a PDF of referenced publications by clicking on "Tables" link below.]

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0210**

**Training Requirements for UST Operators**

**RULE SUMMARY: Update and clarify rule language.**

(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 DEQ 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 alarms caused by spills or releases from the UST system. The three classes of operators are generally identified in the following table: [Note: View a PDF of the referenced tables by clicking on the link at the end of this rule.]

~~(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:~~

(3~~a~~) An individual designated as a Class A or Class B operator must complete one of the training options in section (8~~5~~) of this rule within ~~9~~30 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 340-150-0200(6)(a).

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

(5~~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.

(6~~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 (8~~5~~) of this rule

within ~~9~~30 days of the UST facility failing the compliance inspection unless DEQ waives this requirement. At a minimum, the training must cover the area(s) determined to be out of compliance.

(7) All training options for Class A and Class B operators must include the essential training elements listed in Appendix L of this division, which at a minimum must: [Note: View a PDF of appendix L by clicking on the "Tables" link at the end of this rule.]

(a) Evaluate Class A operators to determine whether the individual has the knowledge and skills to make informed decisions regarding compliance and to determine whether the operation, maintenance, and recordkeeping requirements for UST systems are being met;

(b) Evaluate Class B operators to determine whether the individual has the knowledge and skills to implement the applicable UST regulatory requirements on the components of typical UST systems or the equipment used at a specific UST facility. [Note: View a PDF of appendix L by clicking on the "Tables" link at the end of this rule.]

(8) Training program. Class A and Class B operators must either:

(a) Attend a training session sponsored by a training vendor approved by DEQ. A training vendor is a person, company or organization DEQ approved 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, whichever applicable, offered by a national service and approved by DEQ~~the department~~;

(c) Complete an internet or computer software training or examination program designed for Class A or Class B operators, whichever is applicable, and approved by DEQ~~the department~~; or

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

(~~9~~6) Emergency response information (Class C operator training).

~~(a)~~ Each designated Class C operator must be ~~T~~trained by a Class A or Class B operator~~s must provide training to Class C operators~~, complete a training program, or pass an examination on emergency response procedures. The training must ~~,~~ include~~ing~~, at a minimum:

(a~~A~~i) Procedures for overfill protection during delivery of regulated substances, operation of emergency shut off systems, alarm identification and response, release reporting and any site specific emergency procedures;

(bBii) 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; and

(cCiii) 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; and

(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.

Evaluatinge Class C operators to determine these individuals have the knowledge and skills to take appropriate action, (including notifying appropriate authorities,) in response to emergencies or alarms caused by spills or releases from an underground storage tank system.

(107) 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 site name and, site address, and DEQ'sthe department's UST facility identification number for the UST facility that the UST operator servesserves, the operator training class completed, the name of the trainer or examiner, and the training company name, address, and telephone number.

(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 DEQthe department upon request.

(118) The following requirements also apply to the following types of training:

(a) Records from classroom or field training programs, (including Class C operator training provided by the Class A or Class B operator,) or a comparable examination must, at a minimum, be signed by the trainer or examiner;

(b) Records from computer-based training must, at a minimum, indicate the name of the training program and web address, if Internet-based; and

(c) Records of any retraining required under section (6) of this rule must include those areas on which the Class A or Class B operator has been retrained.

[ED. NOTE: Tables referenced are available from the agency]

State of Oregon Department of Environmental Quality

# OAR 340-150-0210
# Classes of Operators

| Classes of Operators | | | |
|---|---|---|---|
| | **Class A Operator** | **Class B Operator** | **Class C Operator** |
| **Who fits this class of operator?** | The individual who generally focuses on the statutory and regulatory requirements related to operating and maintaining the underground storage tank system | 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 | Those who are generally the first line of response to events indicating emergency conditions or responding to alarms |
| **What are the training requirements?** | Broad overview of regulatory requirements | In-depth training on implementing regulatory requirements | Actions to take in the event of a leak or other emergency |

Stat. Auth.: ORS 466.706 - 466.835, 466.994, 466.995
Stats. Implemented: ORS 466.743, 466.746
Hist.: DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0250**

**Expedited Enforcement Process**

**RULE SUMMARY: Update and clarify rule language.**

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

(2) An owner and permittee may not participate in ~~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;

(b) DEQ ~~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, DEQ ~~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) Where DEQ has found an ~~For any~~ owner and permittee is not eligible to participate ~~with documented violations or conditions that exclude participation~~ in the expedited enforcement process as provided in section (2) of this rule, DEQ ~~the department~~ will take appropriate enforcement action under ~~in accordance with~~ OAR chapter 340, division 12.

(4) The following field penalties will be assessed for ~~those documented~~ violations ~~or conditions~~ cited on a field citation issued ~~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) or 340-12-0053(1): $150 - $500;

(b) A class II UST violation listed in OAR 340-012-0067(2) or 340-12-0053(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 DEQ~~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. ~~--b~~By submitting payment, the owner and permittee agree to accept the field citation as the final order by the EQC~~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; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

~~**340-150-0300**~~

~~**Installation of USTs and Piping**~~

**RULE SUMMARY: ~~-~~Deleted outdated rule section (340-150-0300).**

~~(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 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:~~

~~(a) Spill and overfill 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. Secondary containment systems must be designed, constructed and installed to contain regulated substances released from the UST system until they are detected and removed, and prevent the release of regulated substances to the environment any time during the operational life of the UST system. 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 OAR 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 340-150-0156.

(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.

(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.

(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:

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

(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

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

(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;~~

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

~~(fg) 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.~~

~~(10) An operation certificate will be issued to the permittee in accordance with OAR 340-150-0160(4) after department review and approval of the completed installation checklist and all required documentation.~~

~~**NOTE 1:** (11) USTs and underground piping must be installed to meet all requirements of the Oregon Uniform Fire Code pertaining to USTs in accordance with OAR 837, division 40 "Fire and Life Safety Regulations" (Department of Oregon State Police, Office of State Fire Marshal).~~

~~**NOTE 2:** [Note: 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 agency.]~~

~~Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995~~
~~Stats. Implemented: ORS 466.746 & 466.765~~
~~Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08~~

**340-150-0310**

**Spill and Overfill Prevention Equipment and Testing Requirements**

**RULE SUMMARY: Update and clarify current rule language and add new rule language to comply with revised federal rules effective October 13, 2015.**

(1) An owner and permittee must install, operate and maintain, spill prevention equipment, such as a spill catchment basin or a 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 requires. For overfill equipment installed before March 1, 2003, an owner and permittee must be able to demonstrate to DEQ~~the department~~ that the equipment functions properly by any method DEQ deems~~ed~~ acceptable ~~by the department~~.

(4) An owner or permittee cannot install flow restrictors in vent lines as an overfill prevention method. Additionally, if a flow restrictor fails to function properly, it cannot be repaired.

(5~~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.

(6~~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. [View a PDF of Appendix C by clicking on the "Tables" link at the end of this rule.]

(7~~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).

(8) Spill prevention equipment, such as a catchment basin, spill bucket, or other spill containment device, and containment sumps used for interstitial monitoring of piping, must

prevent releases to the environment by meeting one of the following:

(a) If the equipment is double walled, owners and permittees must ensure that it is operating properly and will prevent releases to the environment, by monitoring the integrity of both walls every 30 days. If the owner and permittee discontinues monitoring under this section, the owner and permittee must conduct a test under paragraph (A), or (B) or (C) below, within 30 days of discontinuing periodic monitoring and every three years thereafter; or

(b) The spill prevention equipment and containment sumps used for interstitial monitoring of piping are tested at least once every three years to ensure the equipment is liquid tight by using vacuum, pressure, or liquid testing. This testing must comply with one of the following criteria:

(A) Requirements the manufacturer developed. However, owners and operators may use this option only if the manufacturer has developed requirements;

(B) Code of practice developed by a nationally recognized association or independent testing laboratory; or

(C) Requirements DEQ determined are no less protective of human health and the environment than the requirements listed in paragraphs (8)(b)(A) and (8)(b)(B) of this section.

(9) Overfill prevention equipment must be inspected at least once every three years. At a minimum, the inspection must ensure that overfill prevention equipment is set to activate at the correct level specified in OAR 340-150-0310 and will activate when a regulated substance reaches that level. Inspections must be conducted as set forth in paragraph (8)(a) through (c) of this rule.

(10) Owners and permittees must begin meeting the requirements of sections (8) and (9) by conducting the initial spill prevention equipment test and overfill prevention equipment inspection not later than October 1, 2020.

(11) Owners and permittees must maintain the following records for spill and overfill prevention equipment:

(a) All records of testing or inspection for three years; and

(b) For spill prevention equipment not tested every three years, documentation showing that the prevention equipment is double walled and the integrity of both walls is periodically monitored must be maintained for as long as the equipment is periodically monitored.

(c) An owner and permittee must have the records available for review by DEQ upon request.

(12) 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. [Note: View a PDF of Appendix C by clicking on the "Tables" link below.]

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0315**

**Periodic operation and maintenance walkthrough inspections**

**RULE SUMMARY: New rule section created to comply with revised federal rules effective October 13, 2015.**

(1) No later than October 1, 2020, owners and permittees must meet one of the following:

(~~1~~a) Conduct walkthrough inspections:

(A~~a~~) Every 30 days, at a minimum, check the following equipment:

(i~~A~~) Spill prevention equipment: Visually check for damage, remove liquid or debris, check for and remove obstructions in the fill pipe, check the fill cap to make sure it is securely on the fill pipe, and, for double walled spill prevention equipment with interstitial monitoring, check for a leak in the interstitial area. (If the UST system is receiving deliveries at intervals greater than every 30 days, the permittee must conduct an inspection prior to each delivery; and

(ii~~B~~) Release detection equipment: Check to make sure the release detection equipment is operating with no alarms or other unusual operating conditions present; and ensure records of release detection testing are reviewed and current; and

(B~~b~~) Annually:

(i~~A~~) Sumps: Visually check for damage, leaks to the containment area, or releases to the environment; remove liquid (in contained sumps) or debris, and, for double walled sumps with interstitial monitoring, check for a leak in the interstitial area; and

(ii~~B~~) Hand held release detection equipment: Check devices such as tank gauge sticks or groundwater bailers for operability and serviceability;

(b~~2~~) Conduct operation and maintenance walkthrough inspections according to a standard code of practice developed by a nationally recognized association or independent testing laboratory that checks equipment comparable to section (1) of this rule; -or

(c3) Conduct operation and maintenance walkthrough inspections developed by DEQ that checks equipment comparable to section (1) of this rule; or

(d4) An owner and permittee may use the practices described in the Petroleum Equipment Institute Recommended Practice RP 900, "Recommended Practices for the Inspection and Maintenance of UST Systems."

(52) Owners and permittees must maintain records of operation and maintenance inspections for one year. Records must include a list of each area checked, whether each area checked was acceptable or needed action taken, a description of actions taken to correct an issue, and delivery records for spill prevention equipment checked less frequently than every 30 days.

(36) Records must be available for review by DEQ upon request.

[Publications: Publications referenced are available from DEQ or from the publisher]

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765

**340-150-0320**

**Corrosion Protection Performance Standards for USTs and Piping**

**RULE SUMMARY: Update and clarify rule language.**

(1) An owner and permittee must protect all USTs, (whether of single wall or multiwall construction,) and underground piping that routinely contains a regulated substance from corrosion by one of the methods listed in sections (2) through (4) of this rule.

(2) For USTs and underground piping ~~constructed of fiberglass-reinforced plastic~~ clad or jacketed with a non-corrodible material or other nonmetallic materials, an owner and permittee must use one of the codes and standards listed in Appendices D1-USTs and D2-Piping of this division to comply with this section of the rule. [Note: View a PDF of the appendices by clicking on the "Tables" link at the end of this rule.]

(3) An owner and permittee must provide cathodic protection for USTs and underground piping constructed of steel or other metal to prevent corrosion by using the codes and standards listed in Appendices E1-USTs and E2-Piping of this division to comply with this section of the rule. [Note: View a PDF of the appendices by clicking on the "Tables" link at the end of this rule.]

(4) In addition, an owner and permittee must comply with subsections (a) through (c) and either (d) or (e) of this section:

(a) The UST and underground piping must be coated with a suitable dielectric material;

(b) Field-installed cathodic protection systems must be designed by a corrosion expert;

(c) Impressed current systems must be designed to allow the testing of current operating status as required by OAR 340-150-0325(3); and

(d) A permanent cathodic protection test station must be installed. The test station:

(A) Can be separate or combined with an existing box and must be located near the protected structure (e.g., UST, piping, etc.) and away from an anode;

(B) Must provide, at a minimum, an electrical connection to the structure and access for placing a reference cell in contact with the soil or backfill; and

(C) When located below the surface of the ground, the test station design must prevent run off of surface water into the soil; or

(e) If a permanent cathodic protection test station is not installed, an owner and permittee must have a written cathodic protection test procedure that has been developed in accordance with a nationally accepted code of practice. The written test procedure must:

(A) Meet each of the minimum requirements established by subsection (d) of this section;

(B) Contain sufficient detail to ensure that initial test conditions can be replicated during each test (i.e., electrical connections are made at the same points and the reference electrode contacts the soil at the same location);

(C) Be followed for all cathodic protection tests at the UST facility; and

(D) Be provided to DEQ~~the department~~ upon request.

(54) For USTs constructed of ~~a~~ steel-~~fiberglass reinforced plastic composite~~and clad or jacketed with a non-corrodible material, an owner and permittee may~~ust~~ use one of the codes and standards listed in Appendix F of this division to comply with this section of the rule.

[Note: View a PDF of Appendices by clicking on the "Tables" link below.]

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

**340-150-0325**

**Operation and Maintenance of Corrosion Protection**

**RULE SUMMARY: Update and clarify rule language.**

(1) An owner and permittee of an UST system described in OAR 340-150-0320 must operate and maintain the corrosion protection system to provide continuous protection to the metal components of any portion of the UST and underground piping that routinely contains a regulated substance.

(2) Except as provided by 340-150-0156, an owner and permittee must have the corrosion protection system inspected and tested for proper operation by a cathodic protection supervisor licensed by DEQ (OAR chapter 340, division 160):

(a) Within six months of installation; and

(b) At least once every three years thereafter.

(3) An owner and permittee of an UST system with impressed current cathodic protection systems must have the system inspected every 60 days to ensure the equipment is running properly.

(4) An owner and permittee must report all corrosion protection test failures to DEQ within 24 hours, unless the impressed current system is brought back to operational levels by adjusting the rectifier outputs. ~~to the department within 24 hours and submit a copy of the test results as requested by the department.~~

(5) An owner and permittee must conduct any repair or ~~,~~ modification ~~and replacement~~ of a corrosion protection system or equipment in accordance with OAR 340-150-0350 ~~through~~ and 340-150-0352~~4~~.

(6) An owner and permittee must maintain records of the operation of the cathodic protection system to demonstrate compliance with ~~the performance standards of~~ this rule, including:

(a) The results of the last three impressed current cathodic protection tests required in section (3) of this rule; and

(b) The results of the last two cathodic protection inspections required in section (2) of this rule.

(7) The testing criteria used to determine that corrosion protection is effective must be performed in accordance with a code of practice developed by a nationally recognized association. An owner and permittee may use the codes listed in Appendix G of this division to comply with the requirements of this rule.

[Note: View a PDF of the referenced Appendices by clicking on the "Tables" link below.]

~~[Ed. Note: Appendices referenced are available from the 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

**340-150-0350**

**UST System Repairs**

**RULE SUMMARY: Update and clarify rule language.**

~~(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).~~

(1~~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. [Note: View a PDF of the appendix by clicking on the "Tables" link below.] A manufacturer's authorized representative may make repairs to fiberglass or other nonmetallic USTs.

(2~~4~~) Lined tanks. An owner and permittee of ~~an UST~~a tank that has been previously repaired or upgraded using the interior lining method may repair the ~~UST~~ tank by restoring or adding additional lining to the ~~UST~~ tank if the metal portion of the ~~UST~~ tank has been determined to be structurally sound by use of the integrity assessment (inspection) method specified by American Petroleum Institute RP~~Publication~~ 1631, "Interior Lining and Periodic Inspection ~~of Existing Steel Underground~~of Underground Storage Tanks." ~~[A copy of this publication is available from DEQ and the API.]~~ An owner and permittee must permanently decommission ~~an UST~~a tank if the integrity assessment determines that the tank ~~UST~~ is no longer structurally sound.

(3~~5~~) Tanks. Before operating a repaired ~~or newly lined UST~~tank, an owner and permittee must:

(a) Have the ~~UST~~ tank tightness tested after the repair is complete ~~completion of the repair~~ and report to DEQ~~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~~ tank meets the current UST performance requirements.

(~~4~~6) Piping. Before operating repaired underground piping, an owner and permittee must have the underground piping tightness tested after the repair is ~~completion of the repair and~~complete and report to DEQ~~the department~~ any test failure (OAR 340-150-0410).

(~~5~~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 DEQ~~the department~~ any test failure (OAR 340-150-0325).

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

(~~6~~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~~ the records available for review by DEQ~~the department~~ upon request.

~~-~~[Note~~Publications~~: Publications referenced are available from DEQ~~the agency~~ or from the publisher.]

[Note: View a PDF of appendices by clicking on the "Tables" link below.]

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0352**

**UST System Modifications and Additions**

**RULE SUMMARY: Update and clarify rule language.**

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

(a) Notify DEQ~~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 DEQ~~the department~~.

(b) Notify DEQ~~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 DEQ~~the department~~.

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

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

(34) An owner and permittee of a metal UST previously protected with cathodic protection may modify the UST by the addition of internal lining ~~if~~ if:~~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);~~

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

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

(c) A pressure-decay test, or other test, of the portion of the tank where the access way into the tank was installed, is performed before operating the tank after internal lining installation is complete.

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

~~(a) Before the addition of corrosion protection, the~~if the integrity of the tank ~~UST~~ is assessed using the method specified by American Petroleum Institute Publication 1631, "~~Recommended Practice for the~~ Interior Lining and Periodic Inspection 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.~~:~~ [Note: Publication is available from DEQ and the publisher.]

~~(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.~~

(56) 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-~~03000~~0160(4), (5), (7), and (12)~~ and this rule~~.

(6) Metal piping and fittings that have released a regulated substance as a result of corrosion or other damage may not be repaired. They must be modified under OAR 340-150-0352.

(7) An owner and permittee may use the codes and standards listed in Appendix H of this division to comply with this rule. [View a PDF of Appendix H by clicking on the "Tables" link at the end of this rule.]

(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 DEQ~~the department~~ upon request.

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

[Note: View a PDF of Appendix H by clicking on the "Tables" link below.]

~~[Ed. Note: Appendices referenced are available from the agency.]~~

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0354**

**UST System Replacements**

**RULE SUMMARY: Update and clarify rule language.**

(1) When ~~A~~an owner and permittee ~~must~~ replace~~s any part of an UST system as~~ a tank, the decommissioning must meet the requirements of OAR 340-150-0168 and the installation must meet the requirements of OAR 340-150-0160, including notification requirements. ~~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).~~

(2~~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 all records for UST system replacements available for review by DEQ~~the department~~ upon request.

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0400**

**General Release Detection Requirements for Petroleum UST Systems**

**RULE SUMMARY: Update and clarify rule language.**

(1) An owner and permittee of petroleum UST systems must provide a method of release detection that:

(a) Can detect a release from any portion of the UST and the underground piping that routinely contains a regulated substance;

(b) Is an approved leak detection method or equipment as listed by a national organization (e.g., the National Work Group on Leak Detection);

(c) Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions and third party evaluation for the leak detection method, including routine maintenance and service checks for operability or running condition;

~~(d) Meets the performance requirements of this rule and the requirements of 340-150-0410 for underground piping, including any manufacturer performance claims (with the method for determining compliance with performance claims described in writing by the equipment manufacturer or installer); and~~

(d~~e~~) Is capable of detecting the leak rate or quantity specified for that method in OAR 340-150-0450 through 340-150-0470 or 340-150-0410 for piping, with a probability of detection of at least 95 percent and a probability of false alarm of no more than 5 percent. ~~Release detection methods permanently installed before December 22, 1990, are exempt from the requirements of this subsection.~~

(2g) Beginning on October 1, 2020, an owner and permittee must test the electronic and mechanical components of the release detection system, on an annual basis in accordance with either the manufacturer's instructions; a code of practice developed by a nationally recognized association or independent testing laboratory; or requirements determined by DEQ to be no less protective of human health and the environment than the two options listed above.

The annual test must, at a minimum (as applicable to the UST facility):

(Aa) Automatic tank gauge and other controllers: test alarm; verify system configuration; test battery backup; and

(Bb) Probes and sensors: inspect for residual buildup; ensure floats move freely; ensure shaft is not damaged; ensure cables are free of kinks and breaks; test alarm operability and communication with controller.

(32) An owner and permittee must select an appropriate primary release detection method for the UST system (OAR 340-150-0420 through 340-150-0470). More than one method may be in use at an UST facility, but only one can be the primary method. The primary method must be reported to DEQthe department when an UST is installed or during an inspection by DEQthe department. The primary release detection method may not cannot be switched from month to month depending on which method passes daily or monthly monitoring requirements. The primary method of release detection maycan be changed to another method as necessary as part of a repair or modification. or replacement or if the period of use for a method has expired by rule.

(43) When a release detection method indicates a release may have occurred, an owner and permittee must notify DEQthe department of a suspected release in accordance with OAR 340-150-0500.

(54) An owner and permittee must maintain records demonstrating compliance with all applicable requirements of this rule and retain the following records for as long as the release detection equipment is in use:

(a) All written performance claims pertaining to any release detection system used and the third party evaluation and approval;

(b) The results of any sampling, equipment testing or monitoring; and

(c) Written documentation of all calibration, maintenance and repair of release detection equipment permanently located on site, including any schedules of required calibration and maintenance provided by the release detection equipment manufacturer.

(65) An owner and permittee must keep release detection records either:

(a) At the UST facility and immediately available for inspection by DEQ~~the department~~; or

(b) At a readily available alternative site and provide the records for inspection by DEQ~~the department~~ upon request.

(7~~6~~) An owner and permittee may use the codes and standards listed in Appendix I of this division to comply with this rule.

[Note: View a PDF of Appendix I by clicking on the "Tables" link below.]

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**

**RULE SUMMARY: Update and clarify rule language.**

(1) An owner and permittee using inventory control as a release detection method must meet this rule's ~~the~~ requirements ~~of this rule~~. Inventory control may not ~~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

(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 measuring~~ement 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~~bottom. 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. If this occurs, ~~A~~an owner and permittee must:

(a) Report to DEQ~~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 as~~in accordance with~~ 340-150-0510 specifies; and

(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 DEQ~~the department~~ as a suspected release if the variation cannot be accounted for, without waiting to obtain a second month of data.

(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~~ RP 1621, "~~Recommended Practice for~~ Bulk Liquid Stock Control at Retail ~~Outlets", where applicable, as guidance in meeting~~Outlets" to comply with the requirements of this rule.

[NotePublications: Publications referenced are available from DEQthe agency or from the publisher.]

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0440**

**Manual Tank Gauging Release Detection Method**

**RULE SUMMARY: Update and clarify rule language.**

(1) An owner and permittee may use manual tank gauging as a release detection method for USTs that are less than 2,001 gallons in size.:

(a) For USTs of 550 gallons or less nominal capacity and USTs with a nominal capacity of 551 to 1,000 gallons that meet the tank diameter criteria in the table may use this as the sole method of release detection.

(b) For USTs of 551 to 2,000 gallons in size, this method may be used instead of manual inventory control (OAR 340-150-0430). This 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

(C) In no case may manual tank gauging be used as a primary release detection method after December 22, 2008.

(c) After the period of use has expired as listed in paragraph (1)(b)(C) of this section, an owner and permittee of an UST between 1,001551 and 2,000 gallons in size must use one of the release detection methods in OAR 340-150-04350 through 340-150-0470.

(2) An owner and permittee must use the following procedures for the manual tank gauging release detection method:

(a) Tank liquid level measurements must be taken at the beginning and ending of a minimum 36-hour test period, during which time no liquid (i.e., regulated substance) may be added to or removed from the UST;

(b) Level measurements must be based on an average of two consecutive measuring stick or automatic tank gauge readings at both the beginning and ending of the period in which the UST is tested; and

(c) 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 UST's height to the nearest one-eighth of an inch.

(3) An owner and permittee must monitor the UST system for releases at least weekly and record and reconcile the results of each week's readings for each month.

(4) In addition to any other requirements of this rule, an owner and permittee must conduct tightness testing (OAR 340-150-0445) of USTs of 1,001 to 2,000 gallons in size at least once every five years.

(5) An owner and permittee must report to DEQ~~the department~~ any variation between beginning and ending measurements that exceeds either the weekly or monthly standards in the table in 340-150-0440(1)(a)~~subsections (a) through (c) of this section~~ within 24 hours as a suspected release (OAR 340-150-0500) and immediately begin investigation as~~in accordance with~~ 340-150-0510 specifies.~~:~~

~~(a) For USTs of 550 gallons or less in size:~~

~~(A) Weekly standard (one test) is ten gallons.~~

~~(B) Monthly standard (average of four tests) is five gallons.~~

~~(b) For USTs of 551 to 1,000 gallons in size:~~

~~(A) Weekly standard (one test) is 13 gallons.~~

~~(B) Monthly standard (average of four tests) is seven gallons.~~

~~(c) For USTs of 1,001 to 2,000 gallons in size:~~

~~(A) Weekly standard (one test) is 26 gallons.~~

~~(B) Monthly standard (average of four tests) is 13 gallons.~~

(6~~d~~) An owner and permittee must immediately investigate all larger-than-normal or reoccurring variations in results and report such variations to DEQ~~the department~~ as a suspected release if the variation cannot be accounted for, without waiting to obtain a second week of data.

(7~~6~~) 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.

State of Oregon Department of Environmental Quality

# OAR 340-150-0440 Manual Tank Gauging Standards

## Manual Tank Gauging Standards

| Nominal Tank Capacity | Minimum duration of test | Weekly standard (one test) | Monthly standard (four test average) |
|---|---|---|---|
| 550 gallons or less | 36 hours | 10 gallons | 5 gallons |
| 551-1,000 gallons (when tank diameter is 64 inches) | 44 hours | 9 gallons | 4 gallons |
| 551-1,000 gallons (when tank diameter is 48 inches) | 58 hours | 12 gallons | 6 gallons |
| 551-1,000 gallons (also requires periodic tank tightness testing) | 36 hours | 13 gallons | 7 gallons |
| 1,001-2,000 gallons (also requires periodic tank tightness testing) | 36 hours | 26 gallons | 13 gallons |

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

**340-150-0445**

**~~Tank~~ Tightness Testing ~~for Release Detection and Investigation~~**

**RULE SUMMARY: Update and clarify rule language.**

(1) An owner and permittee using ~~tank~~ tightness testing in combination with a primary release detection method or as a method for investigating a suspected release must use a test method or procedure that:

(a) Is able to detect a 0.1 gallon per hour leak rate from any portion of the UST system that routinely contains a regulated substance, while accounting for the effects of thermal expansion or contraction of the regulated substance, vapor pockets, tank deformation, evaporation or condensation and the location of the water table;

(b) Meets a probability of detection of at least 95 percent and a probability of false results (or false alarm, depending on method used) of no more than 5 percent; and

(c) Is an approved leak detection method or equipment as listed by a national organization (e.g., the National Work Group on Leak Detection).~~; and~~

(2~~d~~) All tightness testing ~~I~~must be ~~is~~ performed by a service provider or supervisor licensed by DEQ~~the department~~, except as provided by OAR 340-150-0156.

(3~~2~~) Some automatic tank gauge equipment may meet the leak rate and probability requirements and may be used in place of a separate ~~tank~~ tightness test. To qualify as a ~~tank~~ tightness test, the automatic tank gauge must meet the requirements of ~~sub~~section~~s~~ (1~~)(a), (b) and (c~~) of this rule.

(4~~3~~) If an UST system fails a ~~tank~~ tightness test (after the tank tester has ensured that all test protocols were properly performed), an owner and permittee must report the failure to DEQ~~the department~~ within 24 hours of receipt of the results as a suspected release (OAR 340-150-0500) and immediately begin an investigation ~~in accordance with~~under OAR 340-150-0510.

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**

**RULE SUMMARY: Update and clarify rule language.**

(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~~rule. The ATG system must:

(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

(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).

(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 DEQ~~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~~under 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) The ATG equipment must meet the inventory control (or other test of equivalent performance) requirements of 340-150-0430 and the test must be performed with the system operating in one of the following modes:

(A~~i~~) In-tank static testing conducted at least once every 30 days; or

(B~~ii~~) Continuous in-tank leak detection operating on an uninterrupted basis or operating within a process that allows the system to gather incremental measurements to determine the leak status of the tank at least once every 30 days.

(c~~b~~) An owner and permittee may~~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 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**~~340-150-0455~~ (Repealed)**

**~~Vapor Monitoring Release Detection Method~~**

**RULE SUMMARY: Delete vapor monitoring as an approved release detection method. (340-150-0455)**

~~(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:~~

~~(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 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:~~

~~(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 ( 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 vapor well installation approval documents must be available for department review upon request.~~

~~Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995~~
~~Stats. Implemented: ORS 466.746 & 466.765~~
~~Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08~~

~~340-150-0460~~ **(Repealed)**

~~**Groundwater Monitoring Release Detection Method**~~

**RULE SUMMARY: Delete groundwater monitoring as an approved release detection method. (340-150-0460)**

~~(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:~~

~~(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.~~

~~(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.~~

~~(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:~~

~~(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 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 - 466.835, 466.994 & 466.995~~
~~Stats. Implemented: ORS 466.746 & 466.765~~
~~Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08~~

**340-150-0465**

**Interstitial Monitoring Release Detection Method**

**RULE SUMMARY: Update and clarify rule language.**

(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.~~

(b) UST systems with a secondary barrier within the excavation zone. The sampling or testing method used must be able to detect a liquid ~~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 10-6 cm/sec for the regulated substance stored) to direct a liquid~~release~~ to the monitoring point ~~and permit~~to allow its detection;

(B) The secondary barrier must be compatible with the regulated substance stored so that a liquid~~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 devices must be installed in any sump unless the piping is continuously double-walled through the sump.

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

(5) Beginning October 1, 2020, owners and permittees must follow OAR 340-150-0310(8) to ensure that containment sumps used for interstitial monitoring of piping are operating properly and will prevent releases to the environment.

(6~~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).

(7~~6~~) An owner and permittee must report to DEQ~~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~~in accordance with 340-150-0510.

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

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0500**

**Reporting Suspected Releases**

**RULE SUMMARY: Update and clarify rule language.**

(1) An owner and permittee of an UST system must notify DEQ~~the department~~ within 24 hours, or another reasonable period allowed by DEQ, and follow the procedures in OAR 340-150-0510 for any of the following conditions:

(a) The discovery by any means of a regulated substance at the UST facility or in the surrounding off-site area such as, but not limited to, the presence of free product or vapors in soils, basements, sewer or utility lines or nearby surface water or release into a secondary containment area. Additionally, an owner and permittee must identify and mitigate any fire, explosion or vapor hazards at the UST facility in accordance with OAR 340-122-0220(3); or

(b) Unusual operating conditions (such as, but not limited to, the erratic behavior of product dispensing equipment, the sudden loss of product from the UST system, differences or widely fluctuating water levels or an unexplained presence of water in the tank, or liquid in the interstitial space of secondarily contained systems ~~observed by the owner, permittee, employee or other knowledgeable personnel~~, unless the system equipment or component is immediately tested and found to be defective, but not leaking, and is immediately repaired ~~or replaced~~; or

(c) For secondarily contained systems, except as provided for in OAR 340-150-0465(2)(b)(D), any liquid in an interstitial space not used as part of the interstitial monitoring method (for example, brine filled) unless the liquid is immediately removed; or~~.~~

(~~d~~e) Monitoring results or alarms from any release detection method that indicates a release may have occurred as set forth in OAR 340-150-430 through OAR 340-150-0470, unless

(A) ~~unless t~~The monitoring device is found to be defective and is immediately repaired~~,~~or recalibrated ~~or replaced~~ and subsequent monitoring events as required by the specific release detection method do not confirm the initial result~~. The specific release detection requirements are found in OAR 340-150-0420 through 340-150~~ ; or

(B) The leak is contained in the secondary containment and, except as provided for in OAR 340-150-0465(2)(b)(D), any liquid in an interstitial space not used as part of the interstitial monitoring method (for example, brine filled) is immediately removed, or any defective system equipment or component is immediately repaired; or

(C) The alarm was determined to be a non-release event (for example, from a power surge or caused by filling the tank or dispensing during release detection testing).

(2) Upon receipt of a notice of a suspected release, DEQ will provide a confirmation number ~~will be provided~~ to the owner ~~and permittee that serves as proof that timely notice was received~~. An owner and permittee should reference ~~T~~this confirmation number ~~should be referenced by an owner and permittee~~ when reporting the results of ~~actions~~ a suspected release investigation and confirmation ~~taken to comply with~~ under OAR 340-150-0510.

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**

**RULE SUMMARY: Update and clarify rule language.**

(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 this rule requiresd by this rule. This investigation must be completed within seven days or as DEQ otherwise approvesd or directsed by the department.

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

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

(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 or the underground piping that routinely contains a regulated substance.

(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 DEQ directsed by the department. All regulated substances (product) or product and water mixture must be removed from the containment system and properly disposed of 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)(ab), (c), or (d) and the system test results do not indicate that a release has occurred, further investigation is not required, unless DEQ directs otherwise directed by the department.

(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 existsoccurred, an owner and permittee must assess and repair, replace or modify the UST system and begin corrective action in accordance withunder sections (4) and (5) of this rule.

(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, aAn owner and permittee must conduct a site assessment per OAR 340-150-0180 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 OAR 340-122-0360 must be used. DEQ 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 results of the site assessment conducted under subsection (4)(a) of this rule does not indicate that a release has occurred, further investigation is not required unless specifically directed by DEQ.

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

(5) If the suspected release investigation confirms that a release has occurred, an owner and permittee must report the confirmed release to DEQ~~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 as~~in accordance with the requirements of~~ OAR chapter 340, division 142 requires.

(6) DEQ~~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 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0550**

**Definitions for OAR 340-150-0555 and 340-150-0560**

**RULE SUMMARY: Update and clarify rule language.**

As used in OAR 340-150-0555 and 340-150-0560, the following terms are defined as follows:

(1) "Existing tank system" means a tank system used to contain an accumulation of regulated substances or a tank system, the installation of which began on or before December 22, 1988. Installation is considered to have begun if:

(a) The owner or permittee has obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system; and if,

(b) Either a continuous on-site physical construction or installation program has begun; or,

(c) The owner or permittee has entered into contractual obligations for physical construction at the site or installation of the tank system to be completed within a reasonable time and those contractual obligations cannot be cancelled or modified without substantial loss.

(2) "New UST system" means an UST system used to contain a regulated substance and ~~for which~~the installation of which commenced after December 22, 1988.

(3) "Upgrade" means the addition to or retrofit of an UST system to meet technical requirements for cathodic protection, lining, release detection or spill and overfill protection before December 22, 1998.

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**

**RULE SUMMARY: Update and clarify rule language.**

This rule describes the technical requirements for UST systems that an owner and permittee was required to meet by December 22, 1998, underin 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 an existing 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~~set forth in ~~(~~40 ~~§~~ C.F.R. § 280.21(b) (October 13, 2015), ~~:~~and OAR 340-150-0320.

~~(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)–(h) (OAR 340-150-0450–340-150-0470);~~

~~(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)–(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";~~

~~(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."~~

(23) Piping upgrading requirements (40 § CFR 280.21(c)). An owner and permittee of an existing UST system must cathodically protect metal underground piping that routinely contains a regulated substance must cathodically protect the piping in accordance with 40 CFRC.F.R. § 280.21(c) (October 13, 2015), 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) ( and 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)):.

(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."

(34) 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, a. An owner and permittee of an existing UST system must comply with new UST system spill and overfill prevention equipment requirements specified in 40 CFRC.F.R. § 280.20(c) (October 13, 2015), (OARand 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.

(4) Owners and permittees must permanently close, in accordance with subpart G of 40 C.F.R. § 280 (October 13, 2015), any UST system that does not meet the new UST system performance standards in 40 C.F.R. § 280.20 (October 13, 2015), OAR 340-150-0160, or has not been upgraded as specified in sections (1) through (3) of this section. This does not apply to previously deferred UST systems described in OAR 340-150-0137 and where an upgrade is determined to be appropriate by DEQ.

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

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

## DIVISION 151

## FINANCIAL RESPONSIBILITY FOR USTS

### 340-151-0015

### Adoption and Applicability of United States Environmental Protection Agency Regulations

**RULE SUMMARY: Update and clarify rule language.**

Except as otherwise modified or specified in this division, the EQC adopts rules of the United States Environmental Protection Agency governing the financial responsibility requirements for owners and operators of underground storage tanks in Title 40 CFRC.F.R., Part 280, Subpart H in effect as of (October 13, 2015)February 1, 2003 are adopted by the commission, and incorporatesd those provisions by reference into this division, and makes them applicable to all persons subject to this division. In addition to the Oregon-specific requirements in this division (OAR 340-151-0025), persons subject to this division must consult 40 CFRC.F.R. §§ 280.90 through 280.115 (October 13, 2015) to determine applicable financial responsibility requirements.

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

Stat. Auth.: ORS 466.746 & ORS 466.815
Stats. Implemented: ORS 466.815
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

### 340-151-0025

### Oregon-Specific Financial Responsibility Requirements

**RULE SUMMARY: Update and clarify rule language.**

[NOTE: The following rules incorporate and modify 40 C.F.R. §§ 280.90 through 280.115 (Oct. 15, 2015.) When reading this rule, note that different text styles are used to distinguish the different types of changes made. Where federal rule language is adopted and quoted, it is double indented. New language that has been added to existing federal requirements is in bold font. Existing federal language that is deleted is noted by [bracketed] formatting.]

~~The following rules **in bold type** substitute new language in lieu of or insert new language in addition to that in 40 CFR §§ 280.90 through 280.115:~~

(1) The term "owner and permittee" is substituted in lieu of the term "owner or operator" as that term is used throughout 40 C.F.R. Part 280, Subpart H (Oct. 13, 2015).

(2) The following terms are in addition to the definitions in 40 CFR § 280.92:

**(a) "Owner" means a person who currently owns an UST or owned an UST during the tank's operational life, including:**

**(A~~1~~) 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~~2~~) 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.**

**(b) "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.**

(3) The following requirement is in addition to 40 CFR § 280.97(a)–(c) (Oct. 13, 2015):

**~~(d)~~ Each insurance policy or cover page must include the UST facility identification number issued by the department for each UST facility at which petroleum USTs are located.**

(4) ~~The following language is substituted in lieu of~~ 40 CFR. § 280.108(b)(Oct. 13, 2015) is modified as follows:

(b) [After obtaining alternate financial assurance as specified in this subpart, an owner or operator may cancel a financial assurance mechanism by providing notice to the provider of financial assurance.] **Within 30 days after a substitution is made, the owner and permittee must:**

**(1) Provide notice of cancellation of the previous financial assurance mechanism to DEQ~~the department~~ and the former provider of financial assurance; and**

**(2) Provide a copy of the new financial responsibility mechanism to DEQ~~the department~~ that demonstrates full compliance with the requirements of this division.**

(5) The ~~following requirement is in addition to the notice requirement in the~~ first sentence of 40 C.F.R. § 280.109(a)(Oct. 13, 2015) is modified as follows:

(a) Except as otherwise provided, a provider of financial assurance may cancel or fail to renew an assurance mechanism by sending a notice of termination by certified mail to the owner or operator, **with a copy provided to the DEQ~~department~~ by first class mail delivery.**

(6) ~~The following language is substituted in lieu of~~ 40 C.F.R. § 280.110(a)(1)(Oct. 13, 2015) is modified as follows:

(1) Within 30 days after the owner or operator identifies a release from an underground storage tank required to be reported under [§280.53 or §280.61] **OAR 340-122-0205 through 340-122-0360.**

(7) The following requirements are in addition to 40 CFR § 280.110(a)(1)–(a)(3)(Oct. 13, 2015):

**(a) (4) With an application to modify an UST general permit registration certificate as required by OAR 340-150-0052 for a change in owner or permittee; and**

**(b) (5) Within 30 days after a new financial responsibility mechanism is obtained that replaces or substitutes for a previous mechanism as required by 40 CFR § 280.108(Oct. 13, 2015).**

(8) ~~The following requirement is in addition to~~ 40 C.F.R. § 280.110(a)–(c)~~(d)~~(Oct. 13, 2015) is modified by adding the following language: **An owner and permittee or provider of financial assurance on their behalf, must notify DEQ~~the department~~ by 15 calendar days after the end of the previous month in which any of the following changes to a liability insurance policy (as amended by endorsement or certificate of insurance) occur as a result of actions by the owner, permittee or insurer:**

**~~(1)~~ (a) Cancellation;**

**~~(2)~~ (b) Failure to renew; or**

**~~(3)~~ (c) Issuance of a new or modified insurance policy.**

[Note: Publications referenced are available from DEQ.]

Statutory Authority: ORS 466.746 & 466.815
Statutes Implemented: ORS 466.815
History: DEQ 6-2003, f. & cert. ef. 2-14-03

# Draft Rules – With Edits Included

## DEPARTMENT OF ENVIRONMENTAL QUALITY

**DIVISION 150**

**UNDERGROUND STORAGE TANK RULES**

**340-150-0001**

**Purpose and Scope**

**RULE SUMMARY: Deleted unnecessary note on publications.**

**Note: The rule amendments EQC adopted in May 2018 take effect on June 1, 2018.**

(1) The purpose of these rules is:

(a) To provide for the regulation of underground storage tanks (USTs) to protect the public health, safety, welfare and the environment from the potential harmful effects of spills and releases from underground tanks used to store regulated substances;

(b) To prevent releases due to structural failure, system leaks, corrosion, spills and overfills for as long as an UST system is used to store regulated substances;

(c) To promote the proper operation and maintenance of UST systems through training of UST facility personnel and expedited enforcement of violations; and

(d) To obtain state program approval to manage underground storage tanks in Oregon in lieu of the federal program, as required by ORS 466.720.

Statutory/Other Authority: ORS 465.200-455, 466.706-835, 466.994 & 466.995
Statutes/Other Implemented: ORS 465.205, 465.400, 466.715, 466.720 & 466.746
History:
DEQ 6-2003, f. & cert. ef. 2-14-03
DEQ 24-1998, f. & cert. ef. 11-2-98
DEQ 15-1991, f. & cert. ef. 8-14-91
DEQ 26-1990, f. & cert. ef. 7-6-90
DEQ 20-1990, f. & cert. ef. 6-7-90

**340-150-0006**

**Applicability and General Requirements**

**RULE SUMMARY: Update rule citations, and clarify rule language.**

(1) An owner and permittee of an UST system as defined by OAR 340-150-0010 (93) must comply with this division, except to the extent the system is exempted or compliance deferred or limited by 340-150-0008.

(2) An owner and permittee of an UST system must apply to DEQ 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 the UST is not empty as defined by OAR 340-150-0010(32).

(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.

(4) Throughout this division, the terms “permittee” or “owner and permittee” are used to denote joint responsibility for compliance by both the owner and the permittee.

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.706, 466.710 & 466.746
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0008**

**Exemptions and Deferrals**

**RULE SUMMARY: Update rule citations, delete specific UST systems, and clarify rule language.**

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

(2) Heating oil tanks are exempt from OAR chapter 340, divisions 150 and 151. 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 are exempt from the requirements of OAR chapter 340, divisions 150 and 151:

(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 49 U.S.C. 60101, et seq., or

(B) Intrastate pipeline facilities regulated under State laws as provided in 49 U.S.C. 60101, et seq., and which are determined by the Secretary of Transportation, U.S. Department of Transportation, to be connected to a pipeline or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline.

(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) (42. U.S.C. Chapter 82) 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 (33 U.S.C. § 1251 et seq.);

(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:

(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 C.F.R. Part 50 Appendix A (October 13, 2015).

(5) A person may not operate an UST system listed in section (4) of this rule storing regulated substances unless the UST system, whether of single- or double wall construction:

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

(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, including release detection requirements of OAR 340-150-0400 through 340-150-0470. Emergency generator tanks are not required to meet the release detection requirements until October 1, 2020, except all new and replacement USTs and connected piping used solely to contain fuel for emergency power generators, or used to contain fuel for both emergency power generators and heating, must be secondarily contained and monitored using the interstitial monitoring release detection method specified in 340-150-0465.

[Note: Publications referenced are available from DEQ or from the publisher.]

Stat. Auth.: ORS 465.200 - 465.455, 466.706 - 466.835, 466.994, 466.995
Stats. Implemented: ORS 465.205, 465.400, 466.710 - 466.720, 466.746
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0010**

**Definitions**

**RULE SUMMARY: Add new definitions, update rule citations, revise numbering, and clarify rule language.**

The following definitions apply to this division and as applicable for OAR chapter 340 divisions 151 and 160:

(1)(a) "Airport hydrant fuel distribution system" (also called airport hydrant system) means an UST system that fuels aircraft and operates under high pressure with large diameter piping that typically terminates into one or more hydrants (fill stands).

(b) The airport hydrant system begins where fuel enters one or more tanks from an external source such as a pipeline, barge, rail car, or other motor fuel carrier.

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

(3)(a) "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 that provides thorough construction documentation.

(b) 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.

(4) "Belowground release" means any release to the subsurface of the land and to groundwater. This includes, but is not limited to, releases from the belowground portions of an underground storage tank system and belowground releases associated with overfills and transfer operations as the regulated substance moves to or from an underground storage tank.

(5) "Beneath the surface of the ground" means beneath the ground surface or otherwise covered with earthen materials.

(6) "Cathodic protection" means a technique used 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.

(7) "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 metal piping and tank systems. At a minimum, such persons must have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and tank systems.

(8) "CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. § 1906 et seq.).

(9) "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.

(10) “Class A operator” means the individual who has primary responsibility to operate and maintain the UST system in compliance with regulatory requirements.

(11) “Class B operator” means the individual who has day-to-day responsibility for implementing the applicable regulations. The Class B operator typically implements in-field aspects of operation, maintenance, and associated recordkeeping for the UST system.

(12) “Class C operator” means an individual responsible for initially addressing emergencies presented by a spill or release from an UST system. The Class C operator typically controls or monitors the dispensing or sale of regulated substances.

(13) "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.

(14) "Commission” or “EQC" means the Oregon Environmental Quality Commission.

(15) "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.

(16) "Confirmed release" means:

(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, [Note: View a PDF of this document by clicking on “Tables” link below.] or

(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: Physical/Chemical Methods Compendium SW-846”, (U.S. Environmental Protection Agency EPA).

(17) "Connected piping" means all piping including valves, elbows, joints, flanges and flexible connectors, attached to an UST system through which regulated substances flow and that are located beneath the ground surface or otherwise covered by earthen materials. 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.

(18) “Consumptive use” with respect to heating oil means consumed on the premises.

(19) “Containment Sump” means a container that is designed to be liquid tight and to contain leaks and spills of regulated substances from piping, dispensers, pumps and related components in the containment area. Containment sumps may be single walled or secondarily contained and located at the top of tank (tank top or submersible turbine pump sump), underneath the dispenser (under-dispenser containment sump), or at other points in the piping run (transition or intermediate sump).

(20) "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) Preventing, eliminating, removing, abating, controlling, investigating, assessing, evaluating or monitoring a hazard or potential hazard or threat, including migration of a regulated substance; or

(b) Transporting, storing, treating or disposing of a regulated substance or contaminated material from a site.

(21)(a) "Corrosion expert" means a person who, is qualified, by possessing thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, to engage in the practice of corrosion control on buried or submerged underground metal piping systems and metal tanks.

(b) Corrosion experts must be:

(A) Accredited or certified as being qualified by NACE (National Association of Corrosion Engineers), or

(B) A registered professional engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks, and

(C) Licensed by DEQ under OAR chapter 340, division 160.

(22) "Decommission" means  permanent removal from operation including filling in-place, removal from the ground or change-in-service to a nonregulated status of any UST system component.

(23) "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.

(24) "DEQ” means the Oregon Department of Environmental Quality.

(25) "Dielectric material" means a material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate UST systems from the surrounding soils.

Dielectric bushings are used to electrically isolate portions of the UST system (e.g., tank from piping).

(26) "Dispenser" means a device located aboveground used to deliver a regulated substance from an UST system (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.

(27) “Dispenser system” means the dispenser and the equipment necessary to connect the dispenser to the underground storage tank system.

(28) "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.

(29) "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.

(30) "Electrical equipment" means equipment that is located beneath the ground surface or otherwise covered by earthen materials and that contains dielectric fluid that is necessary for equipment to operate, such as transformers and buried electrical cable.

(31) "Emergency generator" means an engine that uses a regulated substance to produce auxiliary electrical or mechanical energy.

(32) "Empty" means the tank contains no more than one inch of a liquid containing a regulated substance or 0.3 percent by volume of the total capacity of the tank.

(33) "Excavation zone" means the volume containing the 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.

(34) “Farm tank” is a tank located on a tract of land devoted to producing 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.

(35) "Fee" means a fixed charge or service charge.

(36) "Field constructed tank" means a tank constructed in the field. For example, a tank constructed of concrete that is poured in the field, or a steel or fiberglass tank primarily fabricated in the field, is considered field-constructed.

(37) "Field penalty" means a civil penalty amount assessed in a field citation.

(38) "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 prior to their introduction into the production process or for the storage of finished products or by-products from the production process.

(39) "Free product" means a regulated substance that is present as a nonaqueous phase liquid (e.g., liquid not dissolved in water).

(40) "Gathering lines" means any pipeline, equipment, facility, or building used in transporting oil or gas during oil or gas production or gathering operations.

(41) "Hazardous substance UST system" means an UST system that contains a hazardous substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (but not including any substance regulated as a hazardous waste under subtitle C) or any mixture of such substances and petroleum, and which is not a petroleum UST system.

(42) "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.

(43) "Heating oil tank" means a tank used for storing heating oil for consumptive use.

(44) "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.

(45) "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, placing the tank, underground piping, release detection devices, corrosion protection systems, spill and overfill devices, and any associated administrative activities such as notifications, record keeping, and record submissions.

(46) "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).

(47) "Investigation" means monitoring, surveying, testing, sampling, analyzing or other information gathering techniques.

(48) "Leak" has the same meaning as "release" as defined by OAR 340-150-0010(70).

(49) "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.

(50) "Maintenance" means the normal operational upkeep to prevent an UST system from releasing product.

(51) "Modification" means changing an UST system currently in use by installing new UST system components. This includes, but is not limited to:

(a) Adding corrosion protection to a previously lined tank,

(b) Installing 50 percent or more of new underground piping (excluding connectors) connected to a single tank,

(c) Changing the primary release detection method to another method listed in OAR 340-150-0435 or 340-150-0450 through 340-150-0470, or

(d) Adding secondary containment.

(e) "Modification" does not include those activities defined as "repair" or "replacement."

(52) “Motor Fuel” means a complex blend of hydrocarbons typically used in operating a motor engine, such as motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any blend containing one or more of these substances (for example: motor gasoline blended with alcohol).

(53) "Multichamber" or "multicompartment" 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 multicompartmented UST for the purpose of these rules.

(54) "Native soil" means the soil outside of the immediate boundaries of the pit that was originally excavated for the purpose of installing an UST.

(55) "OAR" means Oregon Administrative Rules.

(56) "Operate" or "operation" means depositing a regulated substance into an UST, storing a regulated substance in, or dispensing a regulated substance from an UST.

(57) “Operational life” refers to the period when the UST system installation begins until the time the tank system is decommissioned under 340-150-0168.

(58) "ORS" means Oregon Revised Statutes.

(59) "Owner" means a person who currently owns an UST or who owned an UST.

(60) "Permittee" means the owner or person who is in control of or has responsibility for daily UST system operation and maintenance, financial responsibility, and UST operator training requirements set forth in OAR chapter 340, division 150.

(61) "Person" means an individual, trust, firm, joint stock company, federal agency, corporation, partnership, joint venture, consortium, association, state, municipality, commission, political subdivision of a state or any interstate body, any commercial entity, and the United States Government.

(62) "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. For the purposes of chapter 340, divisions 150 and 160, blends of gasoline with ethanol and diesel fuels with biodiesel are “petroleum.” "Petroleum" does not include any substance identified as a hazardous waste under 40 C.F.R. Part 261 (October 13, 2015).

(63) "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.

(64) "Pipe" or "piping" means a hollow cylinder or tubular conduit that is constructed of nonearthen materials.

(65) "Pipeline facilities," including gathering lines, means new and existing pipe rights-of-way and any associated equipment, facilities or buildings.

(66) "Probability of detection" means the likelihood, expressed as a percentage, that a test method will correctly identify a release from an UST system.

(67) "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.

(68) "Property owner" means the legal owner of the real property on which an UST is located.

(69) "Regulated substance" means:

(a) Any substance defined in section 101(14) of CERCLA. This does not include any substance regulated as a hazardous waste under subtitle C; and

(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).

(c) The term regulated substance includes but is not limited to petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

(70) "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.

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

(72) "Repair" means restoring to proper operating condition a tank, pipe, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, release detection equipment, or other UST system component, that has caused a release of a regulated substance from the UST system or has failed to function properly. Repair does not include the activities defined by "modification" or "replacement."

(73) “Replaced” means decommissioning a tank and installing another tank.

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

(75) “Secondary containment” or “secondarily contained” means a system for a tank or piping that includes an inner and outer barrier with an interstitial space that can be monitored for leaks. This term includes containment sumps when the sump is used for interstitial monitoring of piping.

(76) "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.

(77) "Service provider" means a person licensed by DEQ to perform UST services on USTs.

(78) "Storm water" or "wastewater collection system" means piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water runoff resulting from precipitation or domestic, commercial or industrial wastewater to and from retention areas or any areas where treatment is designated to occur. Collecting storm water and wastewater does not include treatment except where incidental to conveyance.

(79) "Supervisor" means an individual licensed by DEQ to direct and oversee specific UST services.

(80) "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.

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

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

(83) "Tightness testing" means a method used to determine if any part of an UST system is leaking that is used to supplement another release detection method, such as inventory control or manual tank gauging, or to verify if a release occurred when there is an indication a suspected release has occurred.

(84) "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 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 DEQ has issued a registration certificate for this activity to the owner and permittee.

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

(86) "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.

(87) “Under-Dispenser Containment,” or “UDC,” means containment underneath a dispenser system designed to prevent leaks from the dispenser and piping within or above the UDC from reaching soil or groundwater.

(88) "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.

(89) "Underground piping" means connected piping that is located beneath the ground surface.

(90) "Underground storage tank" or "UST" means any one, or a combination of tanks, including connected underground piping that contains or used to contain a regulated substance and the volume of which, including the volume of connected underground piping is 10 percent or more beneath the ground surface.

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

(92) "UST services" includes, without limitation, installing, decommissioning, modifying, testing (e.g., cathodic protection and tank tightness) and inspecting UST systems.

(93) "UST system" or “Tank System” means an underground storage tank, connected underground piping, underground ancillary equipment and containment system, if any.

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

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

[Note: View a PDF of Northwest Total Petroleum Analytical Method by clicking on “Tables” link below.]

Stat. Auth.: ORS 466.706 - 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; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0020**

**UST General Permit Registration Certificate Required**

**RULE SUMMARY: Clarified rule language.**

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

(a) Installation;

(b) Operation;

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

(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 UST. The application must include, but is not limited to, the following information and attachments:

(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.

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

(d) If the UST has not previously been permitted by or registered with DEQ, a completed EPA Notification for Underground Storage Tanks or equivalent form developed by DEQ.

(3) The owner or proposed permittee must include the appropriate registration fee set forth in OAR 340-150-0110 with the application.

(4) DEQ will return an application that is incomplete, unsigned or that does not include the required attachments or fees to the owner or proposed permittee for completion. DEQ will consider the application withdrawn if the required information is not submitted within 30 days of the date DEQ returned the application. However, DEQ will consider a general permit application for the installation of an UST system withdrawn if the required information is not submitted within 90 days of the date DEQ returned the application

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

(6) When DEQ determines an application is complete, DEQ will assign the UST facility and each individual UST a unique identification number (i.e., UST facility ID number and tank permit number).

(7) DEQ issues a general permit registration certificate 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 has been 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 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 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; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0052**

**Modification of Registration Certificates for Changes in Ownership and Permittee**

**RULE SUMMARY: Update and clarify rule language.**

(1) A new owner or proposed new permittee must submit an application to modify the UST general permit registration certificate within 30 days of any of the following occurring:

(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 owner, permittee, and property owner must sign the modification application.

(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.

(4) The applicant must include a $75 general permit modification fee with the modification application. Checks or money orders must be payable to DEQ.

(5) DEQ will issue a new general permit registration certificate to the permittee upon receipt of all required information and payment of the fee.

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746, 466.760, 466.765 & 466.783
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0102**

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

**RULE SUMMARY: Update and clarify rule language.**

(1) A general permit registration certificate will automatically terminate 30 days after any of the changes set forth in OAR 340-150-0052(1) have occurred, unless DEQ has received an application for modification by that date.

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

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

(a) When DEQ issues a registration certificate for temporary closure;

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

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

(4) A registration certificate for operation will automatically terminate on the date set forth on the certificate if the permittee fails to provide DEQ with the following prior to June 30th of each year:

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

(b) Payment of fees due under OAR 340-150-0110.

(5) A temporary closure certificate will automatically terminate upon completion of decommissioning requirements in OAR 340-150-0168 or if DEQ issues a registration certificate for operation for the UST listed on the temporary closure certificate.

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.760
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0110**

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

**RULE SUMMARY: Update rule citations and clarify rule language.**

(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 amount of the annual compliance fee in section (2) of this rule applicable to the year of installation.

(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 DEQ;

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

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

(f) $135 per tank for 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017.

(g) $195 per tank for 2018;

(h) $245 per tank for 2019;

(i) $295 per tank for 2020;

(j) $325 per tank for 2021 and subsequent years.

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

(4) DEQ 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. DEQ will assess a $35 late fee for each invoice that is not paid by the due date. At its discretion, DEQ may allow the permittee to make alternative arrangements for payment.

(5) 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 DEQ will approve a 30-day or 3-day notice to decommission the UST.

(6) All checks or money orders for fees must be made payable to DEQ.

Stat. Auth.: ORS 466.706-835, 466.994, 466.995
Stats. Implemented: ORS 466.783 & 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; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0135**

**General Requirements for Owners and Permittees**

**RULE SUMMARY: Update and clarify rule language.**

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

(2) The property owner, UST owner and permittee must allow any DEQ employee or authorized representative of DEQ access to property where an UST is located at any reasonable time to interview persons, inspect equipment and site 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 a UST system, UST facility or UST system operator to DEQ upon request.

(5) An owner and permittee must notify DEQ at least 30 days before: changing the contents of an UST from one regulated substance to another, (e.g., gasoline to diesel) including switching to a regulated substance containing greater than 10 percent ethanol, greater than 20 percent biodiesel, or any other regulated substance identified by DEQ.

(6) Owners and permittees must demonstrate compatibility of the UST system, including the tank, piping, containment sumps, pumping equipment, release detection equipment, spill equipment, and overfill equipment. Owners and permittees may demonstrate compatibility of the UST system by using one of the following options:

(a) Certification or listing of UST system equipment or components by a nationally recognized, independent testing laboratory for use with the regulated substance stored; or

(b) Equipment or component manufacturer approval. The manufacturer's approval must be in writing, indicate an affirmative statement of compatibility, specify the range of biofuel blends the equipment or component is compatible with, and be from the equipment or component manufacturer; or

(c) Use another option determined by DEQ to be no less protective of human health and the environment than the options listed in this section.

(7) An owner and permittee must notify DEQ for the following:

(a) A change in the name of the contact person for the permittee, if the permittee has not changed.

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

(8) Upon receipt of any information submitted under section (5) of this rule, DEQ may issue a modified certificate. The $75 registration certificate modification fee is not applicable to the changes described in section (5) or (7) of this rule.

(9) An owner and permittee of a 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.

(10) 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.

(11) Under dispenser containment is required for each new, moved or modified dispenser. This section does not apply to repairs of a dispenser system. Such containment must:

(a) Be liquid tight on its sides, bottom, and at any penetrations;

(b) Be compatible with the substance conveyed by the piping; and

(c) Allow for visual inspection and access to the components in the containment system, be monitored or both.

(12) All new or replacement USTs and new connected piping, including new piping installed during a modification, must be secondarily contained and monitored using the interstitial monitoring release detection method specified in OAR 340-150-0465. Secondary containment systems must be designed, constructed and installed to contain regulated substances released from the UST system until they are detected and removed, and prevent the release of regulated substances to the environment any time during the operational life of the UST system. In the case of the replacement of an UST or modification of underground piping, secondary containment and interstitial monitoring are required only for that UST or

piping. This section does not apply to UST system repairs as specified in OAR 340-150-0350.

(13) Any notification made to DEQ by an owner and permittee must be made in writing sent by U.S. mail, electronic mail, facsimile or verbally by telephone. To be effective, DEQ must receive notifications by the required due date, unless otherwise specified by rule.

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746, 466.765, 466.805 & 466.815
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0137**

**UST Systems with Field-Constructed Tanks and Airport Hydrant Fuel Distribution Systems**

**RULE SUMMARY: New rule section to comply with revised federal rules effective October 13, 2015**

(1) On or after October 1, 2020, owners and permittees of field constructed tanks and airport hydrant fuel distribution system tanks must comply with OAR 340-150-0137(2) and the training requirements for UST operators in this rule.

(2) EQC incorporates by reference into this division Title 40 C.F.R., Part 280, Subpart K (October 13, 2015).

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.706, 466.710 & 466.746

**340-150-0160**

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

**RULE SUMMARY: Update and clarify rule language.**

(1) An owner and permittee may not begin installing an UST before DEQ has issued that person an installation certificate.

(2) 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 DEQ on an application DEQ provides. DEQ may allow a shorter notice period on a case-by-case basis.

(3) 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 DEQ

of the confirmed date and time the installation will begin. DEQ may require additional notifications of the start date and time of specific installation or related testing activities.

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

(5) An owner and permittee must install UST system components, including underground piping, that is 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.

(6) An UST system that an owner and permittee installs must meet the following performance standards:

(a) Spill and overfill prevention equipment and requirements contained in OAR 340-150-0310);

(b) Corrosion protection performance contained in OAR 340-150-0320; and

(c) Release detection performance requirements contained in OAR 340-150-0400 through 340-150-0470.

(7) At the time of installation, an UST and connected piping must be secondarily contained and monitored using the interstitial monitoring release detection method specified in OAR 340-150-0465. Secondary containment systems must be designed, constructed and installed to contain regulated substances released from the UST system until they are detected and removed, and to prevent the release of regulated substances to the environment any time during the operational life of the UST system.

(8) 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 under OAR chapter 340, division 160.

(9) On a case-by-case basis, DEQ may approve depositing a regulated substance into the UST before DEQ issues an operation certificate. After DEQ provides such approval, the permittee must provide the distributor depositing 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. Under no circumstances can a person dispense a regulated substance from the UST before DEQ issues an operation certificate.

(10) An owner and permittee must submit a complete installation checklist on a DEQ required form. 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:

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

(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

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

(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 approval documents (sign-off or pressure test results) provided by the Oregon State Fire Marshal or local fire department, if applicable; and

(f) 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.

(11) DEQ will issue an operation certificate to the permittee after DEQ reviews and approves the completed checklist and all other documentation submitted under section (10) of this rule. The general permit registration certificate for installation automatically expires upon issuance of a general permit registration certificate for operation (OAR 340-150-0102(2)).

(12) USTs and underground piping must be installed to meet the requirements of the Oregon Uniform Fire Code pertaining to USTs as OAR chapter 837, division 40 “Fire and Life Safety Regulations” (Department of Oregon State Police, Office of State Fire Marshal) specifies.

[Note: Appendix J of this division includes a list of additional guidance documents that owners and permittees may find useful. Readers can view a PDF of all appendices by clicking on the “Tables” link below.]

Stat. Auth.: ORS 466.706 - 466.995
Stats Implemented: ORS 466.706, 466.740, 466.746, 466.750, 466.760, 466.765, 466.770,

466.783 466.775, 466.785, 466.800, 466.805, 466.810 & 466.815
Hist.: DEQ 24-1998, f. & cert. ef. 11-2-98; DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**RULE SUMMARY: Deleted outdated rule section (340-150-0166).**

**340-150-0167**

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

**RULE SUMMARY: Update and clarify rule language.**

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

(2) At least 30 days before the expiration date on a temporary closure certificate, the permittee must submit one of the following to DEQ:

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

(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.

(3) The extension of a temporary closure certificate will only be issued by DEQ 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, DEQ may accept other documentation that indicates no release has occurred.

(a) If DEQ approves the request for extension, the expiration date will be extended to a date determined by DEQ and a revised temporary closure certificate will be issued to the permittee. DEQ will not issue a temporary closure certificate lasting longer than 10 years.

(b) If DEQ denies the request for extension, the permittee must decommission the UST system by the date established by DEQ. DEQ will notify the permittee of the denial in writing and include the reasons the request was denied.

(4) If the permittee has changed since DEQ received the application for a temporary closure certificate under OAR 340-150-0167(1), the new permittee must submit an application to modify the general permit registration certificate as required by OAR 340-150-0052 and an application for a temporary closure general permit within 30 days of a change in ownership.

(5) To maintain compliance with the general permit temporary closure certificate, the permittee must 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.

(6) Except as provided by OAR 340-150-0156, all UST 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 under OAR chapter 340, division 160.

(7) If the UST is empty of all regulated substances, the permittee must comply with the requirements of section (5) of this rule. Documentation showing 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 must be submitted to DEQ with the notice provided under OAR 340-150-0167(1) or (2), or within 30 days after the tank has been emptied.

(8) If the UST is not empty, the permittee must comply with the requirements of section (5) of this rule and perform release detection for USTs and underground piping, including monitoring, testing and record keeping as required by OAR 340-150-0137 and 340-150-0400 through 340-150-0470.

(9) If the UST or 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.

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

(11) As long as the UST remains in temporary closure, the permittee must pay all annual compliance fees when due and any applicable late fees.

Stat. Auth.: ORS 465.200-455 & 466.706-835, 466.994 & 466.995
Stats. Implemented: ORS 465.205, 465.400, 466.706, 466.740, 466.746, 466.750, 466.760, 466.765, 466.770, 466.775, 466.783, 466.785, 466.805, 466.810 & 466.815
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0168**

**General Permit Requirements for Decommissioning an UST System by Permanent Closure or Change-in-Service**

**RULE SUMMARY: Update and clarify rule language.**

(1) At least 30 days before beginning decommissioning by permanent closure or change-in-service, the owner and permittee, or the licensed service provider on behalf of the owner and permittee, must submit to DEQ a general permit registration form and notice of intent to

decommission the UST or to complete a change-in-service. DEQ may allow a shorter notice period on a case-by-case basis.

(2) DEQ will not issue a general permit registration certificate to the permittee.

(3) The owner and permittee, or the licensed service provider on behalf of the owner, must submit to DEQ for approval a written site assessment plan that meets the requirements of OAR 340-150-0180(4) if the owner or permittee is proposing to:

(a) Permanently close the UST in-place and fill it with an inert material;

(b) Use the UST to store an unregulated substance (i.e. change-in-service);

(c) Permanently close an UST that contains a hazardous substance other than petroleum.

(4) If the UST system will be used to store an unregulated substance without removing the tank, the owner and permittee must provide information to DEQ on the proposed use of the UST system with the notice required under section (1) of this rule. Under no circumstance may an UST or any underground piping that has held a regulated substance be used to store water for consumption by humans or livestock or for the watering of feed crops.

(5) At least three working days before beginning the decommissioning, the owner and permittee, or the licensed service provider on behalf of the owner and permittee, must notify DEQ of the confirmed date and time decommissioning will begin to allow observation by DEQ.

(6) The permittee must empty the UST system and clean it by removing all liquids and accumulated sludge. The permittee must recycle or dispose of the USTs and removed materials in accordance with all federal, state and local requirements. 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 DEQ.

One or more of the following cleaning and closure procedures may be used:

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

(b) American Petroleum Institute Publication 2015, "Safe Entry and Cleaning of Petroleum Storage Tanks, Planning and Managing Tank Entry From Decommissioning Through Recommissioning";

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

(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).

(7) 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 approval of a site assessment plan was required under section (3) of this rule, the site assessment must be conducted in accordance with DEQ's approval. (8) Within 30 days after completing the field work or other period approved by DEQ, the permittee must complete and submit to DEQ an underground storage tank decommissioning checklist and site assessment report (OAR 340-150-0180) signed by the owner, permittee and service provider.

(9) Except as provided by OAR 340-150-0156, all UST 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.

(10) The UST system decommissioning will be considered complete when DEQ approves the completed decommissioning checklist and site assessment report. DEQ will provide a letter to the permittee indicating that the decommissioning is complete.

(11) Until DEQ approves the reports under section (10), the permittee must pay all annual compliance fees when due and any applicable late fees.

(12) The permittee must maintain records of permanent closure, including the site assessment report and associated documents, for three years after the decommissioning 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).

[Note: Publications referenced are available from DEQ or from the publisher.]

Stat. Auth.: ORS 465.200-455 & 466.706-835, 466.994 & 466.995
Stats. Implemented: ORS 465.205, 465.400, 466.706, 466.740, 466.746, 466.750, 466.760, 466.765, 466.770, 466.775, 466.783, 466.785, 466.805, 466.810 & 466.815
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0180**

**Site Assessment Requirements**

**RULE SUMMARY: Update and clarify rule language.**

(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 must submit results of the assessment to DEQ when any of the following events occur:

(a) Decommissioning (OAR 340-150-0168); or

(b) Request for Extension of Temporary Closure Certificate (OAR 340-150-0167); or

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

(d) Dispensers are moved, modified, decommissioned or abandoned unless the dispenser has under dispenser containment (UDC).

(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.

(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 DEQ and receive DEQ approval before beginning permanent closure or change-in-service. The plan must include the following information:

(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 (5) of this rule; and

(e) Any other information as DEQ specifies.

(5) Unless DEQ directs or approves otherwise, an owner and permittee must meet the following requirements for sampling and analysis:

(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:

(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 DEQ; and

(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, DEQ 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.

(7) An owner and permittee must report a confirmed release to DEQ within 24 hours of confirmation 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 DEQ 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 DEQ within 30 days after completing the field work or other period DEQ approves.

[Note: View a PDF of referenced publications by clicking on “Tables” link below.]

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0210**

**Training Requirements for UST Operators**

**RULE SUMMARY: Update and clarify rule language.**

(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 DEQ 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 alarms caused by spills or releases from the UST system. The three classes of operators are generally identified in the following table: [Note: View a PDF of the referenced tables by clicking on the link at the end of this rule.](3) An individual designated as a Class A or Class B operator must complete one of the training options in section (8) of this rule within 30 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 340-150-0200(6)(a).

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

(5) 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.

(6) 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 (8) of this rule within 30 days of the UST facility failing the compliance inspection unless DEQ waives this

requirement. At a minimum, the training must cover the area(s) determined to be out of compliance.

(7) All training options for Class A and Class B operators must include the essential training elements listed in Appendix L of this division, which at a minimum must: [Note: View a PDF of appendix L by clicking on the "Tables" link at the end of this rule.]

(a) Evaluate Class A operators to determine whether the individual has the knowledge and skills to make informed decisions regarding compliance and to determine whether the operation, maintenance, and recordkeeping requirements for UST systems are being met;

(b) Evaluate Class B operators to determine whether the individual has the knowledge and skills to implement the applicable UST regulatory requirements on the components of typical UST systems or the equipment used at a specific UST facility. [Note: View a PDF of appendix L by clicking on the "Tables" link at the end of this rule.]

(8) Training program. Class A and Class B operators must either:

(a) Attend a training session sponsored by a training vendor approved by DEQ. A training vendor is a person, company or organization DEQ approved 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, whichever applicable, offered by a national service and approved by DEQ;

(c) Complete an internet or computer software training or examination program designed for Class A or Class B operators, whichever is applicable, and approved by DEQ; or

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

(9) Emergency response information (Class C operator training). Each designated Class C operator must be trained by a Class A or Class B operator, complete a training program, or pass an examination on emergency response procedures. The training must include, at a minimum:

(a) Procedures for overfill protection during delivery of regulated substances, operation of emergency shut off systems, alarm identification and response, release reporting and any site specific emergency procedures;

(b) 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; and

(c) Evaluating Class C operators to determine these individuals have the knowledge and skills to take appropriate action, including notifying appropriate authorities, in response to emergencies or alarms caused by spills or releases from an underground storage tank system.

(10) 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, the site name and address, DEQ's UST facility identification number for the UST facility that the UST operator serves, the operator training class completed, the name of the trainer or examiner, and the training company name, address, and telephone number.

(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 DEQ upon request.

(11) The following requirements also apply to the following types of training:

(a) Records from classroom or field training programs, including Class C operator training provided by the Class A or Class B operator, or a comparable examination must, at a minimum, be signed by the trainer or examiner;

(b) Records from computer-based training must, at a minimum, indicate the name of the training program and web address, if Internet-based; and

(c) Records of any retraining required under section (6) of this rule must include those areas on which the Class A or Class B operator has been retrained.

State of Oregon Department of Environmental Quality

# OAR 340-150-0210
# Classes of Operators

| Classes of Operators | | | |
|---|---|---|---|
| | **Class A Operator** | **Class B Operator** | **Class C Operator** |
| **Who fits this class of operator?** | The individual who generally focuses on the statutory and regulatory requirements related to operating and maintaining the underground storage tank system | 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 | Those who are generally the first line of response to events indicating emergency conditions or responding to alarms |
| **What are the training requirements?** | Broad overview of regulatory requirements | In-depth training on implementing regulatory requirements | Actions to take in the event of a leak or other emergency |

Stat. Auth.: ORS 466.706 - 466.835, 466.994, 466.995
Stats. Implemented: ORS 466.743, 466.746
Hist.: DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0250**

**Expedited Enforcement Process**

**RULE SUMMARY: Update and clarify rule language.**

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

(2) An owner and permittee may not participate 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;

(b) DEQ 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, DEQ 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) Where DEQ has found an owner and permittee is not eligible to participate in the expedited enforcement process as provided in section (2) of this rule, DEQ will take appropriate enforcement action under OAR chapter 340, division 12.

(4) The following field penalties will be assessed for violations cited on a field citation issued under this rule:

(a) A class I UST violation listed in OAR 340-12-0067(1) or 340-12-0053(1): $150 - $500;

(b) A class II UST violation listed in OAR 340-012-0067(2) or 340-12-0053(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 DEQ. 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 EQC 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; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**RULE SUMMARY: Deleted outdated rule section (340-150-0300).**

**340-150-0310**

**Spill and Overfill Prevention Equipment and Testing Requirements**

**RULE SUMMARY: Update and clarify current rule language and add new rule language to comply with revised federal rules effective October 13, 2015.**

(1) An owner and permittee must install, operate and maintain, spill prevention equipment, such as a spill catchment basin or a 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 section (2) of this rule requires. For overfill equipment installed before March 1, 2003, an owner and permittee must be able to demonstrate to DEQ that the equipment functions properly by any method DEQ deems acceptable.

(4) An owner or permittee cannot install flow restrictors in vent lines as an overfill prevention method. Additionally, if a flow restrictor fails to function properly, it cannot be repaired.

(5) 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.

(6) 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. [View a PDF of Appendix C by clicking on the "Tables" link at the end of this rule.]

(7) 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).

(8) Spill prevention equipment, such as a catchment basin, spill bucket, or other spill containment device, and containment sumps used for interstitial monitoring of piping, must prevent releases to the environment by meeting one of the following:

(a) If the equipment is double walled, owners and permittees must ensure that it is operating properly and will prevent releases to the environment, by monitoring the integrity of both walls every 30 days. If the owner and permittee discontinues monitoring under this section, the owner and permittee must conduct a test under paragraph (A), or (B) or (C) below, within 30 days of discontinuing periodic monitoring and every three years thereafter; or

(b) The spill prevention equipment and containment sumps used for interstitial monitoring of piping are tested at least once every three years to ensure the equipment is liquid tight by using vacuum, pressure, or liquid testing. This testing must comply with one of the following criteria:

(A) Requirements the manufacturer developed. However, owners and operators may use this option only if the manufacturer has developed requirements;

(B) Code of practice developed by a nationally recognized association or independent testing laboratory; or

(C) Requirements DEQ determined are no less protective of human health and the environment than the requirements listed in paragraphs (8)(b)(A) and (8)(b)(B) of this section.

(9) Overfill prevention equipment must be inspected at least once every three years. At a minimum, the inspection must ensure that overfill prevention equipment is set to activate at the correct level specified in OAR 340-150-0310 and will activate when a regulated substance reaches that level. Inspections must be conducted as set forth in paragraph (8)(a) through (c) of this rule.

(10) Owners and permittees must begin meeting the requirements of sections (8) and (9) by conducting the initial spill prevention equipment test and overfill prevention equipment inspection not later than October 1, 2020.

(11) Owners and permittees must maintain the following records for spill and overfill prevention equipment:

(a) All records of testing or inspection for three years; and

(b) For spill prevention equipment not tested every three years, documentation showing that the prevention equipment is double walled and the integrity of both walls is periodically monitored must be maintained for as long as the equipment is periodically monitored.

(c) An owner and permittee must have the records available for review by DEQ upon request.

(12) 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. [Note: View a PDF of Appendix C by clicking on the "Tables" link below.]

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0315**

**Periodic operation and maintenance walkthrough inspections**

**RULE SUMMARY: New rule section created to comply with revised federal rules effective October 13, 2015.**

(1) No later than October 1, 2020, owners and permittees must meet one of the following:

(a) Conduct walkthrough inspections:

(A) Every 30 days, at a minimum, check the following equipment:

(i) Spill prevention equipment: Visually check for damage, remove liquid or debris, check for and remove obstructions in the fill pipe, check the fill cap to make sure it is securely on the fill pipe, and, for double walled spill prevention equipment with interstitial monitoring, check for a leak in the interstitial area. (If the UST system is receiving deliveries at intervals greater than every 30 days, the permittee must conduct an inspection prior to each delivery; and

(ii) Release detection equipment: Check to make sure the release detection equipment is operating with no alarms or other unusual operating conditions present; and ensure records of release detection testing are reviewed and current; and

(B) Annually:

(i) Sumps: Visually check for damage, leaks to the containment area, or releases to the environment; remove liquid (in contained sumps) or debris, and, for double walled sumps with interstitial monitoring, check for a leak in the interstitial area; and

(ii) Hand held release detection equipment: Check devices such as tank gauge sticks or groundwater bailers for operability and serviceability;

(b) Conduct operation and maintenance walkthrough inspections according to a standard code of practice developed by a nationally recognized association or independent testing laboratory that checks equipment comparable to section (1) of this rule; or

(c) Conduct operation and maintenance walkthrough inspections developed by DEQ that checks equipment comparable to section (1) of this rule; or

(d) An owner and permittee may use the practices described in the Petroleum Equipment Institute Recommended Practice RP 900, "Recommended Practices for the Inspection and Maintenance of UST Systems."

(2) Owners and permittees must maintain records of operation and maintenance inspections for one year. Records must include a list of each area checked, whether each area checked was acceptable or needed action taken, a description of actions taken to correct an issue, and delivery records for spill prevention equipment checked less frequently than every 30 days.

(3) Records must be available for review by DEQ upon request.

[Publications: Publications referenced are available from DEQ or from the publisher]

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765

**340-150-0320**

**Corrosion Protection Performance Standards for USTs and Piping**

**RULE SUMMARY: Update and clarify rule language.**

(1) An owner and permittee must protect all USTs, whether of single wall or multiwall construction, and underground piping that routinely contains a regulated substance from corrosion by one of the methods listed in sections (2) through (4) of this rule.

(2) For USTs and underground piping clad or jacketed with a non-corrodible material or other nonmetallic materials, an owner and permittee must use one of the codes and standards listed in Appendices D1-USTs and D2-Piping of this division to comply with this section of the rule. [Note: View a PDF of the appendices by clicking on the "Tables" link at the end of this rule.]

(3) An owner and permittee must provide cathodic protection for USTs and underground piping constructed of steel or other metal to prevent corrosion by using the codes and standards listed in Appendices E1-USTs and E2-Piping of this division to comply with this section of the rule. [Note: View a PDF of the appendices by clicking on the "Tables" link at the end of this rule.]

(4) In addition, an owner and permittee must comply with subsections (a) through (c) and either (d) or (e) of this section:

(a) The UST and underground piping must be coated with a suitable dielectric material;

(b) Field-installed cathodic protection systems must be designed by a corrosion expert;

(c) Impressed current systems must be designed to allow the testing of current operating status as required by OAR 340-150-0325(3); and

(d) A permanent cathodic protection test station must be installed. The test station:

(A) Can be separate or combined with an existing box and must be located near the protected structure (e.g., UST, piping, etc.) and away from an anode;

(B) Must provide, at a minimum, an electrical connection to the structure and access for placing a reference cell in contact with the soil or backfill; and

(C) When located below the surface of the ground, the test station design must prevent run off of surface water into the soil; or

(e) If a permanent cathodic protection test station is not installed, an owner and permittee must have a written cathodic protection test procedure that has been developed in accordance with a nationally accepted code of practice. The written test procedure must:

(A) Meet each of the minimum requirements established by subsection (d) of this section;

(B) Contain sufficient detail to ensure that initial test conditions can be replicated during each test (i.e., electrical connections are made at the same points and the reference electrode contacts the soil at the same location);

(C) Be followed for all cathodic protection tests at the UST facility; and

(D) Be provided to DEQ upon request.

(5) For USTs constructed of steel-and clad or jacketed with a non-corrodible material, an owner and permittee may use one of the codes and standards listed in Appendix F of this division to comply with this section of the rule.

[Note: View a PDF of Appendices by clicking on the "Tables" link below.]

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

**340-150-0325**

**Operation and Maintenance of Corrosion Protection**

**RULE SUMMARY: Update and clarify rule language.**

(1) An owner and permittee of an UST system described in OAR 340-150-0320 must operate and maintain the corrosion protection system to provide continuous protection to the metal components of any portion of the UST and underground piping that routinely contains a regulated substance.

(2) Except as provided by 340-150-0156, an owner and permittee must have the corrosion protection system inspected and tested for proper operation by a cathodic protection supervisor licensed by DEQ (OAR chapter 340, division 160):

(a) Within six months of installation; and

(b) At least once every three years thereafter.

(3) An owner and permittee of an UST system with impressed current cathodic protection systems must have the system inspected every 60 days to ensure the equipment is running properly.

(4) An owner and permittee must report all corrosion protection test failures to DEQ within 24 hours, unless the impressed current system is brought back to operational levels by adjusting the rectifier outputs.

(5) An owner and permittee must conduct any repair or modification of a corrosion protection system or equipment in accordance with OAR 340-150-0350 and 340-150-0352.

(6) An owner and permittee must maintain records of the operation of the cathodic protection system to demonstrate compliance with this rule, including:

(a) The results of the last three impressed current cathodic protection tests required in section (3) of this rule; and

(b) The results of the last two cathodic protection inspections required in section (2) of this rule.

(7) The testing criteria used to determine that corrosion protection is effective must be performed in accordance with a code of practice developed by a nationally recognized

association. An owner and permittee may use the codes listed in Appendix G of this division to comply with the requirements of this rule.

[Note: View a PDF of the referenced Appendices by clicking on the “Tables” link below.]

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**

**RULE SUMMARY: Update and clarify rule language.**

(1) 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. [Note: View a PDF of the appendix by clicking on the “Tables” link below.] A manufacturer's authorized representative may make repairs to fiberglass or other nonmetallic USTs.

(2) Lined tanks. An owner and permittee of a tank that has been previously repaired or upgraded using the interior lining method may repair the tank by restoring or adding additional lining to the tank if the metal portion of the tank has been determined to be structurally sound by use of the integrity assessment (inspection) method specified by American Petroleum Institute RP 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks." An owner and permittee must permanently decommission a tank if the integrity assessment determines that the tank is no longer structurally sound.

(3) Tanks. Before operating a repaired tank, an owner and permittee must:

(a) Have the tank tightness tested after the repair is complete and report to DEQ 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. 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 tank meets the current UST performance requirements.

(4) Piping. Before operating repaired underground piping, an owner and permittee must have the underground piping tightness tested after the repair is complete and report to DEQ any test failure (OAR 340-150-0410).

(5) 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 DEQ any test failure (OAR 340-150-0325).

(6) 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 the records available for review by DEQ upon request.

[Note: Publications referenced are available from DEQ or from the publisher.]

[Note: View a PDF of appendices by clicking on the "Tables" link below.]

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0352**

**UST System Modifications and Additions**

**RULE SUMMARY: Update and clarify rule language.**

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

(a) Notify DEQ 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 DEQ.

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

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

(3) An owner and permittee of a metal UST previously protected with cathodic protection may modify the UST by the addition of internal lining if:

(a) The lining is installed as specified by a code of practice developed by a nationally recognized association or an independent testing laboratory;

(b) The modifications comply with all requirements of OAR 340-150-0360(2) for internally lined tanks; and

(c) A pressure-decay test, or other test, of the portion of the tank where the access way into the tank was installed, is performed before operating the tank after internal lining installation is complete.

(4) An owner and permittee of a tank that has been internally lined may modify the tank by the addition of corrosion protection if the integrity of the tank is assessed using the method specified by American Petroleum Institute Publication 1631, "Interior Lining and Periodic Inspection of 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. [Note: Publication is available from DEQ and the publisher.]

(5) For modification of an UST system by the addition of new piping, an owner and permittee must comply with OAR 340-150-0160(4), (5), (7), and (12).

(6) Metal piping and fittings that have released a regulated substance as a result of corrosion or other damage may not be repaired. They must be modified under OAR 340-150-0352.

(7) An owner and permittee may use the codes and standards listed in Appendix H of this division to comply with this rule. [View a PDF of Appendix H by clicking on the “Tables” link at the end of this rule.]

(8) An owner and permittee must maintain records that demonstrate compliance with 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 DEQ upon request.

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

[Note: View a PDF of Appendix H by clicking on the “Tables” link below.]

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0354**

**UST System Replacements**

**RULE SUMMARY: Update and clarify rule language.**

(1) When an owner and permittee replaces a tank, the decommissioning must meet the requirements of OAR 340-150-0168 and the installation must meet the requirements of OAR 340-150-0160, including notification requirements.

(2) An owner and permittee must maintain records that demonstrate compliance with 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 records for UST system replacements available for review by DEQ upon request.

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0400**

**General Release Detection Requirements for Petroleum UST Systems**

**RULE SUMMARY: Update and clarify rule language.**

(1) An owner and permittee of petroleum UST systems must provide a method of release detection that:

(a) Can detect a release from any portion of the UST and the underground piping that routinely contains a regulated substance;

(b) Is an approved leak detection method or equipment as listed by a national organization (e.g., the National Work Group on Leak Detection);

(c) Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions and third party evaluation for the leak detection method, including routine maintenance and service checks for operability or running condition;

(d) Is capable of detecting the leak rate or quantity specified for that method in OAR 340-150-0450 through 340-150-0470 or 340-150-0410 for piping, with a probability of detection of at least 95 percent and a probability of false alarm of no more than 5 percent.

(2) Beginning on October 1, 2020, an owner and permittee must test the electronic and mechanical components of the release detection system on an annual basis in accordance with either the manufacturer’s instructions; a code of practice developed by a nationally recognized association or independent testing laboratory; or requirements determined by DEQ to be no less protective of human health and the environment than the two options listed above. The annual test must, at a minimum (as applicable to the UST facility):

(a) Automatic tank gauge and other controllers: test alarm; verify system configuration; test battery backup; and

(b) Probes and sensors: inspect for residual buildup; ensure floats move freely; ensure shaft is not damaged; ensure cables are free of kinks and breaks; test alarm operability and communication with controller.

(3) An owner and permittee must select an appropriate primary release detection method for the UST system (OAR 340-150-0420 through 340-150-0470). More than one method may be in use at an UST facility, but only one can be the primary method. The primary method must be reported to DEQ when an UST is installed or during an inspection by DEQ. The primary release detection method may not be switched from month to month depending on which method passes daily or monthly monitoring requirements. The primary method of release detection may be changed to another method as necessary as part of a repair or modification.

(4) When a release detection method indicates a release may have occurred, an owner and permittee must notify DEQ of a suspected release in accordance with OAR 340-150-0500.

(5) An owner and permittee must maintain records demonstrating compliance with this rule and retain the following records for as long as the release detection equipment is in use:

(a) All written performance claims pertaining to any release detection system used and the third party evaluation and approval;

(b) The results of any sampling, equipment testing or monitoring; and

(c) Written documentation of all calibration, maintenance and repair of release detection equipment permanently located on site, including any schedules of required calibration and maintenance provided by the release detection equipment manufacturer.

(6) An owner and permittee must keep release detection records either:

(a) At the UST facility and immediately available for inspection by DEQ; or

(b) At a readily available alternative site and provide the records for inspection by DEQ upon request.

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

[Note: View a PDF of Appendix I by clicking on the “Tables” link below.]

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**

**RULE SUMMARY: Update and clarify rule language.**

(1) An owner and permittee using inventory control as a release detection method must meet this rule's requirements. Inventory control may not 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

(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 measuring 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. 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. If this occurs, an owner and permittee must:

(a) Report to DEQ 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 as 340-150-0510 specifies; and

(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 DEQ as a suspected release if the variation cannot be accounted for, without waiting to obtain a second month of data.

(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 RP 1621, "Bulk Liquid Stock Control at Retail Outlets" to comply with the requirements of this rule.

[Note: Publications referenced are available from DEQ or from the publisher.]

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0440**

**Manual Tank Gauging Release Detection Method**

**RULE SUMMARY: Update and clarify rule language.**

(1) An owner and permittee may use manual tank gauging as a release detection method for USTs that are less than 2,001 gallons in size.

(a) For USTs of 550 gallons or less nominal capacity and USTs with a nominal capacity of 551 to 1,000 gallons that meet the tank diameter criteria in the table may use this as the sole method of release detection.

(b) For USTs of 551 to 2,000 gallons in size, this method may be used instead of manual inventory control (OAR 340-150-0430). This 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

(C) In no case may manual tank gauging be used as a primary release detection method after December 22, 2008.

(c) After the period of use has expired as listed in paragraph (1)(b)(C) of this section, an owner and permittee of an UST between 551 and 2,000 gallons in size must use one of the release detection methods in OAR 340-150-0435 through 340-150-0470.

(2) An owner and permittee must use the following procedures for the manual tank gauging release detection method:

(a) Tank liquid level measurements must be taken at the beginning and ending of a minimum 36-hour test period, during which time no liquid (i.e., regulated substance) may be added to or removed from the UST;

(b) Level measurements must be based on an average of two consecutive measuring stick or automatic tank gauge readings at both the beginning and ending of the period in which the UST is tested; and

(c) 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 UST's height to the nearest one-eighth of an inch.

(3) An owner and permittee must monitor the UST system for releases at least weekly and record and reconcile the results of each week's readings for each month.

(4) In addition to any other requirements of this rule, an owner and permittee must conduct tightness testing (OAR 340-150-0445) of USTs of 1,001 to 2,000 gallons in size at least once every five years.

(5) An owner and permittee must report to DEQ any variation between beginning and ending measurements that exceeds either the weekly or monthly standards in the table in 340-150-0440(1)(a) within 24 hours as a suspected release (OAR 340-150-0500) and immediately begin investigation as 340-150-0510 specifies.

(6) An owner and permittee must immediately investigate all larger-than-normal or reoccurring variations in results and report such variations to DEQ as a suspected release if the variation cannot be accounted for, without waiting to obtain a second week of data.

(7) 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.

State of Oregon Department of Environmental Quality

# OAR 340-150-0440 Manual Tank Gauging Standards

## Manual Tank Gauging Standards

| Nominal Tank Capacity | Minimum duration of test | Weekly standard (one test) | Monthly standard (four test average) |
|---|---|---|---|
| 550 gallons or less | 36 hours | 10 gallons | 5 gallons |
| 551-1,000 gallons (when tank diameter is 64 inches) | 44 hours | 9 gallons | 4 gallons |
| 551-1,000 gallons (when tank diameter is 48 inches) | 58 hours | 12 gallons | 6 gallons |
| 551-1,000 gallons (also requires periodic tank tightness testing) | 36 hours | 13 gallons | 7 gallons |
| 1,001-2,000 gallons (also requires periodic tank tightness testing) | 36 hours | 26 gallons | 13 gallons |

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

**340-150-0445**

**Tightness Testing**

**RULE SUMMARY: Update and clarify rule language.**

(1) An owner and permittee using tightness testing in combination with a primary release detection method or as a method for investigating a suspected release must use a test method or procedure that:

(a) Is able to detect a 0.1 gallon per hour leak rate from any portion of the UST system that routinely contains a regulated substance, while accounting for the effects of thermal expansion or contraction of the regulated substance, vapor pockets, tank deformation, evaporation or condensation and the location of the water table;

(b) Meets a probability of detection of at least 95 percent and a probability of false results (or false alarm, depending on method used) of no more than 5 percent; and

(c) Is an approved leak detection method or equipment as listed by a national organization (e.g., the National Work Group on Leak Detection).

(2) All tightness testing must be performed by a service provider or supervisor licensed by DEQ, except as provided by OAR 340-150-0156.

(3) Some automatic tank gauge equipment may meet the leak rate and probability requirements and may be used in place of a separate tightness test. To qualify as a tightness test, the automatic tank gauge must meet the requirements of section (1) of this rule.

(4) If an UST system fails a tightness test (after the tank tester has ensured that all test protocols were properly performed), an owner and permittee must report the failure to DEQ within 24 hours of receipt of the results as a suspected release (OAR 340-150-0500) and immediately begin an investigation under OAR 340-150-0510.

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**

**RULE SUMMARY: Update and clarify rule language.**

(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 rule. The ATG system must:

(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

(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).

(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 DEQ 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 under 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) The ATG equipment must meet the inventory control (or other test of equivalent performance) requirements of 340-150-0430 and the test must be performed with the system operating in one of the following modes:

(A) In-tank static testing conducted at least once every 30 days; or

(B) Continuous in-tank leak detection operating on an uninterrupted basis or operating within a process that allows the system to gather incremental measurements to determine the leak status of the tank at least once every 30 days.

(c) An owner and permittee may 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 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**(Repealed)RULE SUMMARY: Delete vapor monitoring as an approved release detection method. (340-150-0455)**

**(Repealed)RULE SUMMARY: Delete groundwater monitoring as an approved release detection method. (340-150-0460)**

**340-150-0465**

**Interstitial Monitoring Release Detection Method**

**RULE SUMMARY: Update and clarify rule language.**

(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.

(b) UST systems with a secondary barrier within the excavation zone. The sampling or testing method used must be able to detect a liquid 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 10-6 cm/sec for the regulated substance stored) to direct a liquid to the monitoring point to allow its detection;

(B) The secondary barrier must be compatible with the regulated substance stored so that a liquid 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 devices must be installed in any sump unless the piping is continuously double-walled through the sump.

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

(4) An owner and permittee must monitor pressurized underground piping for a leak at least every 30 days and record the results for each month.

(5) Beginning October 1, 2020, owners and permittees must follow OAR 340-150-0310(8) to ensure that containment sumps used for interstitial monitoring of piping are operating properly and will prevent releases to the environment.

(6) 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).

(7) An owner and permittee must report to DEQ 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.

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0500**

**Reporting Suspected Releases**

**RULE SUMMARY: Update and clarify rule language.**

(1) An owner and permittee of an UST system must notify DEQ within 24 hours, or another reasonable period allowed by DEQ, and follow the procedures in OAR 340-150-0510 for any of the following conditions:

(a) The discovery by any means of a regulated substance at the UST facility or in the surrounding off-site area such as, but not limited to, the presence of free product or vapors in soils, basements, sewer or utility lines or nearby surface water or release into a secondary containment area. Additionally, an owner and permittee must identify and mitigate any fire, explosion or vapor hazards at the UST facility in accordance with OAR 340-122-0220(3); or

(b) Unusual operating conditions (such as, but not limited to, the erratic behavior of product dispensing equipment, the sudden loss of product from the UST system, differences or widely fluctuating water levels or an unexplained presence of water in the tank, or liquid in the interstitial space of secondarily contained systems, unless the system equipment or component is immediately tested and found to be defective, but not leaking, and is immediately repaired; or

(c) For secondarily contained systems, except as provided for in OAR 340-150-0465(2)(b)(D), any liquid in an interstitial space not used as part of the interstitial monitoring method (for example, brine filled) unless the liquid is immediately removed; or

(d) Monitoring results or alarms from any release detection method that indicates a release may have occurred as set forth in OAR 340-150-430 through OAR 340-150-0470, unless

(A) The monitoring device is found to be defective and is immediately repaired or recalibrated and subsequent monitoring events as required by the specific release detection method do not confirm the initial result; or

(B) The leak is contained in the secondary containment and, except as provided for in OAR 340-150-0465(2)(b)(D), any liquid in an interstitial space not used as part of the interstitial

monitoring method (for example, brine filled) is immediately removed, or any defective system equipment or component is immediately repaired; or

(C) The alarm was determined to be a non-release event (for example, from a power surge or caused by filling the tank or dispensing during release detection testing).

(2) Upon receipt of a notice of a suspected release, DEQ will provide a confirmation number to the owner. An owner and permittee should reference this confirmation number when reporting the results of a suspected release investigation and confirmation under OAR 340-150-0510.

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**

**RULE SUMMARY: Update and clarify rule language.**

(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 this rule requires. This investigation must be completed within seven days or as DEQ otherwise approves or directs.

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

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

(b) A written plan of action to complete the suspected release investigation system test or site assessment. Any plan of action must include a 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 or the underground piping that routinely contains a regulated substance.

(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 DEQ directs. All regulated substances (product) or product and water mixture must be

removed from the containment system and properly disposed of in accordance with all state, federal and local requirements.

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

(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 occurred, an owner and permittee must repair or modify the UST system and begin corrective action under sections (4) and (5) of this rule.

(4) Site assessment.

(a) An owner and permittee must conduct a site assessment per OAR 340-150-0180. 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 OAR 340-122-0360 must be used. DEQ 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 results of the site assessment conducted under subsection (4)(a) of this rule does not indicate that a release has occurred, further investigation is not required unless specifically directed by DEQ.

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

(5) If the suspected release investigation confirms that a release has occurred, an owner and permittee must report the confirmed release to DEQ 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 as OAR chapter 340, division 142 requires.

(6) DEQ 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 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

**340-150-0550**

**Definitions for OAR 340-150-0555 and 340-150-0560**

**RULE SUMMARY: Update and clarify rule language.**

As used in OAR 340-150-0555 and 340-150-0560, the following terms are defined as follows:

(1) "Existing tank system" means a tank system used to contain an accumulation of regulated substances or a tank system, the installation of which began on or before December 22, 1988. Installation is considered to have begun if:

(a) The owner or permittee has obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system; and if,

(b) Either a continuous on-site physical construction or installation program has begun; or,

(c) The owner or permittee has entered into contractual obligations for physical construction at the site or installation of the tank system to be completed within a reasonable time and those contractual obligations cannot be cancelled or modified without substantial loss.

(2) "New UST system" means an UST system used to contain a regulated substance and the installation of which commenced after December 22, 1988.

(3) "Upgrade" means the addition to or retrofit of an UST system to meet technical requirements for cathodic protection, lining, release detection or spill and overfill protection before December 22, 1998.

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**

**RULE SUMMARY: Update and clarify rule language.**

This rule describes the technical requirements for UST systems that an owner and permittee was required to meet by December 22, 1998, under OAR 340-150-0555(3).

(1) Tank upgrading requirements. An owner and permittee of an existing steel UST must upgrade the UST system to meet one of the requirements set forth in 40 C.F.R. § 280.21(b) (October 13, 2015), and OAR 340-150-0320.

(2) Piping upgrading requirements. An owner and permittee of an existing UST system must cathodically protect metal underground piping that routinely contains a regulated substance in accordance with 40 C.F.R. § 280.21(c) (October 13, 2015), and OAR 340-150-0320.

(3) Spill and overfill prevention equipment. An owner and permittee of an existing UST system must comply with new UST system spill and overfill prevention equipment requirements specified in 40 C.F.R. § 280.20(c) (October 13, 2015), and OAR 340-150-0310.

(4) Owners and permittees must permanently close, in accordance with subpart G of 40 C.F.R. § 280 (October 13, 2015), any UST system that does not meet the new UST system performance standards in 40 C.F.R. § 280.20 (October 13, 2015), OAR 340-150-0160, or has not been upgraded as specified in sections (1) through (3) of this section. This does not apply to previously deferred UST systems described in OAR 340-150-0137 and where an upgrade is determined to be appropriate by DEQ.

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

Stat. Auth.: ORS 466.706 - 466.835, 466.994 & 466.995
Stats. Implemented: ORS 466.746 & 466.765
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03; DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

## DIVISION 151

## FINANCIAL RESPONSIBILITY FOR USTS

### 340-151-0015

### Adoption and Applicability of United States Environmental Protection Agency Regulations

**RULE SUMMARY: Update and clarify rule language.**

Except as otherwise modified or specified in this division, the EQC adopts Title 40 C.F.R., Part 280, Subpart H (October 13, 2015), and incorporates those provisions by reference into this division, and makes them applicable to all persons subject to this division. In addition to the Oregon-specific requirements in this division (OAR 340-151-0025), persons subject to this division must consult 40 C.F.R. §§ 280.90 through 280.115 (October 13, 2015) to determine applicable financial responsibility requirements.

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

Stat. Auth.: ORS 466.746 & ORS 466.815
Stats. Implemented: ORS 466.815
Hist.: DEQ 6-2003, f. & cert. ef. 2-14-03

**340-151-0025**

**Oregon-Specific Financial Responsibility Requirements**

**RULE SUMMARY: Update and clarify rule language.**

[NOTE: The following rules incorporate and modify 40 C.F.R. §§ 280.90 through 280.115 (Oct. 15, 2015.) When reading this rule, note that different text styles are used to distinguish the different types of changes made. Where federal rule language is adopted and quoted, it is double indented. New language that has been added to existing federal requirements is in bold font. Existing federal language that is deleted is noted by [bracketed] formatting.]

(1) The term "owner and permittee" is substituted in lieu of the term "owner or operator" as that term is used throughout 40 C.F.R. Part 280, Subpart H (Oct. 13, 2015).

(2) The following terms are in addition to the definitions in 40 CFR § 280.92:

**(a) "Owner" means a person who currently owns an UST or owned an UST during the tank's operational life, including:**

**(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.**

**(b) "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.**

(3) The following requirement is in addition to 40 CFR § 280.97(a)–(c) (Oct. 13, 2015): **Each insurance policy or cover page must include the UST facility identification number issued by the department for each UST facility at which petroleum USTs are located.**

(4) 40 CFR. § 280.108(b)(Oct. 13, 2015) is modified as follows:

> (b) [After obtaining alternate financial assurance as specified in this subpart, an owner or operator may cancel a financial

assurance mechanism by providing notice to the provider of financial assurance.] **Within 30 days after a substitution is made, the owner and permittee must:**

**(1) Provide notice of cancellation of the previous financial assurance mechanism to DEQ and the former provider of financial assurance; and**

**(2) Provide a copy of the new financial responsibility mechanism to DEQ that demonstrates full compliance with the requirements of this division.**

(5) The first sentence of 40 C.F.R. § 280.109(a)(Oct. 13, 2015) is modified as follows:

(a) Except as otherwise provided, a provider of financial assurance may cancel or fail to renew an assurance mechanism by sending a notice of termination by certified mail to the owner or operator, **with a copy provided to the DEQ by first class mail delivery.**

(6) 40 C.F.R. § 280.110(a)(1)(Oct. 13, 2015) is modified as follows:

(1) Within 30 days after the owner or operator identifies a release from an underground storage tank required to be reported under [§280.53 or §280.61] **OAR 340-122-0205 through 340-122-0360.**

(7) The following requirements are in addition to 40 CFR § 280.110(a)(1)–(a)(3)(Oct. 13, 2015):

**(a) (4) With an application to modify an UST general permit registration certificate as required by OAR 340-150-0052 for a change in owner or permittee; and**

**(b) (5) Within 30 days after a new financial responsibility mechanism is obtained that replaces or substitutes for a previous mechanism as required by 40 CFR § 280.108(Oct. 13, 2015).**

(8) 40 C.F.R. § 280.110(a)–(c)(Oct. 13, 2015) is modified by adding the following language: **An owner and permittee or provider of financial assurance on their behalf, must notify DEQ by 15 calendar days after the end of the previous month in which any of the following changes to a liability insurance policy (as amended by endorsement or certificate of insurance) occur as a result of actions by the owner, permittee or insurer:**

**(a) Cancellation;**

**(b) Failure to renew; or**

**(c) Issuance of a new or modified insurance policy.**

[Note: Publications referenced are available from DEQ.]

Statutory Authority: ORS 466.746 & 466.815
Statutes Implemented: ORS 466.815
History: DEQ 6-2003, f. & cert. ef. 2-14-03

# Rule Attachments and Exhibits

State of Oregon Department of Environmental Quality

# UST 2017 Rule Appendices

## APPENDIX A

### OAR 340-150-0160~~300~~

### Installation of USTs and Piping

*The following codes and standards may be used to comply with this rule:*

(1) American Petroleum Institute Recommended Practice~~Publication~~ 1615, "Installation of Underground Petroleum Storage System";

(2) Petroleum Equipment Institute Publication RP100~~-2000~~, "Recommended Practices for Installation of Underground Liquid Storage Systems";

(3) National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code",~~; and~~

~~(4) American Petroleum Institute Publication 2200, "Repairing Crude Oil, Liquified Petroleum Gas and Product Pipelines".~~

## APPENDIX B

### OAR 340-150-0160(5)~~300(3)~~

### Installation of USTs and Piping

*The following codes may be used for USTs or underground piping storing alcohol blends to comply with this section of the rule:*

(1) American Petroleum Institute Publication 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Filling~~Service~~ Stations"; and

(2) American Petroleum Institute Publication 1627, "Storing and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations".

## APPENDIX C

### 340-150-0310

### Spill and Overfill Prevention Equipment and Requirements

*The following codes and standards may be used to comply with this rule:*

(1) Transfer procedures described in National Fire Protection Association Publication 385, "Standard for Tank Vehicles for Flammable and Combustible Liquids";

(2) Further guidance on spill and overfill prevention appears in:

(a) American Petroleum Institute Recommended Practice~~Publication~~ 1621, "~~Recommended Practice for~~ Bulk Liquid Stock Control at Retail Outlets," and

(b) National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code".

## APPENDIX D1-USTs

### 340-150-0320(2)

### Corrosion Protection Performance Standards for USTs and Piping

*The following standard may be used for USTs constructed of fiberglass-reinforced plastic to comply with this section of the rule:*

Underwriters Laboratories Standard 1316, "~~Standard for~~ Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol Gasoline Mixtures".

## APPENDIX D2-Piping

### 340-150-0320(2)

### Corrosion Protection Performance Standards for USTs and Piping

*The following codes and standards may be used for underground piping constructed of fiberglass-reinforced plastic to comply with this section of the rule:*

(1) Underwriters Laboratories ~~Subject~~ 971, Standard for Safety, "~~UL~~ Non Metallic Underground Piping for Flammable Liquids";

(2) Underwriters Laboratories Standard 567, "Emergency Breakaway Fittings, Swivel Connectors and Pipe-Connection Fittings for Petroleum Products and LP-Gas"; and

(3) American Petroleum Institute Standard 2610, "Design, Construction, Operation, Maintenance and Inspection of Terminal & Tank Facilities".

## APPENDIX E1-USTs

### OAR 340-150-0320(3)

### Corrosion Protection Performance Standards for USTs and Piping

*The following codes and standards may be used for USTs constructed of steel or other metal to comply with this section of the rule:*

(1) Steel Tank Institute STI-010-50-1000, "Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks";

(2) Underwriters Laboratories 1746, Standard for Safety ~~1746~~, "External Corrosion Protection Systems for Steel Underground Storage Tanks"; and

(3) National Association of Corrosion Engineers ~~Standard~~ RP 0285, "Standard Recommended Practice: "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection," and

(4) Underwriters Laboratories 58, Standard for Safety: ~~58,~~ "~~Standard for~~ Steel Underground Tanks for Flammable and Combustible Liquids".

## APPENDIX E2-Piping

### OAR 340-150-0320(3)

### Corrosion Protection Performance Standards for USTs and Piping

*The following codes and standards may be used for underground piping constructed of steel or other metal to comply with this section of the rule:*

(1) National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code";

(2) American Petroleum Institute Recommended Practice~~Publication~~ 1615, "Installation of Underground Petroleum Storage Systems";

(3) American Petroleum Institute Recommended Practice~~Publication~~ 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems";

(4) Steel Tank Institute –STI-030-50-1000, "Specification for Permatank";

(5) Steel Tank Institute -F961~~-06~~, "ACT-100-U Specification for External Corrosion Protection of Composite Steel Underground Storage Tanks";

(6) National Association of Corrosion Engineers RP-0169~~-2002~~, Standard Recommended Practice: "Control of External Corrosion on Underground or Submerged Metallic Piping Systems";

(7) National Association of Corrosion Engineers Test Method TM 0101~~-2001~~, "Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Tank Systems";

~~(8) Steel Tank Institute –STI-700-50-6005a, "Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems";~~

(8~~9~~) Steel Tank Institute ~~–~~ R-972~~-06~~, "Recommended Practice for the Installation of Supplemental Anodes for STI-P3 USTs"; and

(9~~10~~) National Association of Corrosion Engineers Test Method TM 0497~~-2002~~, "Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems".

## APPENDIX F

### OAR 340-150-0320(4)

### Corrosion Protection Performance Standards for USTs and Piping

*The following codes may be used for USTs constructed of steel-fiberglass reinforced plastic composite to comply with this section of the rule:*

(1) Underwriters Laboratories Standard 1746, "External Corrosion Protection Systems for Steel Underground Storage Tanks";

(2) Steel Tank Institute ~~-~~(F894)~~-06~~, "ACT-100 Specification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks"; and

(3) Steel Tank Institute ~~-~~(F961)~~-06~~, "ACT-100U Specification for External Corrosion Protection of ~~FRP~~ Composite Steel Underground Storage Tanks".

## APPENDIX G

### 340-150-0325

### Operation and Maintenance of Corrosion Protection

*The following standard may be used to comply with this rule:*

The National Association of Corrosion Engineers Standard RP-0285~~-2002~~, "Standard Recommended Practice: Corrosion Control of Underground Storage Tank Systems by Cathodic Protection".

## APPENDIX H

### 340-150-0350(3) UST System Repairs

### 340-150-0352 UST System Modifications and Additions

*The following codes and standards may be used to comply with these rules:*

(1) National Fire Protection Association Standard 326, "Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning or Repair";

(2) American Petroleum Institute ~~Publication~~ Recommended Practice 1631, "~~Recommended Practice for the~~ Interior Lining and Periodic Inspection of Underground Storage Tanks";

(3) National Association of Corrosion Engineers Standard RP-0285~~-2002~~, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection";

(4) American Petroleum Institute ~~Publication~~Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems";

(5) Ken Wilcox Associates, "Recommended Practice for Inspecting Buried Lined Steel Tanks Using a Video Camera";

(6) National Association of Corrosion Engineers Standard ~~RP-0178-03~~SP0178, "Design, Fabrication~~-Details~~, and Surface Finish Practices~~Requirements, and Proper Design Consideration~~ for Tanks and Vessels to be lined for Immersion Service";

~~(7) National Association of Corrosion Engineers Standard RP-0184-91, "Recommended Practice: Repair of Lining systems";~~

~~(8) National Association of Corrosion Engineers Standard RP-0288-04, "Standard Recommended Practice: Inspection of Linings on Steel and Concrete";~~

(7~~9~~) American Society of Testing and Materials G 158~~-98~~, "Standard Guide for Three Methods of Assessing Buried Steel Tanks"; and

(8~~10~~) American Society of Testing and Materials E 1990~~-98~~, "Standard Guide for Performing Evaluations of Underground Storage Tank Systems for Operational Compliance with 40 CFR, Part 280 Regulations".

## APPENDIX I

### OAR 340-150-0400

### General Release Detection Requirements for All UST Systems

*The following code may be used to comply with this rule:*

American Society of Testing and Materials E 1526~~-93~~, "Standard Practice for Evaluating the Performance of Release Detection Systems for Underground Storage Tank Systems".

## APPENDIX J

### General Guidance Documents for UST Owners and Permittees

*The following codes and standards may be useful for UST owners and permittees:*

(1) American Petroleum Institute Recommended Practice 2003, "Protection Against Ignitions Arising ~~O~~out of Static, Lightning, and Stray Currents";

(2) American Petroleum Institute ~~Publication~~Recommended Practice 2005, "Service Station Safety";

(3) National Association of Corrosion Engineers ~~Standard RP~~ SP0177~~-00~~ Standard Recommended Practice ~~-~~: "Mitigation of Alternating Current and Lightning Effects on Metallic Structures and Corrosion Control Systems";

(4) National Fire Protection Association 30A, "Automotive and Marine Service Station Code~~ for Motor Fuel Dispensing Facilities and Repair Garages~~";

(5) National Fire Protection Association 385, "Standard for Tank Vehicles for Flammable and Combustible Liquids"; and

(6) Underwriters Laboratories 58~~)~~, Standard for Safety: "Steel Underground Tanks for Flammable and Combustible Liquids".

## APPENDIX K

### 340-150-0180

### Site Assessment Requirements for Permanent Closure or Change-In-Service

Written site assessment plans must be submitted to the department for review and approval before initiating:

- Permanent closure in-place;
- Change-in-service from regulated to nonregulated status; or
- Decommissioning an UST that contains a hazardous substance other than petroleum (by removal, closure in-place or change-in-service).

The site assessment plan may be prepared by completing a form provided by the department or the plan may be a written report that covers all elements of this Appendix. The requirements of OAR 340-150-0180(3) and (4) must be met. This Appendix includes the required information.

UST facility and permittee information:
Name and address of the UST facility, UST Facility ID number issued by DEQ and name, address and contact number for the permittee. The permittee must sign and date the completed report as true and correct.

Service provider and supervisor information:
Name, address and contact number for the service provider performing the work (including license number and expiration date) and supervisor assigned to the project (including license number and expiration date). The supervisor must sign and date the completed report as true and correct.

UST information:
For each UST: tank material or type, date installed, size, and contents. Include any information about tank history that could be significant (e.g., previous suspected or confirmed release reported, repairs, testing failures, etc.).

Type of decommissioning:
State which type of decommissioning will be performed: permanent closure in-place or change-in-service from regulated to nonregulated status for petroleum USTs or decommissioning an UST that contains a hazardous substance other than petroleum by removal, closure in-place or change-in-service.

Site diagram:
A site diagram (*drawn approximately to scale*) that notes the location of all USTs and underground piping, buildings and nearby properties must be attached to the site assessment plan. Note if there are any surface water bodies within ¼ mile of the UST facility or if any potential conduits exist that could spread contamination (e.g., water or sewer lines). Important: Identify the proposed location of all samples to be collected on the site diagram.

Site conditions:
The site assessment plan must address the possibility of encountering groundwater. If questionable, verify the depth to groundwater *and be prepared with contingency sampling should groundwater be encountered*.

- If there were to be a release of a regulated substance during the decommissioning process, could surface water be impacted, either directly or via conduits such as surface drainage systems? If yes, discuss strategy developed to prevent a discharge to surface water or other contingency plans. Any release that results in sheen to surface waters must be reported and cleaned up immediately.

Sample collection methods and analytical procedures:

- Describe the sample collection and analytical methods to be used for this project. The Hydrocarbon Identification analytical procedure specified in OAR 340-122-0218(1)(d) (NWTPH-HCID) must be used for determining whether a confirmed petroleum release exists and then quantified by the appropriate method. For hazardous substances other than petroleum, describe the specific analytical method to be used and sample collection procedures to be followed.

Soil sample locations:
The site assessment plan and site diagram must address where and how samples will be collected.

*General Information*

- The UST and associated systems must be evaluated for contamination in all areas where contamination is likely to be present. If contamination is observed or suspected *at any time* during decommissioning, samples must be collected from the contaminated soil.
- If water is present in the UST pit, regardless of whether obvious contamination is or is not present, the department must be notified of this fact within 24 hours of discovery.
- If contamination is discovered, the permittee must report the release to the department within 24 hours. If not reported within 24 hours, the licensed service provider must provide the required notice to the department within 72 hours. If contamination is found to be present, removal of the UST may be required.
- Note: This Appendix addresses site assessment plans only. Correct industry practices or codes, safety measures and report preparation requirements for actual decommissioning of the UST system must be complied with at all times.

*USTs*

- All areas exposed during the uncovering of the UST when it is cut open and cleaned must be examined for signs of contamination. The UST must also be examined for holes by doing an examination of the interior after cleaning. Holes in the UST may be an indication of leakage and contamination.
- For an individual UST, four samples must be collected; one each from beneath both ends of the tank and on each side or as otherwise directed by the department (e.g., only two may be required if collected through a hole cut in the bottom of the tank). For multiple USTs in the same pit, a minimum of one sample must be collected for each 100 square feet of area in the pit. Soil samples must be collected from the native soils located no more than two feet beneath the UST pit in areas where contamination is most likely to be found.

*Piping and Dispensers*

- In cases where UST components (e.g., underground piping or dispensers) are located above an area to be excavated as part of the UST decommissioning, the area must first be visually assessed and soil samples collected if contamination is observed or suspected before conducting the excavation work.

- *For underground piping*, 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 and must be collected at 20-foot intervals;
- Include information about the fate of lines containing a regulated substance. Regulated substance line trenches must be opened up and visually assessed during removal of the underground piping and soil samples collected from impacted areas.
- If lines that contained a regulated substance are to remain in-place, samples must be collected from the native soils directly beneath the areas where contamination is observed, in addition to samples collected at 20 lineal foot intervals beginning at the dispensers.
- *For dispensers*, at least one soil sample must be collected from the native soils directly beneath each dispenser.
- Dispenser areas must also be evaluated for signs of contamination during the process of removal. If contamination is observed or suspected, samples must be collected from the contaminated soil. If contamination is not observed, collect one sample from beneath each dispenser.

## APPENDIX L

### OAR 340-150-0200 and OAR 340-150-0210

### Training Elements

The following topics must be covered in each UST system operator training session or by an equivalent training or testing method to meet UST system operation and maintenance training requirements:

(1) General overview of department UST program administrative requirements:

(a) Types of registration certificates (i.e., permits) and process for modification of registration certificates;

(b) Notification process and general technical requirements for new UST installation, decommissioning, equipment replacement and retrofits, confirmed releases, suspected releases (including confirmation steps for suspected releases) and other system or test failures;

(c) Annual UST compliance fees and invoicing process;

(d) General requirements for maintaining financial responsibility;

(e) Department process for inspections and technical assistance resources available; and

(f) Enforcement process for violations.

(2) General overview of other regulations pertaining to USTs, including, but not limited to, fire codes, occupational health and safety and any related industry practices pertaining to safety.

(3) Spill prevention and overfill protection:

(a) Rule requirements, including record keeping;

(b) Equipment requirements; and

(c) Operation and maintenance needs.

(4) Release detection: For each type of release detection method listed in OAR 340-150-0400 through 340-150-0470 for both USTs and underground piping:

(a) Rule requirements, including record keeping;

(b) Monitoring and equipment, including third party approval requirements; and

(c) Operation and maintenance requirements.

(5) Corrosion protection, galvanic and impressed current:

(a) UST rule requirements (OAR chapter 340, division 150), including record keeping;

(b) Equipment requirements; and

(c) Operation and maintenance needs, including periodic inspections and testing.

(6) Lined USTs:

(a) Rule requirements, including record keeping; and

(b) Operation and maintenance needs, including periodic inspections and testing.

State of Oregon Department of Environmental Quality

# UST 2017 Rule Appendices

## APPENDIX A

### OAR 340-150-0160

### Installation of USTs and Piping

*The following codes and standards may be used to comply with this rule:*

(1) American Petroleum Institute Recommended Practice 1615, "Installation of Underground Petroleum Storage System";

(2) Petroleum Equipment Institute Publication RP100, "Recommended Practices for Installation of Underground Liquid Storage Systems";

(3) National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code".

## APPENDIX B

### OAR 340-150-0160(5)

### Installation of USTs and Piping

*The following codes may be used for USTs or underground piping storing alcohol blends to comply with this section of the rule:*

(1) American Petroleum Institute Publication 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Filling Stations"; and

(2) American Petroleum Institute Publication 1627, "Storing and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations".

## APPENDIX C

### 340-150-0310

### Spill and Overfill Prevention Equipment and Requirements

*The following codes and standards may be used to comply with this rule:*

(1) Transfer procedures described in National Fire Protection Association Publication 385, "Standard for Tank Vehicles for Flammable and Combustible Liquids";

(2) Further guidance on spill and overfill prevention appears in:

(a) American Petroleum Institute Recommended Practice 1621, "Bulk Liquid Stock Control at Retail Outlets," and

(b) National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code".

## APPENDIX D1-USTs

### 340-150-0320(2)

### Corrosion Protection Performance Standards for USTs and Piping

*The following standard may be used for USTs constructed of fiberglass-reinforced plastic to comply with this section of the rule:*

Underwriters Laboratories Standard 1316, "Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol Gasoline Mixtures".

## APPENDIX D2-Piping

### 340-150-0320(2)

### Corrosion Protection Performance Standards for USTs and Piping

*The following codes and standards may be used for underground piping constructed of fiberglass-reinforced plastic to comply with this section of the rule:*

(1) Underwriters Laboratories 971, Standard for Safety, "Non Metallic Underground Piping for Flammable Liquids";

(2) Underwriters Laboratories Standard 567, "Emergency Breakaway Fittings, Swivel Connectors and Pipe-Connection Fittings for Petroleum Products and LP-Gas"; and

(3) American Petroleum Institute Standard 2610, "Design, Construction, Operation, Maintenance and Inspection of Terminal & Tank Facilities".

## APPENDIX E1-USTs

### OAR 340-150-0320(3)

### Corrosion Protection Performance Standards for USTs and Piping

*The following codes and standards may be used for USTs constructed of steel or other metal to comply with this section of the rule:*

(1) Steel Tank Institute STI-010-50-1000, "Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks";

(2) Underwriters Laboratories 1746, Standard for Safety, "External Corrosion Protection Systems for Steel Underground Storage Tanks"; and

(3) National Association of Corrosion Engineers RP 0285, "Standard Recommended Practice: Corrosion Control of Underground Storage Tank Systems by Cathodic Protection," and

(4) Underwriters Laboratories 58, Standard for Safety: "Steel Underground Tanks for Flammable and Combustible Liquids".

## APPENDIX E2-Piping

### OAR 340-150-0320(3)

### Corrosion Protection Performance Standards for USTs and Piping

*The following codes and standards may be used for underground piping constructed of steel or other metal to comply with this section of the rule:*

(1) National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code";

(2) American Petroleum Institute Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems";

(3) American Petroleum Institute Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems";

(4) Steel Tank Institute –STI-030-50-1000, "Specification for Permatank";

(5) Steel Tank Institute -F961, "ACT-100-U Specification for External Corrosion Protection of Composite Steel Underground Storage Tanks";

(6) National Association of Corrosion Engineers RP-0169, Standard Recommended Practice: "Control of External Corrosion on Underground or Submerged Metallic Piping Systems";

(7) National Association of Corrosion Engineers Test Method TM 0101, "Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Tank Systems";

(8) Steel Tank Institute –R-972, "Recommended Practice for the Installation of Supplemental Anodes for STI-P3 USTs"; and

(9) National Association of Corrosion Engineers Test Method TM 0497, "Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems".

## APPENDIX F

**OAR 340-150-0320(4)**

**Corrosion Protection Performance Standards for USTs and Piping**

*The following codes may be used for USTs constructed of steel-fiberglass reinforced plastic composite to comply with this section of the rule:*

(1) Underwriters Laboratories Standard 1746, "External Corrosion Protection Systems for Steel Underground Storage Tanks";

(2) Steel Tank Institute (F894), "ACT-100 Specification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks"; and

(3) Steel Tank Institute (F961), "ACT-100U Specification for External Corrosion Protection of Composite Steel Underground Storage Tanks".

**APPENDIX G**

**340-150-0325**

**Operation and Maintenance of Corrosion Protection**

*The following standard may be used to comply with this rule:*

The National Association of Corrosion Engineers Standard RP-0285, "Standard Recommended Practice: Corrosion Control of Underground Storage Tank Systems by Cathodic Protection".

**APPENDIX H**

**340-150-0350(3) UST System Repairs**

**340-150-0352 UST System Modifications and Additions**

*The following codes and standards may be used to comply with these rules:*

(1) National Fire Protection Association Standard 326, "Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning or Repair";

(2) American Petroleum Institute Recommended Practice 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks";

(3) National Association of Corrosion Engineers Standard RP-0285, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection";

(4) American Petroleum Institute Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems";

(5) Ken Wilcox Associates, "Recommended Practice for Inspecting Buried Lined Steel Tanks Using a Video Camera";

(6) National Association of Corrosion Engineers Standard SP0178, "Design, Fabrication, and Surface Finish Practices for Tanks and Vessels to be lined for Immersion Service";

(7) American Society of Testing and Materials G 158, "Standard Guide for Three Methods of Assessing Buried Steel Tanks"; and

(8) American Society of Testing and Materials E 1990, "Standard Guide for Performing Evaluations of Underground Storage Tank Systems for Operational Compliance with 40 CFR, Part 280 Regulations".

**APPENDIX I**

**OAR 340-150-0400**

**General Release Detection Requirements for All UST Systems**

*The following code may be used to comply with this rule:*

American Society of Testing and Materials E 1526, "Standard Practice for Evaluating the Performance of Release Detection Systems for Underground Storage Tank Systems".

**APPENDIX J**

### General Guidance Documents for UST Owners and Permittees

*The following codes and standards may be useful for UST owners and permittees:*

(1) American Petroleum Institute Recommended Practice 2003, "Protection Against Ignitions Arising out of Static, Lightning, and Stray Currents";

(2) American Petroleum Institute Recommended Practice 2005, "Service Station Safety";

(3) National Association of Corrosion Engineers SP0177 Standard Recommended Practice - "Mitigation of Alternating Current and Lightning Effects on Metallic Structures and Corrosion Control Systems";

(4) National Fire Protection Association 30A, "Automotive and Marine Service Station Code";

(5) National Fire Protection Association 385, "Standard for Tank Vehicles for Flammable and Combustible Liquids"; and

(6) Underwriters Laboratories 58, Standard for Safety: "Steel Underground Tanks for Flammable and Combustible Liquids".

## APPENDIX K

### 340-150-0180

### Site Assessment Requirements for Permanent Closure or Change-In-Service

Written site assessment plans must be submitted to the department for review and approval before initiating:

- Permanent closure in-place;
- Change-in-service from regulated to nonregulated status; or
- Decommissioning an UST that contains a hazardous substance other than petroleum (by removal, closure in-place or change-in-service).

The site assessment plan may be prepared by completing a form provided by the department or the plan may be a written report that covers all elements of this Appendix. The requirements of OAR 340-150-0180(3) and (4) must be met. This Appendix includes the required information.

UST facility and permittee information:
Name and address of the UST facility, UST Facility ID number issued by DEQ and name, address and contact number for the permittee. The permittee must sign and date the completed report as true and correct.

Service provider and supervisor information:
Name, address and contact number for the service provider performing the work (including license number and expiration date) and supervisor assigned to the project (including license number and expiration date). The supervisor must sign and date the completed report as true and correct.

UST information:
For each UST: tank material or type, date installed, size, and contents. Include any information about tank history that could be significant (e.g., previous suspected or confirmed release reported, repairs, testing failures, etc.).

Type of decommissioning:
State which type of decommissioning will be performed: permanent closure in-place or change-in-service from regulated to nonregulated status for petroleum USTs or decommissioning an UST that contains a hazardous substance other than petroleum by removal, closure in-place or change-in-service.

Site diagram:
A site diagram (*drawn approximately to scale*) that notes the location of all USTs and underground piping, buildings and nearby properties must be attached to the site assessment plan. Note if there are any surface water bodies within ¼ mile of the UST facility or if any potential conduits exist that could spread contamination (e.g., water or sewer lines). Important: Identify the proposed location of all samples to be collected on the site diagram.

Site conditions:

The site assessment plan must address the possibility of encountering groundwater. If questionable, verify the depth to groundwater *and be prepared with contingency sampling should groundwater be encountered*.

- If there were to be a release of a regulated substance during the decommissioning process, could surface water be impacted, either directly or via conduits such as surface drainage systems? If yes, discuss strategy developed to prevent a discharge to surface water or other contingency plans. Any release that results in sheen to surface waters must be reported and cleaned up immediately.

Sample collection methods and analytical procedures:

- Describe the sample collection and analytical methods to be used for this project. The Hydrocarbon Identification analytical procedure specified in OAR 340-122-0218(1)(d) (NWTPH-HCID) must be used for determining whether a confirmed petroleum release exists and then quantified by the appropriate method. For hazardous substances other than petroleum, describe the specific analytical method to be used and sample collection procedures to be followed.

Soil sample locations:

The site assessment plan and site diagram must address where and how samples will be collected.

*General Information*

- The UST and associated systems must be evaluated for contamination in all areas where contamination is likely to be present. If contamination is observed or suspected *at any time* during decommissioning, samples must be collected from the contaminated soil.
- If water is present in the UST pit, regardless of whether obvious contamination is or is not present, the department must be notified of this fact within 24 hours of discovery.
- If contamination is discovered, the permittee must report the release to the department within 24 hours. If not reported within 24 hours, the licensed service provider must provide the required notice to the department within 72 hours. If contamination is found to be present, removal of the UST may be required.
- Note: This Appendix addresses site assessment plans only. Correct industry practices or codes, safety measures and report preparation requirements for actual decommissioning of the UST system must be complied with at all times.

*USTs*

- All areas exposed during the uncovering of the UST when it is cut open and cleaned must be examined for signs of contamination. The UST must also be examined for holes by doing an examination of the interior after cleaning. Holes in the UST may be an indication of leakage and contamination.
- For an individual UST, four samples must be collected; one each from beneath both ends of the tank and on each side or as otherwise directed by the department (e.g., only two may be required if collected through a hole cut in the bottom of the tank). For multiple USTs in the same pit, a minimum of one sample must be collected for each 100 square feet of area in the pit. Soil samples must be collected from the native soils located no more than two feet beneath the UST pit in areas where contamination is most likely to be found.

*Piping and Dispensers*

- In cases where UST components (e.g., underground piping or dispensers) are located above an area to be excavated as part of the UST decommissioning, the area must first be visually assessed and soil samples collected if contamination is observed or suspected before conducting the excavation work.
- *For underground piping*, 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 and must be collected at 20-foot intervals;
- Include information about the fate of lines containing a regulated substance. Regulated substance line trenches must be opened up and visually assessed during removal of the underground piping and soil samples collected from impacted areas.
- If lines that contained a regulated substance are to remain in-place, samples must be collected from the native soils directly beneath the areas where contamination is observed, in addition to samples collected at 20 lineal foot intervals beginning at the dispensers.
- *For dispensers*, at least one soil sample must be collected from the native soils directly beneath each dispenser.
- Dispenser areas must also be evaluated for signs of contamination during the process of removal. If contamination is observed or suspected, samples must be collected from the contaminated soil. If

contamination is not observed, collect one sample from beneath each dispenser.

## APPENDIX L

### OAR 340-150-0200 and OAR 340-150-0210

### Training Elements

The following topics must be covered in each UST system operator training session or by an equivalent training or testing method to meet UST system operation and maintenance training requirements:

(1) General overview of department UST program administrative requirements:

(a) Types of registration certificates (i.e., permits) and process for modification of registration certificates;

(b) Notification process and general technical requirements for new UST installation, decommissioning, equipment replacement and retrofits, confirmed releases, suspected releases (including confirmation steps for suspected releases) and other system or test failures;

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(d) General requirements for maintaining financial responsibility;

(e) Department process for inspections and technical assistance resources available; and

(f) Enforcement process for violations.

(2) General overview of other regulations pertaining to USTs, including, but not limited to, fire codes, occupational health and safety and any related industry practices pertaining to safety.

(3) Spill prevention and overfill protection:

(a) Rule requirements, including record keeping;

(b) Equipment requirements; and

(c) Operation and maintenance needs.

(4) Release detection: For each type of release detection method listed in OAR 340-150-0400 through 340-150-0470 for both USTs and underground piping:

(a) Rule requirements, including record keeping;

(b) Monitoring and equipment, including third party approval requirements; and

(c) Operation and maintenance requirements.

(5) Corrosion protection, galvanic and impressed current:

(a) UST rule requirements (OAR chapter 340, division 150), including record keeping;

(b) Equipment requirements; and

(c) Operation and maintenance needs, including periodic inspections and testing.

(6) Lined USTs:

(a) Rule requirements, including record keeping; and

(b) Operation and maintenance needs, including periodic inspections and testing.

# Northwest Total Petroleum Hydrocarbon Identification Analytical Method


Adobe Acrobat Document

*Figure 1 Northwest Total Petroleum Hydrocarbon Identification Analytical Method*