

**Date:** March 3, 2025  
**To:** Environmental Quality Commission  
**From:** Leah Feldon, Director  
**Subject:** Agenda item F, Informational item: Underground Storage Tanks 2025  
March 13-14, 2025, EQC meeting

**Why this is important** This is an informational briefing for the commission on the Underground Storage Tank Program and the UST Contractor proposed rulemaking that DEQ will request EQC action on in May 2025.

**Background** Underground Storage Tank systems are defined as “a tank and any underground piping connected to the tank that has at least 10 percent of its combined volume underground.” Regulated USTs store petroleum and certain hazardous substances defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (but not including any substance regulated as hazardous waste under Subtitle C).

Oregon currently has roughly 1,685 active UST facilities across the state. These are mostly gas stations and non-retail fuel dispensing facilities, but this number also includes emergency generators, marinas, and storage for paint ingredients. Tanks used for heating oil storage are specifically excluded from the program, as are some farm tanks, very small tanks, and tanks taken out of service before 1974.

In response to public outcry over groundwater contamination caused by petroleum leaks from underground storage tanks, Congress added Subtitle I to the Solid Waste Disposal Act in 1984 to protect the public from underground storage tank petroleum releases. Subtitle I formed the national underground storage tank program and directed the U.S. Environmental Protection Agency to develop a regulatory program for USTs storing petroleum and certain hazardous substances. EPA established the 1988 federal underground storage tank technical and state program approval regulations, subsequently updated in 2015.

DEQ’s primary activities in the UST program are to conduct regular inspections of active UST facilities, issue tank registrations and operating certificates for underground storage tank facilities, provide oversight of the installation, modification, repair, operation, and removal of USTs, require financial liability protection for UST leaks, and license contractors who work on USTs.

DEQ manages the Underground Storage Tank Compliance Program under State Program

Approval from EPA. Three sets of rules govern USTs in Oregon: Chapter 340, Divisions 150, 151, and 160. Division 150, last updated in 2018, stipulates the requirements for UST equipment, permitting, installation, operation, modification, repair, testing, and decommissioning. Division 151 governs the requirements for proof of financial responsibility to cover the costs of leaks. Divisions 150 and 151 are based on federal requirements and must be at least as strict as the rules adopted by EPA.

### **Contractor licensing (OAR 340-160)**

Division 160 was adopted in Oregon in 2003 and is not based on federal rules. It governs the licensing and work practice requirements for the contractors who perform UST services. DEQ issues two different licenses to UST contractors. UST Service Provider licenses are issued to companies, and UST Supervisor licenses are issued to individuals.

To obtain a license, both Service Providers and Supervisors are required to demonstrate competence through documented work history or an exam, respectively. Service Providers must submit documentation of installation, modification, and decommissioning work performed on USTs, and the presence of a licensed UST Supervisor is required on-site at specified milestones during that work. Additionally, in Oregon, all work performed on regulated UST systems must be performed by a licensed UST Service Provider, either by or supervised by a licensed UST Supervisor.

### **Need for rulemaking**

EPA updated the technical requirements for USTs in 2015, and Oregon incorporated those required changes in an update to the corresponding rules in Division 150 in 2018 and obtained State Program Approval. These new rules require regular testing for all regulated UST systems which were not previously required:

- Monthly walkthrough inspections
- Annual release detection tests
- Triennial spill prevention tests
- Triennial containment sump tests
- Triennial overfill prevention tests

Another important change was the ending of the exemption from release detection requirements for USTs that power emergency generators. All emergency generator systems, no matter when they were installed, must now have functional release detection and maintain the same testing schedule as other USTs.

The contractor licensing and performance requirements in Division 160 for UST Service Providers and Supervisors in Oregon were adopted in 2003. These rules do not specifically encompass the testing requirements and other changes made in Division 150 in 2018, or the advances in UST equipment that have been made over the past 20 years. The proposed rules will harmonize the language between the UST contractor rules and the UST equipment rules and will align Oregon rules with the federal

regulations.

The effect of the EPA-mandated change to Division 150 in 2018 on the operational compliance of UST facilities in Oregon was significant. Since the new equipment and testing rules were implemented, the program has experienced a 40% compliance rate, compared to a 90% compliance rate before the regulations were implemented. Inspections have resulted in violations of testing, documentation, and equipment functionality requirements. The proposed rules will increase oversight of the testing, repair, and construction work performed by licensed UST contractors, increasing compliance with the UST regulations.

### **Rulemaking process**

DEQ held three Rules Advisory Committee meetings, on Aug. 22, Oct. 10, and Dec. 3, 2024. DEQ's public notice period for this proposed rulemaking was active from Feb. 3, 2025, through Feb. 24, 2025. DEQ held one public hearing on Feb. 21, 2025.

### **Proposed rules**

The proposed rules bring more continuity between the UST Service Provider rules and testing requirements to improve environmental outcomes and would require:

- UST Service Providers to notify DEQ before performing any UST service, including testing.
- Service Providers to submit proof that the Supervisor performing the work on all UST equipment being installed, repaired, or tested has received manufacturer's certification for that equipment, where such certification is available.
- Service Providers to submit test results within 30 days after completion.
- Service Providers to obtain DEQ approval to move beyond certain critical junctures during construction projects.

The proposed rules also clarify the definition of "excavation," adds "repair" to the definition of "UST Services" and require the Oregon CCB license number on the license application form for those Service Providers that have one.

### **EQC involvement**

DEQ intends to bring this rule proposal for Commission action at the May 2025 EQC meeting

### **Supporting materials**

- A. [Public Notice and Draft Rules](#)
- B. [DEQ's Rulemaking Web Page](#)

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