

Underground Storage Tanks 2025

Proposed Rule Updates

May 8, 2025
EQC Meeting



Proposed Rulemaking



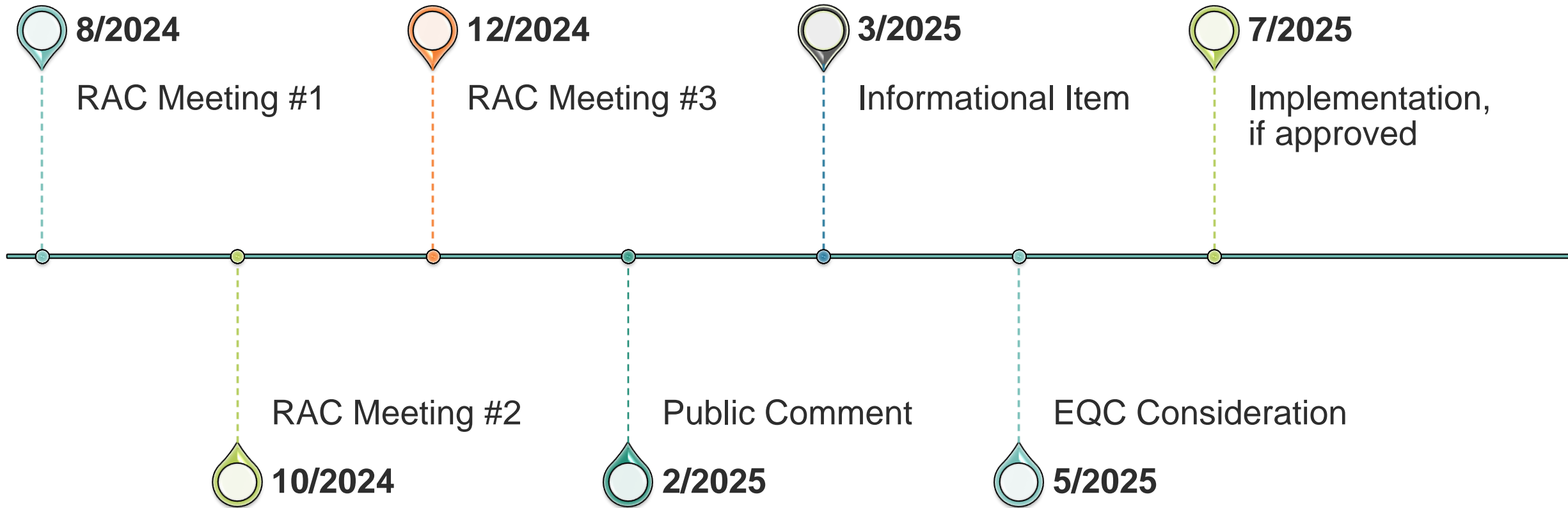
- Protect Oregon's groundwater
- Only licensed contractors may perform UST services
- Increase compliance
- **Increase DEQ oversight of contractors**

Underground Storage Tank Program



- Rulemaking Process
- Proposed Rule Updates
- Financial Impact Statement
- Racial Equity Impact Statement
- Environmental Justice Concerns
- RAC and Public Feedback
- Recommended Action

UST 2025 Rulemaking



Rulemaking Advisory Committee

Name	Representing
Brainard Brauer, independent station owner	Independent station owners
Chris Huiard, Space Age, Oregon Fuels Association	Large fuel operators
Shyanne Dunne, Jubitz	Large fuel operators
Matt Failor, Meng-Hannan	UST Service Providers
Bill Loge, Tanknology	UST Service Providers
Chris Wright, Diamond Z Engineering	UST Service Providers
Mason Leavitt, Beyond Toxics	Environmental Advocate
Brandon Philips, Post Pump	Community Advocate
Danelle Romain, Romain Freese	Oregon Fuels Association

Purpose

OAR 340-160-0005

- Adds “Performance, documentation and approval of UST services”



Definitions

OAR 340-160-0010

- Adds definition for “excavation”
- Adds “testing” to definition of “UST Services”



General Provisions

OAR 340-160-0020

- Moves specific requirements for UST Service Providers and Supervisors to new rules



UST Service Provider Work Practices



OAR 340-160-0021

- Incorporates specific UST Service Provider requirements formerly contained in OAR 340-160-0020
- Adds requirement to notify DEQ before all UST services
- Adds requirement to include manufacturers' certifications for all equipment with the notification
- Adds requirement to obtain approval from DEQ before proceeding with specified steps in installations, modifications, decommissionings, and repairs
- Adds requirement to submit test results to DEQ

UST Supervisor Work Practices



OAR 340-160-0022

- Incorporates specific UST Supervisor requirements formerly contained in OAR 340-160-0020
- Adds requirement that a UST Supervisor be present for the testing of any component of a UST system

Types of Licenses



OAR 340-160-0025

- Deletes the words “tank tightness” before “testing”

Licensing of UST Service Providers



OAR 340-160-0030

- Adds the requirement to submit an Oregon Construction Contractors Board license number with the UST Service Provider license application, if applicable

Enforcement Procedures

OAR 340-12-0067

- Updates Division 12 to add violation for testing without required notification



Fiscal Impact of Rules

Summary:

- Likely an impact on UST Service Providers
- Addition time required for sending notifications and test results
- Could be passed on to UST owners

Fiscal Impact of Rules

State Agencies:

- 20 facilities with active tanks belong to state agencies

Local Governments:

- 107 facilities with active tanks belong to local governments

Public:

- Pass-through costs are possible

Fiscal Impact of Rules

Large Businesses:

- 854 of 1511 privately-owned facilities are owned by 89 large businesses
- 14 UST Service Providers are large businesses

Small Businesses:

- 657 UST facilities are owned by small businesses
- 64 UST Service Providers are small businesses

Racial Equity Impact of Rules

- Gas stations and related infrastructure are disproportionately located in communities of color.
- These proposed rules will improve compliance of UST systems, and beneficial environmental outcomes.
- These proposed rules may have a positive effect on racial equity.

Environmental Justice Impact of Rules

- 40% of Oregon's UST facilities are located in census blocks with at least two demographic or environmental indices at or above the 80th percentile nationally
- These proposed rules will improve compliance of UST systems, therefore having an overall positive effect on environmental justice in Oregon

Public Comment

- Public comment period held Feb. 3 – Feb. 24
 - One virtual hearing held on Feb. 21
 - In total, DEQ received 5 comments from 5 commenters
- Comments related to:
- Siting USTs out of subduction zones
 - Support for stricter land use restrictions for USTs
 - Support for increase in oversight by DEQ
 - Concern about requiring proof of certification
 - Concern about notification requirements

Proposed Motion Language

“I move that the Environmental Quality Commission adopt the proposed rule amendments in Attachment A as part of Chapter 340 of the Oregon Administrative Rules.”

Title VI and Alternative Formats

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