



State of Oregon Department of Environmental Quality

Notice of Proposed Rulemaking

Feb. 3, 2025

Underground Storage Tanks 2025

This package contains the following documents:

- Notice of Rulemaking
- Draft Rules – Edits Highlighted
- Draft Rules – Edits Included (final clean version)

Note for readers:

This package contains multiple documents. If you want to read more than one document at a time, you can open multiple copies of this PDF by downloading the PDF and then opening it in Adobe. You can then either:

- Click on the “Windows” item in the top ribbon
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Or:

- Click on “File” in the top ribbon
- Click on “Open” in the top ribbon
- Double click on the name of the PDF you want to open
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Introduction

DEQ invites public input on proposed permanent rule amendments to chapter 340 of the Oregon Administrative Rules.

Request for other options

During the public comment period, DEQ asks for public comment on whether there are other options for achieving the rules' substantive goals while reducing the rules' negative economic impact on business.

Overview

The Underground Storage Tank Compliance program is operated by DEQ under State Program Approval by US EPA. It is a pollution prevention program that regulates the installation, maintenance, testing and decommissioning of the roughly active 1700 UST facilities in the state to prevent petroleum contamination of Oregon's groundwater. The rules that govern the licensing of the contractors who perform UST services have not been updated since 2003, while the rules that govern UST equipment have been updated several times since, most recently in 2018.

Since 2020, 60% of all UST facilities inspected by DEQ have been out of compliance with the UST equipment requirements. DEQ seeks in this rulemaking to increase oversight of the testing, repair and construction work performed by licensed UST contractors in order to increase compliance. In addition, DEQ seeks to harmonize the language between the UST contractor rules and the UST equipment rules. The goal is to improve environmental outcomes for all of Oregon.

Procedural summary

More information

Information about this rulemaking is on this rulemaking's web page: [Underground Storage Tanks 2025](#)

Public hearings

DEQ plans to hold one public hearing. Anyone can attend the hearing by registering to attend via Zoom.

Date: Friday, Feb. 21, 2025

Start time: 9 a.m.

[Register via Zoom](#)

After registering, you will receive a confirmation email with instructions on how to join the meeting.

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments by email, regular mail or at the public hearing.

- Email: Send comments by email to UST2025@DEQ.oregon.gov
- Postal mail: Oregon DEQ, Attn: Diana Foss, Underground Storage Tanks, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232-4100
- At the public hearing: 9 a.m., Friday, Feb. 21, 2025 (see above)

Comment deadline

DEQ will only consider comments on the proposed rules that DEQ receives by **4 p.m., on Feb. 24, 2025**.

Note for public university students:

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon’s public records law. If you are an Oregon public university or OHSU student, notify DEQ that you wish to keep your email address confidential.

Sign up for rulemaking notices

Get email or text updates about this rulemaking by either:

- Signing up through this link: [GovDelivery](#);
- Signing up on the rulemaking web site: [Underground Storage Tanks 2025](#).

What will happen next?

DEQ will include a written response to comments in a staff report DEQ will submit to the Environmental Quality Commission. DEQ may modify the rule proposal based on the comments.

Proposed rules only become effective if the Environmental Quality Commission adopts them. DEQ’s intended action is to present the proposed rule changes to the EQC as soon as possible after the earliest date on which the rule changes could take effect. DEQ intends to submit the proposed rule changes to the EQC on or after April 12, 2025.

Statement of need

Proposed Rule or Topic	Discussion
UST Service Provider Work Practices	
What need would the proposed rule address?	Compliance with federal UST requirements in Oregon has been at 40% or less since 2020

Proposed Rule or Topic	Discussion
How would the proposed rule address the need?	Increase DEQ oversight of construction work and testing by requiring notification of work and submittal of test results.
How will DEQ know the rule addressed the need?	Compliance with federal UST requirements will increase
UST Supervisor Work Practices	
What need would the proposed rule address?	Language in the current rules do not reflect testing that has been required since 2020.
How would the proposed rule address the need?	Clarity that all testing must be performed by licensed UST Supervisors
How will DEQ know the rule addressed the need?	Testing activities are performed by licensed UST Supervisors.
Definitions	
What need would the proposed rule address?	The current rules do not define “excavation”
How would the proposed rule address the need?	The term “excavation” is defined.
How will DEQ know the rule addressed the need?	Excavation activities are performed by licensed UST Service Providers.

Federal relationship

The proposed rules will impose requirements that will be different from or in addition to federal requirements.

The federal UST rules do not regulate the contractors who perform UST services. Oregon chose to license UST contractors in 2003; this rulemaking is an update of these rules.

What are the scientific, economic, technological, administrative and other reasons for exceeding applicable federal requirements?

Oregon chose to regulate UST contractors in 2003 because the federal regulations governing UST equipment and testing are so specialized, that the contractors who perform this work should have specialized knowledge beyond a Construction Contractor Board license.

What alternatives did DEQ consider and why are you not pursuing them?

DEQ considered not proposing this rule update but did not pursue this alternative because the problems with compliance with UST equipment and testing regulations are severe and would not be addressed by keeping the status quo.

Rules affected, authorities, supporting documents

Lead division

Land Quality

Program or activity

UST Licensing

Chapter 340 action

Adopt				
340-160-0021	340-160-0022			
Amend				
340-160-0005	340-160-0010	340-160-0020	340-160-0025	340-160-0030
340-12-0067				

Statutory Authority - ORS				
468.020	468.065	466.750		

Legislation

[1987 c.539 §§14,15; 1989 c.926 §42; 1999 c.979 §10; 2001 c.104 §202]

Rules summary

As OAR 166-500-0030(1)(e) requires, the following are included to provide a brief summary of the proposed new rules and existing rules affected by this rulemaking.

OAR chapter 340, division 012

Rule Number	Rule Title	Explanation
-0067	Underground Storage Tank (UST) Classification of Violations	Adds “testing” to required notifications

OAR chapter 340, division 160

Rule Number	Rule Title	Explanation
-0005	Purpose	Adds “performance, documentation and approval of UST services”
-0010	Definitions	Adds definition of “excavation”
-0020	General Provisions	Removes the specific requirements for UST Service Providers and Supervisors that are addressed in the following two new proposed rules.
-0021	UST Service Provider Work Practices	Includes the requirements for UST Service Providers previously contained in 0020. Also adds the following requirements: <ul style="list-style-type: none"> • To notify DEQ before performing any UST services • To provide proof of manufacturer’s certification for each UST component involved in the service • To obtain approval from DEQ before continuing work at certain critical junctures of repairs, installations, modifications and decommissionings • To submit testing results.
-0022	UST Supervisor Work Practices	Includes the requirements for UST Supervisors previously contained in 0020.

Rule Number	Rule Title	Explanation
-0025	Types of Licenses	Changes "Tank Tightness Testing" to "UST Testing"
-0030	Licensing of UST Service Providers	Requires inclusion of CCB license number on application, if applicable

Fee analysis

This rulemaking does not involve fees.

Statement of fiscal and economic impact

Fiscal and economic impact

The proposed rule changes would add new notification and reporting requirements for UST contractors. The fiscal and economic impacts would be in increased UST Service Provider staff time to perform those actions. These increased staff costs would be passed along, wholly or in part, to the UST owners and operators contracting for UST services.

Statement of cost of compliance

All UST owners and operators are required to contract for UST services unless they or their employees have met the same requirements for licensing that apply to UST service providers and supervisors. The direct costs of compliance with the proposed changes will fall on UST service providers, and all or part of these costs are likely to be passed on to UST owners and operators in the form of higher prices for services.

Table 1 lists the notifications required in the proposed rules and how frequently they occur. These are the assumptions these numbers are based on:

- Each notification takes 30 minutes of UST service provider time with a cost of \$45/hour. This cost was.
- Every year, Oregon UST facilities typically undergo:
 - 25 installations
 - 21 modifications
 - 90 repairs
 - 53 decommissionings

Table 1:

Table 1 Proposed Notification Requirements	
Type	Frequency
Annual testing notification	Yearly
Annual testing results	Yearly
Installation: setting tank(s)	25/1660 per year
Installation: primary and secondary pipe testing	25/1660 per year
Installation: integrity testing pf sumps and spill buckets	25/1660 per year
Installation: backfilling the piping and tank top(s)	25/1660 per year
Installation: start up testing	25/1660 per year

Modification: primary and secondary pipe testing	21/1660 per year
Modification: integrity testing pf sumps and spill buckets	21/1660 per year
Modification: backfilling the piping and tank top(s)	21/1660 per year
Modification: start up testing	21/1660 per year
Repairs: starting the repair	90/1660 per year
Repairs: testing the repair	90/1660 per year
Decommissioning: site assessment sampling	53/1660 per year
Decommissioning: removing the tank(s)	53/1660 per year

Table 2 lists the additional tasks that will require the presence of a licensed UST supervisor in the proposed rules. These are the assumptions these numbers are based on:

- The pay differential between a licensed UST supervisor and an unlicensed technician is \$20%, or \$7.50/hour.
- Every year, Oregon UST facilities will undergo 90 repairs
- Annual testing that currently does not require a licensed UST supervisor takes 2 hours/year
- A typical repair will take 8 hours

Table 2 Proposed Required Presence of Licensed Supervisor		
Type	Frequency	Additional Cost
Annual testing	Yearly	\$15
Repairs	90/1660	\$60

State Agencies

State agencies, such as the Department of Transportation, own and operate UST facilities, and would be impacted by any increase in costs passed on by UST Service Providers. There are currently 20 such facilities with active tanks. In addition, ODOT decommissions approximately 2.6 discovered USTs per year.

As described in Tables 1 & 2, projected notification and reporting requirements, and the required presence of a licensed Supervisor for all repairs and testing will add

- \$60 per year per facility for annual testing
- \$112.50 per facility for each installation
- \$90 per facility for modifications
- \$105 per facility for repairs
- \$45 per facility for decommissionings

to the payroll costs of UST Service Providers. To the extent that these costs are passed along to UST owners and operators, they will affect UST facilities owned by state agencies, instead.

Local Governments

Local governments own and operate UST facilities and would be impacted by any increase in costs passed on by UST Service Providers. There are currently 107 such facilities with active tanks. (Are we able to estimate the cost increase to local governments? I feel like that is missing as a last sentence here)

As described in Tables 1 and 2, projected notification and reporting requirements, and the required presence of a licensed Supervisor for all repairs and testing will add

- \$60 per year per facility for annual testing
- \$112.50 per facility for each installation
- \$90 per facility for modifications
- \$105 per facility for repairs
- \$45 per facility for decommissionings

to the payroll costs of UST Service Providers. To the extent that these costs are passed along to UST owners and operators, they will affect UST facilities owned by local governments, instead

Public

Members of the public could be impacted by these changes by any increase in fuel prices caused by the increase in costs that are likely to be passed down by the UST service providers and supervisors to the facility owners who are likely to pass the costs down to consumers. DEQ is unable to quantify that impact with the data available.

Large businesses - businesses with more than 50 employees

UST Service Providers: Fourteen licensed UST service providers are considered large businesses)

UST Facility Owners: Of the 1511 currently active, privately-owned UST facilities, 854 are owned by 89 large businesses.

As described in Tables 1 and 2, projected notification and reporting requirements, and the presence of a licensed Supervisor will add

- \$60 per year per facility for annual testing
- \$112.50 per facility for each installation
- \$90 per facility for modifications
- \$105 per facility for repairs
- \$45 per facility for decommissionings

to the payroll costs of UST Service Providers. To the extent that these costs are passed along to UST owners and operators, they will affect UST facilities instead.

Small businesses – businesses with 50 or fewer employees

ORS 183.336 Cost of Compliance Effect on Small Businesses

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

There are currently 58 licensed UST service providers that can be considered small businesses. Of the 1511 currently active, privately-owned UST facilities, 654 are small businesses. Thus, 712 small businesses will be affected by the proposed rule.

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

As described in Tables 1 and 2, projected notification and reporting requirements will add

- \$45 per year per facility for annual testing
- \$112.50 per facility for each installation
- \$90 per facility for modifications
- \$45 per facility for repairs
- \$45 per facility for decommissionings

to the payroll costs of UST Service Providers. To the extent that these costs are passed along to UST owners and operators, they will affect UST facilities instead.

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

As described in Table 2, increased pay for UST supervisors will increase the cost of repairs and testing for UST service providers by:

- \$15 per facility for testing
- \$60 per facility for repairs

There are currently four licensed UST service providers who have testing-only licenses. One of them is a small business. The initial cost to obtain an Oregon CCB license is \$300, plus the

costs of insurance, surety bond and education credits, which a service provider may or may not already have.

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

DEQ included representatives from both independent gas station owners and UST service providers with fewer than 50 employees on the advisory committee for this rulemaking. In addition, the Oregon Fuels Association was represented on the advisory committee.

Documents relied on for fiscal and economic impact

Document title	Document location
Oregon DEQ UST database	700 NE Multnomah St Portland, OR 97232
Oregon DEQ Licensing database	700 NE Multnomah St Portland, OR 97232

Advisory committee fiscal review

DEQ appointed an advisory committee which met three times, Aug. 22, Oct. 3, and Dec. 3, 2024. During those meetings, a RAC member representing small station owners expressed concern that UST Service Providers would use the rule update as an excuse to send two testers instead of one to do the same amount of work. One RAC member expressed concern at any increase in costs of compliance.

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 any increase in cost of retail fuel due to this rulemaking would have a negligible effect.

Racial equity

DEQ is conducting the rulemaking to update the rules governing UST service providers and supervisors, OAR Chapter 340, Division 160. Currently, almost 60% of UST system inspections result in violations of the UST regulations, which are in place to protect public health and the environment. The proposed rules will increase DEQ oversight of the work performed by licensed UST contractors, which should result in fewer violations of the UST regulations and thereby improve the protection of public health and the environment.

[ORS 183.335\(2\)\(a\)\(F\)](#), as amended by [House Bill 2993 \(2021\)](#), requires state agencies, when providing notice of a rulemaking, to provide a statement identifying how adoption, amendment or repeal of the proposed rules will affect racial equity in the state. Statute language: ORS 183.335(1)(a) Prior to the adoption, amendment or repeal of any rule, the agency shall give notice of its intended action. The notice required by subsection (1) of this section must include a statement identifying how adoption of the rule will affect racial equity in this state ORS183.335 (2)(a)(F).

What does “racial equity” mean?

HB 2993 does not define “racial equity”, and there is no one meaning of the phrase as a term of art – many different meanings have been suggested. In legislative history, legislators acknowledged that there is no clear meaning of the phrase, and they did not attempt to provide one. Courts interpreting undefined phrases that have no fixed meaning as a term of art, give the words their ordinary meaning. The ordinary meaning of “racial equity” is treating people of all races fairly, justly and without bias. A statement of how a rule will affect “racial equity”, means how the rule will affect the fair, just and unbiased treatment of people of all races.

Reference definitions from [House Bill 4077 \(2022\)](#)

HB 4077 established the Environmental Justice Council within the office of the Governor. The bill requires that The Environmental Justice Council with staff support from the Department of Environmental Quality, in collaboration with the office of Enterprise Information Services, the Institute for Natural Resources, the Portland State University Population Research Center, other natural resources agencies and the Oregon Health Authority, develop an environmental justice mapping tool. An inclusive community engagement process to receive input from communities across this state is required by this new law.

- “Equity analysis” means an analysis used to determine or evaluate environmental justice considerations.
- “Fair treatment” means that no one group of people, including racial, ethnic or socioeconomic groups, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state, local and tribal environmental programs and policies.
- “Environmental justice” means the equal protection from environmental and health risks, fair treatment and meaningful involvement.

Equity beyond racial considerations

The definition of equity should be ever-changing and responsive depending on who is impacted by a cause and how the effects of this cause are experienced. At large, it is a concept meant to provide resources depending on need, understanding that not one person, community or environment will need the same resources. Societal and structural barriers can stand in the way of one's access to resources and contribute to an inequitable structure that oppresses various groups in disparate ways. Equity must expand beyond fiscal and racial considerations.

Vulnerability assessments can guide direction, but they must be accompanied by accountability measures to adequately protect environments and communities.

According to Federal Emergency Management Agency's report to the National Advisory Council¹, the core definition of equity is providing the greatest support to those with greatest need to achieve a certain minimum outcome. An equitable policy means providing more support to people with more need. By perpetually assisting larger communities that already have considerable resources, the smaller, less resource-rich, less-affluent communities cannot access funding to appropriately prepare for a disaster, leading to inadequate response and recovery, and little opportunity for mitigation. Through the entire disaster cycle, communities that have been underserved stay underserved, and thereby suffer needlessly and unjustly. The marginalized communities tend to be both the most exposed to damage and least able to recover financially.

¹ [FEMA National Advisory Council Report](#)

Demographics of UST locations in Oregon

US EPA has created a tool, EJ Screen, that maps seven demographic categories indicative of vulnerable populations. One of them, "People of color," can stand as proxy for the racial makeup of the areas located near active UST facilities. Of our 1660 active facilities, 118 of them are located in census tracts that have a percentage of residents above the national average who are people of color. EJ Screen tracks many other indicators, and by that broader definition, 40% of our active UST facilities are located in areas with vulnerable populations.

This rulemaking is intended to improve environmental outcomes by increasing DEQ oversight of the work performed by UST contractors. To the extent that UST facilities are located in neighborhoods with a large proportion of people of color, this proposed rulemaking should improve racial equity by preventing releases of petroleum that could contaminate soil and groundwater.

Environmental justice considerations

ORS 182.545 requires natural resource agencies to consider the effects of their actions on environmental justice issues. As mentioned above, 40% of Oregon's UST facilities are located in census blocks that US EPA identifies as having at least two demographic or environmental indices at or above the 80th percentile nationally, indicating vulnerable populations. Just as with the narrower question of how this rulemaking will affect racial equity in Oregon by improving environmental outcomes with increased oversight of the work performed by UST contractors, this proposed rulemaking should improve environmental justice in Oregon.

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 statewide 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, objects, or areas identified in the statewide planning goals, or
- Present or future land uses identified in acknowledge comprehensive plans

DEQ determined whether the proposed rules involve programs or actions that affect land use by reviewing its Statewide Agency Coordination plan. The plan describes the programs that DEQ determined significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

Goal	Title
5	Natural Resources, Scenic and Historic Areas, and Open Spaces
6	Air, Water and Land Resources Quality
11	Public Facilities and Services
16	Estuarine Resources
19	Ocean 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.

EQC prior involvement

DEQ plans on sharing information related to this rulemaking with the EQC at its March 13-14, 2025 meeting.

Advisory committee

Background

DEQ convened the Underground Storage Tanks 2025 advisory committee. The committee included representatives from UST contractors, large and small UST operators, lobbyists for the Oregon Fuels Association, concerned citizens and representation from organizations concerned with pollution prevention and environmental justice, and met three times. The committee's web page is located at: [Underground Storage Tanks 2025](#).

The committee members were:

Rulemaking Name Advisory Committee	
Name	Representing
Brandon Philips	Concerned citizen
Shyanne Dunn	Large station owners
Chris Huiard	Large station owners
Matt Failor	UST Service Providers
William Logue	UST Service Providers
Brainard Brauer	Small station owners
Chris Wright	UST Service Providers
Mason Leavitt	Beyond Toxics: pollution prevention & EJ
Danelle Romain	Oregon Fuels Association

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
 - DEQ Public Notices
 - Underground Storage Tanks
- Added advisory committee announcements to DEQ's calendar of public meetings at [DEQ Calendar](#).

Committee discussions

In addition to the recommendations described under the Statement of Fiscal and Economic Impact section above, the committee discussed how station owners can be sure that the people

who come to perform work are qualified, and whether DEQ could offer incentives to station owners who exceed the equipment requirements.

Public engagement

Public notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing by:

- On Jan. 29, 2025, filing notice with the Oregon Secretary of State for publication in the February 2025 Oregon Bulletin
- Posting the Notice, Invitation to Comment and Draft Rules on the web page for this rulemaking, located at: [Underground Storage Tanks 2025](#)
- Emailing approximately 23,400 interested parties on the following DEQ lists through GovDelivery:
 - Rulemaking
 - DEQ Public Notices
 - Underground Storage Tanks
- Emailing the following key legislators required under [ORS 183.335](#):
 - Senator Rob Wagner, Senate President
 - Representative Julie Fahey, House Speaker
 - Senator Janeen Sollman, Co-Chair, Senate Energy and Environment Committee
 - Senator Lynn Findley, Co-Chair, Senate Energy and Environment Committee
 - Representative John Lively, Chair, House Climate Energy and Environment Committee
- Emailing advisory committee members
- Posting on the DEQ event calendar: [DEQ Calendar](#)

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- Postal mail: Oregon DEQ, Attn: Diana Foss, Underground Storage Tanks, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232-4100
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Date: Friday, Feb. 21, 2025

Start time: 9 a.m.

[Register via Zoom](#)

After registering, you will receive a confirmation email with instructions on how to join the meeting.

Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities.

Visit DEQ's [Civil Rights and Environmental Justice page](#).

Draft Rules – Edits Highlighted

Key to Identifying Changed Text:

~~Deleted Text~~

New/inserted text

Division 12 ENFORCEMENT PROCEDURE AND CIVIL PENALTIES

340-012-0067

Underground Storage Tank (UST) Classification of Violations

(1) Class I:

- (a) Failing to investigate or confirm a suspected release;
- (b) Failing to establish or maintain the required financial responsibility mechanism;
- (c) Failing to obtain the appropriate general permit registration certificate before installing or operating an UST;
- (d) Failing to install spill and overfill protection equipment that will prevent a release, or failing to demonstrate to DEQ that the equipment is properly functioning;
- (e) Failing to install, operate or maintain a method or combination of methods for release detection such that the method can detect a release from any portion of the UST system;
- (f) Failing to protect from corrosion any part of an UST system that routinely contains a regulated substance;
- (g) Failing to permanently decommission an UST system;
- (h) Failing to obtain approval from DEQ before installing or operating vapor or groundwater monitoring wells as part of a release detection method;
- (i) Installing, repairing, replacing or modifying an UST system in violation of any rule adopted by DEQ;
- (j) Failing to conduct testing or monitoring, or to keep records where the failure constitutes a significant operational compliance violation;
- (k) Providing, offering or supervising tank services without the appropriate license; or
- (l) Failing to assess the excavation zone of a decommissioned or abandoned UST when directed to do so by DEQ.

(2) Class II:

- (a) Continuing to use a method or methods of release detection after period allowed by rule has expired;

- (b) Failing to have a trained UST system operator for an UST facility after March 1, 2004;
 - (c) Failing to apply for a modified general permit registration certificate;
 - (d) Failing to have an operation certificate for each compartment of a multi-chambered or multi-compartment UST when at least one compartment or chamber has an operation certificate;
 - (e) Installing, repairing, replacing, testing or modifying an UST or UST equipment without providing the required notifications;
 - (f) Failing to decommission an UST in compliance with the statutes and rules adopted by DEQ, including, but not limited to, performance standards, procedures, notification, general permit registration and site assessment requirements;
 - (g) Providing tank services at an UST facility that does not have the appropriate general permit registration certificate;
 - (h) Failing to obtain the identification number and operation certificate number before depositing a regulated substance into an UST, by a distributor;
 - (i) Failing, by a distributor, to maintain a record of all USTs into which it deposited a regulated substance;
 - (j) Allowing tank services to be performed by a person not licensed by DEQ;
 - (k) Failing to submit checklists or reports for UST installation, modification or suspected release confirmation activities;
 - (l) Failing to complete an integrity assessment before adding corrosion protection;
 - (m) Failing by an owner or permittee to pass the appropriate national examination before performing tank services; or
 - (n) Failing to provide the identification number or operation certificate number to persons depositing a regulated substance into an UST.
- (3) Class III: Failing to notify the new owner or permittee of DEQ's general permit registration requirements, by a person who sells an UST.

Statutory/Other Authority: ORS 466.720, 466.746, 466.882, 466.994 & 468.020

Statutes/Other Implemented: ORS 466.706 - 466.835, 466.994 & 468.090 - 468.140

History:

DEQ 1-2014, f. & cert. ef. 1-6-14
 DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06
 DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05
 DEQ 6-2003, f. & cert. ef. 2-14-03
 DEQ 19-1998, f. & cert. ef. 10-12-98
 DEQ 4-1994, f. & cert. ef. 3-14-94
 DEQ 21-1992, f. & cert. ef. 8-11-92
 DEQ 15-1991, f. & cert. ef. 8-14-91
 DEQ 15-1990, f. & cert. ef. 3-30-90

DEQ 4-1989, f. & cert. ef. 3-14-89
DEQ 22-1988, f. & cert. ef. 9-14-88
DEQ 2-1988, f. 1-27-88, cert. ef. 2-1-88

Division 160
REGISTRATION AND LICENSING REQUIREMENTS FOR UNDERGROUND STORAGE
TANK SERVICE PROVIDERS

340-160-0005

Purpose

(1) The purpose of these rules is to provide for the regulation of persons performing services for underground storage tank (UST) systems to assure that UST systems are being serviced in a manner which will protect the public health and welfare and the land and waters within the State of Oregon. These rules establish standards for:

(a) Licensing of persons performing UST services;

(b) Examination, qualification and licensing of individuals who supervise the performance of UST services; ~~and~~

(c) Performance, documentation and approval of UST services; and

(ed) Administration and enforcement of these rules by the department.

(2) Except as provided in section (3), this division applies to the installation, modification, repair, decommissioning and testing of USTs regulated under OAR 340, division 150.

(3) Except as provided by OAR 340-150-0156, this division does not apply to UST services performed by the property owner, owner or permittee.

Statutory/Other Authority: ORS 466.746 & 466.750

Statutes/Other Implemented: ORS 466.750

History:

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

DEQ 15-1991, f. & cert. ef. 8-14-91

DEQ 3-1989, f. & cert. ef. 3-10-89

340-160-0010

Definitions

The definitions and terms used in OAR 340-150-0010 and this rule apply to this division:

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

(2) “Excavation” means the entire process of creating or opening the pit and trenches that contain the components of a UST system, including concrete or asphalt demolition.

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

(34) “Supervisor” means an individual licensed by the department to direct and oversee specific UST services.

(45) “UST services” includes without limitation, installation, decommissioning, modification, [repair](#), testing (e.g., cathodic protection and tank tightness), and inspection of UST systems.

Statutory/Other Authority: ORS 466.746 & 466.750

Statutes/Other Implemented: ORS 466.706 & 466.750

History:

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

DEQ 11-1990, f. & cert. ef. 3-13-90

DEQ 21-1989(Temp), f. & cert. ef. 9-18-89

DEQ 3-1989, f. & cert. ef. 3-10-89

340-160-0020

General Provisions

(1) A person may not perform or offer to perform UST services without first obtaining a license from ~~the department~~[DEQ](#).

(2) A service provider is prohibited from offering or performing UST services on an UST system defined by OAR 340-150-0010(84) (except as exempted or deferred by OAR 340-150-0008), unless the owner and permittee of the UST system have been issued a general permit registration certificate by ~~the department~~[DEQ](#).

~~(3) A service provider must:~~

~~(a) Comply with this division;~~

~~(b) Have proof of current license available when UST services are performed;~~

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

~~(d) Perform UST services in a manner that conforms with all federal and state regulations applicable at the time the services are being performed.~~

~~(4) A service provider must submit a checklist on a form provided by the department to the department within 30 days, or as otherwise required for the UST owner and permittee, following the completion of UST services. In addition, the service provider must meet the following requirements:~~

~~(a) All checklists must be signed by an executive officer of the service provider and the supervisor of the project; and~~

~~(b) An as-built drawing of the completed UST installation or modification must be included with the associated checklist.~~

~~(5) A supervisor must be present during UST installation and modification when the following tasks are being performed:~~

~~(a) Preparation of the excavation immediately before receiving backfill and placement of the tank into the excavation;~~

~~(b) Any movement of the tank, including but not limited to, transferring the tank from the vehicle used to transport it to the project site;~~

~~(c) Setting of the tank and its associated piping into the excavation, including placement of any anchoring devices, backfill to the level of the tank and strapping, if any;~~

~~(d) Placement and connection of the piping system to the tank;~~

~~(e) Installation of cathodic protection;~~

~~(f) All pressure testing of the UST system, including associated piping, performed during the installation or modification;~~

~~(g) Completion of the backfill and filling of the excavated area around the installed UST;~~

~~(h) Preparation for and installation of any tank lining systems; and~~

~~(i) UST excavation.~~

~~(6) A supervisor must be present during an UST decommissioning when the following tasks are being performed:~~

~~(a) UST excavation;~~

~~(b) Removal and capping of vent and product lines;~~

~~(c) Cleaning the UST and removal of contents;~~

~~(d) Tank purging or inerting;~~

~~(e) Any movement of the tank, including but not limited to transferring the tank to the vehicle used to transport it from the project site; and~~

~~(f) Collection of soil and water samples.~~

~~(7) A supervisor must be present during the testing of an UST cathodic protection system.~~

~~(8) A supervisor must be present during the tank tightness testing of an UST system performed under OAR 340-150-0445.~~

~~(9) A service provider must report to the department the existence of any condition relating to an UST system that has or may result in a release to the environment within 72 hours of discovery of the condition.~~

~~(10) The requirements of this section are in addition to and not in lieu of any other licensing requirement imposed by law.~~

Statutory/Other Authority: ORS 465.200 - 465.320 & 466.706 - 455.995

Statutes/Other Implemented: ORS 466.706 & 466.750

History:

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

DEQ 15-1991, f. & cert. ef. 8-14-91

DEQ 3-1989, f. & cert. ef. 3-10-89

340-160-0021

UST Service Provider Work Practices

(1) For all scheduled UST services, a UST service provider must:

(a) Notify DEQ on a form specified by DEQ 3 business days before start of the work;

(b) Provide with the notification:

(A) The name of the licensed UST Supervisor who will perform the work;

(B) The manufacturer's name and a description of each piece of UST equipment involved in the work; and

(C) A copy of the proof of manufacturer's certification for the UST Supervisor specified in section (A) above for each piece of equipment specified in section (B) above.

(2) In addition to the requirements in section (1) above, for the following UST Services, a UST Service Provider must receive approval in writing from DEQ before proceeding:

(a) For UST installations:

(A) Setting the tank;

(B) Primary and secondary pipe testing;

(C) Integrity testing of the sumps and spill buckets;

(D) Backfilling the piping and tank top; and

(E) Start up testing.

(b) For UST modifications:

(A) Primary and secondary pipe testing;

(B) Integrity testing of the sumps and spill buckets;

(C) Backfilling the piping and tank top; and

(D) Start up testing.

(c) For UST repairs:

(A) Starting the repair; and

(B) Testing the repair.

(d) For UST decommissionings:

(A) Removing the tank; and

(B) Site assessment sampling.

(3) If DEQ does not provide approval to proceed to the notifications described in section (2) above within 3 business days, approval to proceed will be deemed to have been granted.

(4) Following the completion of UST Services, a UST Service provider must:

(a) Submit testing results, including all failed tests, to DEQ on a form provided by DEQ within 30 days;

(b) Submit a checklist on a form provided by DEQ for each installation, modification, repair or decommissioning within 30 days:

(A) All checklists must be signed by an executive officer of the service provider and the supervisor of the project; and

(B) An as-built drawing of the completed UST installation or modification must be included with the associated checklist.

(5) In the case of an emergency repair, where delay could result in danger to human health or a release of petroleum into the environment, a UST Service Provider must satisfy the requirements of section (1) above within 72 hours of completing the repair.

(6) A service provider must report to the department the existence of any condition relating to an UST system that has or may result in a release to the environment within 72 hours of discovery of the condition.

(7) The requirements of this section are in addition to and not in lieu of any other licensing requirement imposed by law.

Statutory/Other Authority: ORS 465.200 - 465.320 & 466.706 - 455.995

Statutes/Other Implemented: ORS 466.706 & 466.750

340-160-0022
UST Supervisor Work Practices

(1) A supervisor must be present during UST installation and modification when the following tasks are being performed:

(a) Preparation of the excavation immediately before receiving backfill and placement of the tank into the excavation;

(b) Any movement of the tank, including but not limited to, transferring the tank from the vehicle used to transport it to the project site;

(c) Setting of the tank and its associated piping into the excavation, including placement of any anchoring devices, backfill to the level of the tank and strapping, if any;

(d) Placement and connection of the piping system to the tank;

(e) Installation of cathodic protection;

(f) All pressure testing of the UST system, including associated piping, performed during the installation or modification;

(g) Completion of the backfill and filling of the excavated area around the installed UST;

(h) Preparation for and installation of any tank lining systems; and

(i) UST excavation.

(2) A supervisor must be present during an UST decommissioning when the following tasks are being performed:

(a) UST excavation;

(b) Removal and capping of vent and product lines;

(c) Cleaning the UST and removal of contents;

(d) Tank purging or inerting;

(e) Any movement of the tank, including but not limited to transferring the tank to the vehicle used to transport it from the project site; and

(f) Collection of soil and water samples.

(3) A supervisor must be present during the testing of an UST cathodic protection system.

(4) A supervisor must be present during the tank tightness testing of any component of an UST system performed under OAR 340-150-0445.

(5) A service provider must report to the department the existence of any condition relating to an UST system that has or may result in a release to the environment within 72 hours of discovery of the condition.

(6) The requirements of this section are in addition to and not in lieu of any other licensing requirement imposed by law.

Statutory/Other Authority: ORS 465.200 - 465.320 & 466.706 - 455.995

Statutes/Other Implemented: ORS 466.706 & 466.750

340-160-0025

Types of Licenses

(1) The department may issue the following types of licenses:

- (a) Service provider;
- (b) Installation supervisor;
- (c) Decommissioning supervisor;
- (d) ~~Tank tightness~~ UST testing supervisor; and
- (e) Cathodic protection system test supervisor.

(2) Licenses will be issued in accordance with the requirements of OAR 340-160-0030 for service providers and 340-160-0035 for supervisors.

Statutory/Other Authority: ORS 466.746 & 466.750

Statutes/Other Implemented: ORS 466.750

History:

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

DEQ 3-1989, f. & cert. ef. 3-10-89

340-160-0030

Licensing of UST Service Providers

(1) To apply for a service provider license, a person must submit an application to the department on a form provided by the department that includes:

- (a) The name, address and telephone number of the applicant;
- (b) The category(ies) of UST services to be performed;
- (c) A summary of the UST services provided by the applicant within the two year period immediately preceding the application, including the number of UST service projects completed in each category of UST services and identification of any other industry or government licenses held by the applicant related to specific UST services;

(d) A list of employees with supervisor licenses, the specific UST services for which they are licensed, the date the employee received a license from the department and each employee's license number;

(e) A signed statement that certifies that: "I [insert name], am the chief executive officer of [insert company name] and do hereby certify that I have obtained a copy of the applicable laws and rules pertaining to the regulation of underground storage tanks in the State of Oregon and that I have read them and will direct the employees and principals of this company to perform the UST services rendered by this company in accordance with those laws and rules"; ~~and~~

(f) The required license fee; ~~and~~

(g) The Oregon Construction Contractor's Board license number of the service provider.

(2) The department will review the application for completeness. If the application is incomplete, the applicant will be notified in writing of the deficiencies.

(3) The department may deny, in writing, a license to an applicant who has not satisfied the license application requirements.

(4) If the application is approved, a service provider license will be issued to the applicant. The license is valid for a period of 24 months.

(5) License renewals must be applied for in the same manner as required for an initial license, except the service provider must submit the complete renewal application to the department at least 30 days before the expiration date of the current license.

(6) The department may suspend, revoke or refuse to issue a license if the service provider:

(a) Fraudulently obtains or attempts to obtain a license;

(b) Fails at any time to satisfy the requirements for a license or to comply with the rules of this division or OAR chapter 340, division 150;

(c) Fails to meet any applicable state or federal standard relating to the UST services performed under the license; or

(d) Fails to employ and designate a licensed supervisor for each UST service project.

(7) A service provider who has a license suspended or revoked may reapply for a license after demonstrating to the department that the cause of the suspension or revocation has been resolved.

(8) If a service provider no longer employs a licensed supervisor, the service provider must immediately cease providing UST services. The service provider cannot provide UST services until a licensed supervisor is again employed by the service provider and written notice of the hiring of a licensed supervisor is received by the department.

Statutory/Other Authority: ORS 466.746 & 466.750

Statutes/Other Implemented: ORS 466.750

History:

DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

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

DEQ 3-1989, f. & cert. ef. 3-10-89

Draft Rules – Edits Included (no track changes)

Division 12 ENFORCEMENT PROCEDURE AND CIVIL PENALTIES

340-012-0067

Underground Storage Tank (UST) Classification of Violations

(1) Class I:

- (a) Failing to investigate or confirm a suspected release;
- (b) Failing to establish or maintain the required financial responsibility mechanism;
- (c) Failing to obtain the appropriate general permit registration certificate before installing or operating an UST;
- (d) Failing to install spill and overfill protection equipment that will prevent a release, or failing to demonstrate to DEQ that the equipment is properly functioning;
- (e) Failing to install, operate or maintain a method or combination of methods for release detection such that the method can detect a release from any portion of the UST system;
- (f) Failing to protect from corrosion any part of an UST system that routinely contains a regulated substance;
- (g) Failing to permanently decommission an UST system;
- (h) Failing to obtain approval from DEQ before installing or operating vapor or groundwater monitoring wells as part of a release detection method;
- (i) Installing, repairing, replacing or modifying an UST system in violation of any rule adopted by DEQ;
- (j) Failing to conduct testing or monitoring, or to keep records where the failure constitutes a significant operational compliance violation;
- (k) Providing, offering or supervising tank services without the appropriate license; or
- (l) Failing to assess the excavation zone of a decommissioned or abandoned UST when directed to do so by DEQ.

(2) Class II:

- (a) Continuing to use a method or methods of release detection after period allowed by rule has expired;
- (b) Failing to have a trained UST system operator for an UST facility after March 1, 2004;

- (c) Failing to apply for a modified general permit registration certificate;
 - (d) Failing to have an operation certificate for each compartment of a multi-chambered or multi-compartment UST when at least one compartment or chamber has an operation certificate;
 - (e) Installing, repairing, replacing, testing or modifying an UST or UST equipment without providing the required notifications;
 - (f) Failing to decommission an UST in compliance with the statutes and rules adopted by DEQ, including, but not limited to, performance standards, procedures, notification, general permit registration and site assessment requirements;
 - (g) Providing tank services at an UST facility that does not have the appropriate general permit registration certificate;
 - (h) Failing to obtain the identification number and operation certificate number before depositing a regulated substance into an UST, by a distributor;
 - (i) Failing, by a distributor, to maintain a record of all USTs into which it deposited a regulated substance;
 - (j) Allowing tank services to be performed by a person not licensed by DEQ;
 - (k) Failing to submit checklists or reports for UST installation, modification or suspected release confirmation activities;
 - (l) Failing to complete an integrity assessment before adding corrosion protection;
 - (m) Failing by an owner or permittee to pass the appropriate national examination before performing tank services; or
 - (n) Failing to provide the identification number or operation certificate number to persons depositing a regulated substance into an UST.
- (3) Class III: Failing to notify the new owner or permittee of DEQ's general permit registration requirements, by a person who sells an UST.

Statutory/Other Authority: ORS 466.720, 466.746, 466.882, 466.994 & 468.020

Statutes/Other Implemented: ORS 466.706 - 466.835, 466.994 & 468.090 - 468.140

History:

DEQ 1-2014, f. & cert. ef. 1-6-14
 DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06
 DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05
 DEQ 6-2003, f. & cert. ef. 2-14-03
 DEQ 19-1998, f. & cert. ef. 10-12-98
 DEQ 4-1994, f. & cert. ef. 3-14-94
 DEQ 21-1992, f. & cert. ef. 8-11-92
 DEQ 15-1991, f. & cert. ef. 8-14-91
 DEQ 15-1990, f. & cert. ef. 3-30-90
 DEQ 4-1989, f. & cert. ef. 3-14-89

DEQ 22-1988, f. & cert. ef. 9-14-88
DEQ 2-1988, f. 1-27-88, cert. ef. 2-1-88

Division 160
REGISTRATION AND LICENSING REQUIREMENTS FOR UNDERGROUND STORAGE
TANK SERVICE PROVIDERS

340-160-0005

Purpose

(1) The purpose of these rules is to provide for the regulation of persons performing services for underground storage tank (UST) systems to assure that UST systems are being serviced in a manner which will protect the public health and welfare and the land and waters within the State of Oregon. These rules establish standards for:

- (a) Licensing of persons performing UST services;
- (b) Examination, qualification and licensing of individuals who supervise the performance of UST services;
- (c) Performance, documentation and approval of UST services; and
- (d) Administration and enforcement of these rules by the department.

(2) Except as provided in section (3), this division applies to the installation, modification, repair, decommissioning and testing of USTs regulated under OAR 340, division 150.

(3) Except as provided by OAR 340-150-0156, this division does not apply to UST services performed by the property owner, owner or permittee.

Statutory/Other Authority: ORS 466.746 & 466.750

Statutes/Other Implemented: ORS 466.750

History:

DEQ 6-2003, f. & cert. ef. 2-14-03
DEQ 15-1991, f. & cert. ef. 8-14-91
DEQ 3-1989, f. & cert. ef. 3-10-89

340-160-0010

Definitions

The definitions and terms used in OAR 340-150-0010 and this rule apply to this division:

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

(2) "Excavation" means the entire process of creating or opening the pit and trenches that contain the components of a UST system, including concrete or asphalt demolition.

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

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

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

Statutory/Other Authority: ORS 466.746 & 466.750

Statutes/Other Implemented: ORS 466.706 & 466.750

History:

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

DEQ 11-1990, f. & cert. ef. 3-13-90

DEQ 21-1989(Temp), f. & cert. ef. 9-18-89

DEQ 3-1989, f. & cert. ef. 3-10-89

340-160-0020

General Provisions

(1) A person may not perform or offer to perform UST services without first obtaining a license from DEQ.

(2) A service provider is prohibited from offering or performing UST services on an UST system defined by OAR 340-150-0010(84) (except as exempted or deferred by OAR 340-150-0008), unless the owner and permittee of the UST system have been issued a general permit registration certificate by DEQ.

Statutory/Other Authority: ORS 465.200 - 465.320 & 466.706 - 455.995

Statutes/Other Implemented: ORS 466.706 & 466.750

History:

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

DEQ 15-1991, f. & cert. ef. 8-14-91

DEQ 3-1989, f. & cert. ef. 3-10-89

340-160-0021

UST Service Provider Work Practices

(1) For all scheduled UST services, a UST service provider must:

(a) Notify DEQ on a form specified by DEQ 3 business days before start of the work;

(b) Provide with the notification:

(A) The name of the licensed UST Supervisor who will perform the work;

(B) The manufacturer's name and a description of each piece of UST equipment involved in the work; and

(C) A copy of the proof of manufacturer's certification for the UST Supervisor specified in section (A) above for each piece of equipment specified in section (B) above.

(2) In addition to the requirements in section (1) above, for the following UST Services, a UST Service Provider must receive approval in writing from DEQ before proceeding:

(a) For UST installations:

(A) Setting the tank;

(B) Primary and secondary pipe testing;

(C) Integrity testing of the sumps and spill buckets;

(D) Backfilling the piping and tank top; and

(E) Start up testing.

(b) For UST modifications:

(A) Primary and secondary pipe testing;

(B) Integrity testing of the sumps and spill buckets;

(C) Backfilling the piping and tank top; and

(D) Start up testing.

(c) For UST repairs:

(A) Starting the repair; and

(B) Testing the repair.

(d) For UST decommissionings:

(A) Removing the tank; and

(B) Site assessment sampling.

(3) If DEQ does not provide approval to proceed to the notifications described in section (2) above within 3 business days, approval to proceed will be deemed to have been granted.

(4) Following the completion of UST Services, a UST Service provider must:

(a) Submit testing results, including all failed tests, to DEQ on a form provided by DEQ within 30 days;

(b) Submit a checklist on a form provided by DEQ for each installation, modification, repair or decommissioning within 30 days:

(A) All checklists must be signed by an executive officer of the service provider and the supervisor of the project; and

(B) An as-built drawing of the completed UST installation or modification must be included with the associated checklist.

(5) In the case of an emergency repair, where delay could result in danger to human health or a release of petroleum into the environment, a UST Service Provider must satisfy the requirements of section (1) above within 72 hours of completing the repair.

(6) A service provider must report to the department the existence of any condition relating to an UST system that has or may result in a release to the environment within 72 hours of discovery of the condition.

(7) The requirements of this section are in addition to and not in lieu of any other licensing requirement imposed by law.

Statutory/Other Authority: ORS 465.200 - 465.320 & 466.706 - 455.995

Statutes/Other Implemented: ORS 466.706 & 466.750

340-160-0022

UST Supervisor Work Practices

(1) A supervisor must be present during UST installation and modification when the following tasks are being performed:

(a) Preparation of the excavation immediately before receiving backfill and placement of the tank into the excavation;

(b) Any movement of the tank, including but not limited to, transferring the tank from the vehicle used to transport it to the project site;

(c) Setting of the tank and its associated piping into the excavation, including placement of any anchoring devices, backfill to the level of the tank and strapping, if any;

(d) Placement and connection of the piping system to the tank;

(e) Installation of cathodic protection;

(f) All pressure testing of the UST system, including associated piping, performed during the installation or modification;

(g) Completion of the backfill and filling of the excavated area around the installed UST;

(h) Preparation for and installation of any tank lining systems; and

- (i) UST excavation.
- (2) A supervisor must be present during an UST decommissioning when the following tasks are being performed:
 - (a) UST excavation;
 - (b) Removal and capping of vent and product lines;
 - (c) Cleaning the UST and removal of contents;
 - (d) Tank purging or inerting;
 - (e) Any movement of the tank, including but not limited to transferring the tank to the vehicle used to transport it from the project site; and
 - (f) Collection of soil and water samples.
- (3) A supervisor must be present during the testing of an UST cathodic protection system.
- (4) A supervisor must be present during the tank tightness testing of any component of an UST system performed under OAR 340-150-0445.
- (5) A service provider must report to the department the existence of any condition relating to an UST system that has or may result in a release to the environment within 72 hours of discovery of the condition.
- (6) The requirements of this section are in addition to and not in lieu of any other licensing requirement imposed by law.

Statutory/Other Authority: ORS 465.200 - 465.320 & 466.706 - 455.995

Statutes/Other Implemented: ORS 466.706 & 466.750

340-160-0025

Types of Licenses

- (1) The department may issue the following types of licenses:
 - (a) Service provider;
 - (b) Installation supervisor;
 - (c) Decommissioning supervisor;
 - (d) UST testing supervisor; and
 - (e) Cathodic protection system test supervisor.

(2) Licenses will be issued in accordance with the requirements of OAR 340-160-0030 for service providers and 340-160-0035 for supervisors.

Statutory/Other Authority: ORS 466.746 & 466.750

Statutes/Other Implemented: ORS 466.750

History:

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

DEQ 3-1989, f. & cert. ef. 3-10-89

340-160-0030

Licensing of UST Service Providers

(1) To apply for a service provider license, a person must submit an application to the department on a form provided by the department that includes:

(a) The name, address and telephone number of the applicant;

(b) The category(ies) of UST services to be performed;

(c) A summary of the UST services provided by the applicant within the two year period immediately preceding the application, including the number of UST service projects completed in each category of UST services and identification of any other industry or government licenses held by the applicant related to specific UST services;

(d) A list of employees with supervisor licenses, the specific UST services for which they are licensed, the date the employee received a license from the department and each employee's license number;

(e) A signed statement that certifies that: "I [insert name], am the chief executive officer of [insert company name] and do hereby certify that I have obtained a copy of the applicable laws and rules pertaining to the regulation of underground storage tanks in the State of Oregon and that I have read them and will direct the employees and principals of this company to perform the UST services rendered by this company in accordance with those laws and rules";

(f) The required license fee; and

(g) The Oregon Construction Contractor's Board license number of the service provider.

(2) The department will review the application for completeness. If the application is incomplete, the applicant will be notified in writing of the deficiencies.

(3) The department may deny, in writing, a license to an applicant who has not satisfied the license application requirements.

(4) If the application is approved, a service provider license will be issued to the applicant. The license is valid for a period of 24 months.

(5) License renewals must be applied for in the same manner as required for an initial license, except the service provider must submit the complete renewal application to the department at least 30 days before the expiration date of the current license.

(6) The department may suspend, revoke or refuse to issue a license if the service provider:

(a) Fraudulently obtains or attempts to obtain a license;

(b) Fails at any time to satisfy the requirements for a license or to comply with the rules of this division or OAR chapter 340, division 150;

(c) Fails to meet any applicable state or federal standard relating to the UST services performed under the license; or

(d) Fails to employ and designate a licensed supervisor for each UST service project.

(7) A service provider who has a license suspended or revoked may reapply for a license after demonstrating to the department that the cause of the suspension or revocation has been resolved.

(8) If a service provider no longer employs a licensed supervisor, the service provider must immediately cease providing UST services. The service provider cannot provide UST services until a licensed supervisor is again employed by the service provider and written notice of the hiring of a licensed supervisor is received by the department.

Statutory/Other Authority: ORS 466.746 & 466.750

Statutes/Other Implemented: ORS 466.750

History:

DEQ 3-2008, f. 2-29-08, cert. ef. 3-10-08

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

DEQ 3-1989, f. & cert. ef. 3-10-89