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Title 33

Environmental Quality

Part XI. Underground Storage Tanks

Chapter 1. Program Applicability and Definitions

§101.Applicability

A.General. The requirements of these regulations apply to underground storage tank (UST) systems as defined in LAC 33:XI.103, except as otherwise provided in Subsections B and C of this Section.

B.Exclusions. The following UST systems are excluded from the requirements of these regulations. The owner or operator must provide documentation upon request for any exclusion claimed.

1.Any UST system holding hazardous wastes listed or identified in the Louisiana Department of Environmental Quality's Hazardous Waste Regulations or a mixture of such hazardous waste and other regulated substances is excluded from the requirements of these regulations.

2.Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act is excluded from the requirements of these regulations.

3.Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks is excluded from the requirements of these regulations.

4.Any UST system whose capacity is 110 gallons or less is excluded from the requirements of these regulations.

5.Any UST system that has never contained more than a *de minimis* concentration of regulated substances is excluded from the requirements of these regulations.

6.Any emergency spill or overflow containment UST system that is expeditiously emptied after use is excluded from the requirements of these regulations.

C.Deferrals

1.All of the deferred UST systems listed in this Subsection must meet the requirements of LAC 33:XI.305.

2.The following categories of deferred tanks are exempted from the specified Chapters and Sections of these regulations.

a.LAC 33:XI.Chapters 3 (except for LAC 33:XI.305, which applies to all deferred UST systems) and 5, LAC 33:XI.701-713, and LAC 33:XI.Chapters 9 and 11 do not apply to any of the following types of UST systems:

i.wastewater treatment tank systems;

ii.any UST systems containing radioactive materials that are regulated under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);

iii.any UST system that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR 50, Appendix A;

iv.airport hydrant fuel distribution systems; and

v.UST systems with fieldconstructed tanks.

b.LAC 33:XI.701-705 does not apply to any UST system that stores fuel solely for use by emergency power generators.

AUTHORITY NOTE:Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE:Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:1467 (August 2003).

§103.Definitions

A.For all purposes of these rules and regulations, the terms defined in this Section shall have the following meanings, unless specifically defined otherwise in LAC 33:XI.1105 or 1303.

*Aboveground Release*―any release to the surface of the land or to surface water. This includes, but is not limited to, releases from the aboveground portion of a UST system and aboveground releases associated with overfills and transfer operations as the regulated substance moves to or from a UST system.

*Act*―the Louisiana Environmental Quality Act, R.S. 30:2001 et seq.

*Administrative Authority*―the Secretary of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.

*Ancillary Equipment*―any devices used to distribute, meter, or control the flow of regulated substances to and from a UST, including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps.

*Belowground Release*―any release to the subsurface of the land or to groundwater, including, but not limited to, releases from the belowground portions of a UST system and belowground releases associated with overfills and transfer operations as the regulated substance moves to or from a UST system.

*Beneath the Surface of the Ground*―beneath the ground surface or otherwise covered with earthen materials.

*Cathodic Protection*―a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

*Cathodic Protection Tester*―a person who can demonstrate 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 a person 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.

*CERCLA*―the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.

*Compatible*―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 by the UST system.

*Connected Piping*―all underground piping, including valves, elbows, joints, flanges, and flexible connectors, attached to a 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.

*Consumptive Use*―with respect to heating oil, consumption that occurs on the premises.

*Corrosion Expert*―a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired through a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be accredited or certified as being qualified by the National Association of Corrosion Engineers or be a registered professional engineer who has provided evidence to the satisfaction of the administrative authority documenting certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.

*De Minimis Concentration*―the concentration of a regulated substance below which no significant impact to human health or the environment would result if a release occurred, as determined by LAC 33:I.1307.

*Department*―the Department of Environmental Quality as created by R.S. 30:2001 et seq.

*Dielectric Material*―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).

*Electrical Equipment*―underground equipment that contains dielectric fluid necessary for the operation of equipment such as transformers and buried electrical cable.

*Empty UST System*―a UST system from which all materials have been removed using commonly employed practices so that no more than either 2.5 centimeters (1 inch) of residue or 0.3 percent by weight of the total capacity of the UST system, whichever is less, remains in the system.

*Excavation Zone*―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 installed.

*Existing UST System*―an underground storage tank system used to contain an accumulation of regulated substances on or before December 22, 1988, or for which installation has commenced on or before December 22, 1988. Installation is considered to have commenced if:

a.the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the UST system; and

b.either a continuous on-site physical construction or installation program has begun or the owner or operator has entered into contractual obligations, that cannot be cancelled or modified without substantial loss, or physical construction at the site or installation of the UST system to be completed within a reasonable time.

*Farm Tank*―a tank located on a tract of land devoted to the production of crops or raising of animals, including fish, and the associated residences and improvements. A farm tankmust be located on the farm property. Farm includes fish hatcheries, rangelands, and nurseries with growing operations.

*Flow-Through Process Tank*―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.

*Free Product*―a regulated substance present as a nonaqueous phase liquid (e.g., a liquid not dissolved in water).

*Gathering Lines*―any pipeline, equipment, facility, or building used in the transportation of oil or gas during oil or gas production or gathering operations.

*Geologist*―a person who is a graduate of an accredited institution of higher education who has successfully completed a minimum of 30 semester hours or 45 quarter hours of course work in the science of geology and has in his/her possession a minimum of a baccalaureate degree.

*Hazardous Substance UST System*―an underground storage tank 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 the department's Hazardous Waste Regulations) or any mixture of such substances and petroleum, and which is not a petroleum UST system.

*Heating Oil*―petroleum that is Number 1, Number 2, Number 4-light, Number 4-heavy, Number 5-light, Number 5-heavy, and Number 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.

*Hydraulic Lift Tank*―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.

*Install* or *Installation*―the process of placing a UST system in the ground and preparing it to be put into service.

*Liquid Trap*―sumps, well cellars, and other traps used in association with oil and gas production, gathering, and extraction operations (including gas production plants) to collect 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.

*Maintenance*―the normal operational upkeep undertaken to prevent a UST system from releasing product.

*Motor Fuels*―all grades of gasoline including but not limitNovember 24, 2008 SIDNEY JOB SERVICE WORKFORCE CENTER Check out JOBS online at http://jobs.mt.gov or http://sidneyjobs.mt.gov Phone: 406-433-1204 Jobline: 406-433-6665 OFFICE HOURS: Monday 10:00 am -5:00 pm Tuesday-Friday 8:00 am -5:00 pmVeterans Affairs Representative, Michelle Harada, for an appointment call 1-800-827-1000. Kathy Beauchot, Vocational Rehab, for an appointment call 1-877-296-1198. If you have lost your job due to business closure please contact our office. You may be qualified for assistance. PLEASE CONTACT JOB SERVICE FOR REFERRAL INFORMATION AND INSTRUCTIONSAGRICULTURE 3512709 FARM LABOR Steve Parks Apiaries Temporary labor needed in the Fairview area to work January 10, 209 to November 1, 2009. (12 workers). Duties include: Raises bees to produce honeycomb of bees into hives; forces bees from hives; uncaps harvested honeycombs and extracts honey; arranges with buyers for sale of honey; physically lifting boxes of honey for transport; transporting bees, colony boxes and honey; driving pickup to obtain parts and supplies, honey extracting equipment and mixed tools used to work with bees, maintenance and repairs on equipment and colony boxes. Housing and tools provided. Must produce and furnish to employer a current "drivers abstract, have basic literacy and basic arithmetic, and three months experience. Work will be 48 hours per week. Wage will be 8.74 per hour. Apply with a resume or generic application and ProveIT Basic Reading and Basic Math testing at Sidney Job Service, Att: Vernette, 211 N Central Ave, Sidney MT 59270. Position Closes June 7th 20093512677 FARM WORKER LIVESTOCK RC Feedlot Temporary workers for Farm Worker Livestock needed from 12/108 to 4/30/08 for three workers in the Sidney area. Must have three months experience, able to understand, read and speak sufficient English in order to maintain breed, feeding, and costs records. Must be able to work outside in adverse weather conditions. Duties: Performs any of the following tasks to attend to livestock, such as cattle on farm. Maintain heated watering system and operating snow removal equipment in order to operate feed wagons. Mixes feed and additives, fills feed troughs with feed and water for livestock and remove ice formed in water. Examines animals to detect disease and injuries. Vaccinates animals by placing vaccine in drinking water or feed using syringes and hypodermic needles. Applies medications to cuts and bruises., spray livestock with insecticide. Confines livestock in stalls washes and clips them to prepare for calving and assists veterinarian in delivery of offspring. Binds or clamps testes or surgically removes testes to castrate livestock. Clips identifying notches or symbols on animals or brand animal, using branding iron, to indicate ownership. Cleans livestock stalls and sheds, using disinfectant solutions, brushes and shovels. Maintain buildings and equipment. Maintain breeding, feeding and costs records. Wage is $8.74 per hour. Work 48 hours per week. Apply by sending generic application or resume to Sidney Job Service, Att: Vernette, 211 N Central Ave, Sidney, MT , 59270. Position closes 2/13/093512587 LABORER Yellowstone Livestock One day a week on Wednesdays to help with sale day. Possibly Tuesday afternoons. Could work into a full time postion. Duties will be running the gate for cattle sales. Will be working in all weather conditions. Must have lifting,standing,bending abilities and listening skills. Apply with generic application. 3512534 GRAIN ELEVATOR LABOR Nortana Full time position to work with customers, loading feed and grain, unloading and loadinged to gasohol, Number 1 diesel, Number 2 diesel, kerosene, and all aviation fuels. Liquid petroleum (LP) gas shall not be included in this definition of motor fuels. This term shall include new and used motor oil that is used for lubricating engines of motor vehicles. If, however, used oil is determined to be a hazardous waste by the United States Environmental Protection Agency, used oil shall no longer be included in this term.

*New UST System*―an underground storage tank system that will be used to contain an accumulation of regulated substances and for which installation commenced after December 22, 1988 (see also *Existing UST System*).

*Noncommercial Purposes*―with respect to motor fuel, refers to purposes other than for resale.

*On Staff*―performing services while employed by a response action contractor, for an average of 20 or more hours per week. On staff does not refer to an independent contractor, but to an employee of the response action contractor.

*On the Premises Where Stored*―with respect to heating oil, refers to UST systems located on the same property where the stored heating oil is used.

*Operational Life*―the period beginning when installation of the tank system has commenced until the time the tank system is properly closed under LAC 33:XI.Chapter 9.

*Operator*―any person in control of, or having responsibility for, the daily operation of the UST system.

*Overfill Release*―a release that occurs when a tank is filled beyond its capacity, resulting in a discharge of the regulated substance into the environment.

*Owner*―

a.the owner of a UST is, for purposes of these regulations:

i.the current owner of the land under which the tank is or was buried;

ii.any legal owner of the tank;

iii.any known operator of the tank;

iv.any lessee;

v.any lessor;

b.if one person defined as an owner complies, it shall be deemed compliance by all persons defined as owners.

*Permanent Closure*―the process of removing and disposing of a UST system no longer in service, including the process of abandoning such a system in place through the use of prescribed techniques for the purging of vapors and the filling of the vessel with an inert material, the process of properly labeling a tank, and the process of collecting subsurface samples.

*Person*―an individual, trust, firm, joint stock company, federal agency, corporation, state, municipality, commission, political subdivision of a state, or any interstate body. *Person* also includes a consortium, a joint venture, a commercial entity, and the United States government.

*Petroleum UST System*―an underground storage tank 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.

*Pipe* or *Piping*―a hollow cylinder or tubular conduit that is constructed of non-earthen materials and that routinely contains and conveys regulated substances from a UST to a dispenser or other end-use equipment. Such piping includes any elbows, couplings, unions, valves, or other in-line fixtures that contain and convey regulated substances from the UST to the dispenser. This definition does not include vent, vapor recovery, or fill lines.

*Pipeline Facilities (including gathering lines)*―new and existing pipe rights-of-way and any associated equipment, facilities, or buildings.

*Registered Tank*―a UST for which an owner/operator has filed the required USTregistration forms(UST-REG-01 and 02) with the department.

*Regulated Substance*―

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 the department's Hazardous Waste Regulations); and

b.petroleum, including crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (60° Fahrenheit and 14.7 pounds per square inch absolute). The term *regulated substance* includes, but is not limited to, petroleum and petroleum-based substances comprising a complex blend of hydrocarbons derived from crude oil through 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.

*Release*―any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from a UST system. Releases into the air will be governed by LAC 33:Part III and LAC 33.I.Chapter 39.

*Release Detection*―determining whether a release of a regulated substance has occurred from a UST system into the environment or into the interstitial space between the UST system and its secondary barrier or secondary containment around it.

*Repair*―to restore a tank or component of a UST system that has caused or threatens to cause a release of product from the UST system.

*Replace* or *Replacement*―to remove an existing UST and install a new UST in substantially the same location as the removed tank, or to remove and replace 25 percent or more of piping associated with a single UST.

*Residential Tank*―a tank located on property used primarily for dwelling purposes.

*Response Action*―any technical services activity or specialized services activity, including but not limited to, assessment, planning, design, engineering, construction, operation of a recovery system, or ancillary services, that is carried out in response to any discharge or release or threatened release of motor fuels into the groundwater, surface waters, or subsurface soils.

*Response Action Contractor*―a personwho has been approved by the department and is carrying out any response action, excluding a person retained or hired by such person to provide specialized services relating to a response action. When emergency conditions exist as a result of a release from a motor fuels underground storage tank, this term shall include any person performing department-approved emergency response actions during the first 72 hours following the release.

*SARA*―the Superfund Amendments and Reauthorization Act of 1986.

*Secondary Containment*―a containment system that utilizes an outer or secondary container or impervious liner designed to prevent releases of regulated substances from the primary container from reaching the surrounding environment for a time sufficient to allow for detection and control of the released product. Such systems include, but are not limited to, double-wall tanks and piping, jacketed tanks and piping that have an interstitial space that allows for interstitial monitoring, and any other such system approved by the department prior to installation.

*Septic Tank*―a covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such a 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.

*Specialized Services*―response actionactivities associated with the preparation of a reimbursement application, laboratory analyses, or any construction activity, construction of trenches, excavations, installing monitoring wells, conducting borings, heavy equipment work, surveying, plumbing, and electrical work that are carried out by a subcontractor hired or retained by a response action contractor in response to a discharge or release or threatened release of motor fuels into the groundwater or subsurface soils.

*Storm-Water or Wastewater Collection System*―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. The collection of storm-water and wastewater does not include treatment, except where incidental to conveyance.

*Surface Impoundment*―a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with synthetic materials) that is not an injection well.

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

*Technical Services*―activities performed by a response action contractor, including but not limited to, oversight of all assessment field activities; all reporting, planning, and development of corrective action plans and designing of remedial activities; performance of groundwater monitoring and discharge monitoring; performance of operation and maintenance of remedial systems; and oversight of specialized services performed by a subcontractor.

*Temporary Closure*―the temporary removal from service of a UST.

*Under-Dispenser Containment*―a containment system beneath a dispenser designed to prevent releases of regulated substances from the dispenser or contained piping from reaching the surrounding environment for a time sufficient to allow for detection and control of the released product. Such containment must be liquid-tight on its sides, bottom, and at any penetrations, and must allow for visual inspection and access to the components in the containment system or be regularly monitored.

*Underground Area*―an underground room, such as a basement, cellar, shaft, or vault, providing enough space for physical inspection of the exterior of a tank situated on or above the surface of the floor.

*Underground Release*―any belowground release.

*Underground Storage Tank* or *UST*―any one or combination of tanks (including underground pipes connected thereto) used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. *Underground storage tank* or *UST* does not refer to any of the tanks listed in Paragraphs a-j of this definition, nor does it refer to any pipes connected to any of these tanks:

a.farm or residential tanks that have a capacity of 1,100 gallons or less and that are used for storing motor fuel for noncommercial purposes;

b.tanks used for storing heating oil except heating oils blended with hazardous waste for consumptive use on the premises where stored;

c.septic tanks;

d.pipeline facilities (including gathering lines) regulated under:

i.the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671 et seq.); or

ii.the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001 et seq.);

e.intrastate pipeline facilities regulated under state laws comparable to the provisions of the laws referred to in Clauses d.i and ii of this definition;

f.surface impoundments, pits, ponds, or lagoons;

g.storm-water or wastewater collection systems;

h.flow-through process tanks;

i.liquid traps or associated gathering lines directly related to oil or gas production and gathering operations; or

j.storage tanks situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

*Underground Storage Tank System* or *UST System* or *Tank System*―an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any.

*Upgrade*―the addition or retrofit of some systems, such as cathodic protection, lining, or spill and overfill controls, to improve the ability of an underground storage tank system to prevent the release of product.

*Wastewater Treatment Tank*―a tank designed to receive and treat an influent wastewater through physical, chemical, or biological methods.

AUTHORITY NOTE:Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE:Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 27:520 (April 2001), amended by the Office of Environmental Assessment, LR 31:1065 (May 2005), LR 31:1577 (July 2005), repromulgated LR 31:2002 (August 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 34:2115 (October 2008).

Chapter 3. Registration Requirements, Standards, and Fee Schedule

§301.Registration Requirements

A.Existing UST Systems

1.All owners of *existing UST systems* (as defined in LAC 33:XI.103) were required to register such systems by May 8, 1986, (USTs installed after that date were required to be registered within 30 days of bringing such tanks into use) on a form approved by the department. Tanks filled with a solid, inert material before January 1, 1974, are not required to be registered with the department.

2.Owners of underground storage tanks taken out of service on or after January 1, 1974, unless the owner or operator knows the tank was subsequently removed from the ground, were required to notify the department of the existence of such tanks on or before May 8, 1986, on a form approved by the department. Owners and operators who have not complied with this requirement shall use the department's approved registration form, specifying at a minimum, to the extent known by the owner or operator, the date the tank was taken out of operation, the location of the tank, the capacity, type of construction, age of the UST system, the type of regulated substance stored in the tank, and the quantity of regulated substances left stored in the tank on the date the tank was taken out of operation, as well as other pertinent information required on the form.

3.All existing UST systems previously registered with the department shall be considered to be in compliance with this requirement if the information on file with the department is current and accurate. Maintaining current and accurate information with the department includes notifying the Office of Environmental Assessment of changes in ownership, or of changes in UST system descriptions resulting from upgrading, by filing an amended registration form within 30 days of the change in ownership or in description of the UST system.

B.New UST Systems. Upon the effective date of these regulations, all owners of new *UST systems* (as defined in LAC 33:XI.103) must, at least 30 days before bringing such tanks into use, register them on an *Underground Storage Tank Registration Form* (UST-REG-01). Registration forms shall be filed with the Office of Environmental Assessment. The following registration requirements apply to new UST systems:

1.All owners of new UST systems must certify, in the space provided on the department's approved registration form, compliance with the following requirements:

a.tank and piping installation in accordance with LAC 33:XI.303.D.6, including secondary containment of new and replacement tanks and/or piping, under-dispenser containment, and submersible pump containment;

b.cathodic protection of steel tanks and piping in accordance with LAC 33:XI.303.D.1-2;

c.financial responsibility requirements under LAC 33:XI.Chapter 11; and

d.release detection requirements under LAC 33:XI.703.A-C.

2.All owners of new UST systems must ensure that the installer certifies on the registration form that the methods used to install the tanks and piping comply with the requirements of LAC 33:XI.303.D.6.a. Beginning January 20, 1992, registration forms shall include the name and department-issued certificate number of the individual exercising supervisory control over *installation-critical junctures* (as defined in LAC 33:XI.1303) of a UST system.

C.All UST system owners or operators shall comply with the following requirements.

1.Any person who sells a UST system shall so notify the Office of Environmental Assessment in writing within 30 days after the date of the transaction. A person selling a UST must also notify the person acquiring a regulated UST system of the owner's registration obligations under this Section.

2.Any person who acquires a UST system shall submit to the Office of Environmental Assessment an amended registration form within 30 days after the date of acquisition.

3.A current copy of the registration form must be kept on-site or at the nearest staffed facility.

4.No owner or operator shall allow a regulated substance to be placed into a new UST system that has not been registered.

AUTHORITY NOTE:Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE:Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:727 (July 1992), LR 20:294 (March 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 28:475 (March 2002), amended by the Office of Environmental Assessment, LR 31:1066 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2520 (October 2005), repromulgated LR 32:393 (March 2006), amended LR 32:1852 (October 2006), LR 33:2171 (October 2007), LR 34:2116 (October 2008).

§303.Standards for UST Systems

A.LAC 33:XI.599.Appendix A lists codes of practice developed by nationally-recognized associations or independent testing laboratories that shall be used to comply with these regulations.

B.New UST Systems near Active or Abandoned Water Wells. In order to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the UST system is used to store regulated substances, all new UST systemsinstalled within 50 feet of an active or abandoned water well must meet the requirements of LAC 33:XI.703.C.2.

C.Standards for UST Systems Installed after December 20, 2008. In order to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the UST system is used to store regulated substances, all UST systems installed after December 20, 2008, located more than 50 feet from an active or abandoned water well shall have secondary containment in accordance with Subsection D of this Section.

1.If a single-walled UST is placed in the ground at the location where it is to be put into service prior to December 20, 2008, the UST owner is allowed 90 days (until March 20, 2009) to complete the UST system installation without having to comply with the secondary containment requirements in Subsection D of this Section.

2.The department may grant an extension to these dates only in the event that the UST or UST system installation is delayed due to adverse weather conditions or other unforeseen, unavoidable circumstances. A written contract alone does not qualify as an unforeseen, unavoidable circumstance. In order to obtain an extension, the UST owner must submit a written request to the Office of Environmental Assessment, describing the circumstances that have caused the installation delay.

D.All new UST systems shall comply with the following standards.

1.Tanks. Each tank must be properly designed and constructed, and any portion underground that routinely contains product must be protected from corrosion in accordance with Subsection A of this Section and as described below:

a.the tank is constructed of fiberglass-reinforced plastic; or

b.the tank is constructed of metal and cathodically protected in the following manner:

i.the tank is coated with a suitable dielectric material;

ii.field-installed cathodic protection systems are designed by a corrosion expert;

iii.impressed current systems are designed to allow determination of current operating status as required in LAC 33:XI.503.A.3; and

iv.cathodic protection systems are operated and maintained in accordance with LAC 33:XI.503 or according to guidelines established by the department; or

c.the tank is constructed of a metal-fiberglass-reinforced-plastic composite; or

d.the tank is constructed of metal without additional corrosion protection measures, provided that:

i.the tank is installed at a site that a corrosion expert determines will not be corrosive enough to cause the tank to have a release due to corrosion during its operating life; and

ii.owners and operators maintain records that demonstrate compliance with the requirements of Clause D.1.d.i of this Section for the remaining life of the tank; or

e.the tank construction and corrosion protection are determined by the department to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than the constructions listed in Subparagraphs D.1.a-d and f of this Section; and

f.for any UST system that is installed or replaced after December 20, 2008, along with meeting the requirements of Subparagraphs D.1.a-e of this Section, the tank employs *secondary containment*, as defined in LAC 33:XI.103, as follows:

i.it is an accepted UST design as described in Subparagraphs D.1.a-e of this Section, is of double-walled or jacketed construction in accordance with Subsection A of this Section, is capable of containing a release from the inner wall of the tank, and is designed with release detection in accordance with LAC 33:XI.701.A.6.a; or

ii.it is some other secondarily-contained tank system approved by the department prior to installation.

2.Piping. Piping on new UST systems that routinely contains regulated substances and is in contact with the ground or water must be properly designed, constructed, and protected from corrosion in accordance with Subsection A of this Section and as described below:

a.the piping is constructed of fiberglass-reinforced plastic; or

b.the piping is constructed of metal and cathodically protected in the following manner:

i.the piping is coated with a suitable dielectric material;

ii.field-installed cathodic protection systems are designed by a corrosion expert;

iii.impressed current systems are designed to allow determination of current operating status as required in LAC 33:XI.503.A.3; and

iv.cathodic protection systems are operated and maintained in accordance with LAC 33:XI.503 or guidelines established by the department; or

c.the piping is constructed of metal without additional corrosion protection measures, provided that:

i.the piping is installed at a site that a corrosion expert determines is not corrosive enough to cause the piping to have a release due to corrosion during its operating life; and

ii.owners and operators maintain records that demonstrate compliance with the requirements of Clause D.2.c.i of this Section for the remaining life of the piping; or

d.the piping construction and corrosion protection are determined by the department to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than the requirements in Subparagraphs D.2.a-c, e, and f of this Section; or

e.the piping is of double-walled non-metallic flexible or semi-rigid construction;

f.if piping connected to a UST is installed or replaced after December 20, 2008, along with meeting the requirements of Subparagraphs D.2.a-e of this Section, the piping employs *secondary containment*, as defined in LAC 33:XI.103, as follows:

i.any of the accepted piping designs listed in Subparagraphs D.2.a-e of this Section shall be fabricated with double-walled or jacketed construction in accordance with Subsection A of this Section, shall be capable of containing a release from the inner wall of the piping, shall be designed with release detection in accordance with LAC 33:XI.701.B.4; or

ii.the piping system shall have some other form of secondary containment system approved by the department prior to installation; and

g.if 25 percent or more of the piping to any one UST is replaced after December 20, 2008, it shall comply with Clause D.2.f.i or ii of this Section. If a new motor fuel dispenser is installed at an existing UST facility and new piping is added to the UST system to connect the new dispenser to the existing system, then the new piping shall comply with Clause D.2.f.i or ii of this Section. Suction piping that meets the requirements of LAC 33:XI.703.D.2.b.i-v and suction piping that manifolds two or more tanks together are not required to meet the secondary containment requirements outlined in this Paragraph.

3.Spill and Overfill Prevention Equipment

a.Except as provided in Subparagraph D.3.b of this Section, to prevent spilling and overfilling associated with product transfer to the UST system, owners and operators must use:

i.spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill bucket). Spill buckets shall have liquid-tight sides and bottoms and be maintained free of regulated substances. Regulated substances spilled into any spill bucket shall be immediately removed by the UST owner and/or operator or the bulk fuel distributor. The presence of greater than one inch of regulated substances in a spill bucket is a violation of this Section and may result in issuance of an enforcement action to the UST owner and/or operator and the bulk fuel distributor, common carrier, or transporter; and

ii.overfill prevention equipment that will:

(a).automatically shut off flow into the tank when the tank is no more than 95 percent full;

(b).alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm; or

(c).restrict flow 30 minutes prior to overfilling, or alert the operator with a high-level alarm one minute before overfilling, or automatically shut off flow into the tank so that none of the fittings on top of the tank are exposed to product because of overfilling.

b.Owners and operators are not required to use the spill and overfill prevention equipment specified in Subparagraph D.3.a of this Section if:

i.alternative equipment is used that the department determines is no less protective of human health and the environment than the equipment specified in Clause D.3.a.i or ii of this Section; or

ii.the UST system is filled by transfers of no more than 25 gallons at one time.

4.Under-Dispenser Secondary Containment. After December 20, 2008, under-dispenser containment sumps:

a.are required under the following conditions:

i.in any installation of a new dispenser at a new facility;

ii.in any installation of a new dispenser at an existing facility where new piping is added to the UST system to connect the new dispenser to the existing system;

iii.in any installation of a replacement dispenser at an existing facility where the piping that connects the dispenser to the existing piping is replaced, including replacing the metal flexible connector, riser, or other transitional components that are beneath the dispenser and the impact shear valve and that connect the dispenser to the piping. Replacing an existing dispenser where no piping and none of the piping that connects the dispenser to the existing piping are replaced does not require the addition of an under-dispenser containment sump; and

b.shall have liquid-tight sides and bottoms and be maintained free of storm water and debris. Regulated substances spilled into any under-dispenser containment sump shall be immediately removed upon discovery to the maximum extent practicable.

5.Submersible Turbine Pump (STP) Secondary Containment. After December 20, 2008, secondary containment for submersible pumps:

a.is required under the following conditions:

i.in any installation of a new STP at a new facility;

ii.in any installation of an STP (the entire STP, STP housing, and riser pipe) at an existing facility where new piping is added to the UST system to connect the new STP to the existing system;

iii.in any installation of a replacement STP (the entire STP, STP housing, and riser pipe) at an existing facility where the piping that connects the STP to the existing piping is replaced. Replacing the metal flexible connector with a single-walled flexible connector requires the addition of a containment sump. Replacing the metal flexible connector with a double-walled flexible connector does not require the addition of a containment sump as long as the newly-installed STP is secondarily contained, and replacing an existing STP where no piping is replaced does not require the addition of STP secondary containment; and

b.can consist of either a built-in secondary containment system or a STP containment sump. STP containment sumps installed after December 20, 2008, shall have liquid-tight sides and bottoms and be maintained free of storm water and debris. Regulated substances spilled into any STP containment sump shall be immediately removed upon discovery to the maximum extent practicable.

6.Installation Procedures

a.Installation. All tanks and piping must be installed in accordance with Subsection A of this Section and in accordance with the manufacturer's instructions.

b.Certification of Installation and Verification of Installer Certification

i.From the date of promulgation of these regulations until January 20, 1992, owners and operators must certify installations as follows. All owners and operators must ensure that one or more of the following methods of certification, testing, or inspection is used to demonstrate compliance with Subparagraph D.6.a of this Section by providing a certification of compliance on the UST registration form (UST-REG-02) in accordance with LAC 33:XI.301:

(a).the installer has been certified by the tank and piping manufacturers; or

(b).the installation has been inspected and certified by a professional engineer with education and experience in UST system installation; or

(c).the installation has been inspected and approved by the department; or

(d).all work listed in the manufacturer's installation checklists has been completed; or

(e).the owner and operator have complied with another method for ensuring compliance with Subparagraph D.6.a of this Section that is determined by the department to be no less protective of human health and the environment.

ii.Beginning January 20, 1992, all owners and operators must ensure that the individual exercising supervisory control over *installation critical-junctures* (as defined in LAC 33:XI.1303) of a UST system is certified in accordance with LAC 33:XI.Chapter 13. To demonstrate compliance with Subparagraph D.6.a of this Section, all owners and operators must provide a certification of compliance on the UST Registration of Technical Requirements Form (UST-REG-02) within 60 days of the introduction of any regulated substance. Forms shall be filed with the Office of Environmental Assessment.

c.Notification of Installation. The owner and operator must notify the Office of Environmental Assessment in writing at least 30 days before beginning installation of a UST system by:

i.completing the Installation, Renovation and Upgrade Notification Form (UST-ENF-04);

ii.notifying the appropriate regional office of the Office of Environmental Assessment by mail or fax seven days prior to commencing the installation and before commencing any *installation-critical juncture* (as defined in LAC 33:XI:1303);

iii.including in the notification a statement of the number of active or abandoned water wells within 50 feet of the UST system and the type of system to be installed; and

iv.including in the notification the methods to be used to comply with LAC 33:XI.Chapter 7.

E.Upgrading Existing UST Systems to New System Standards

1.Not later than December 22, 1998, all existing UST systems must comply with one of the following sets of requirements:

a.new UST system performance standards under Subsection D of this Section; or

b.the upgrading requirements in Paragraphs E.3-6 of this Section.

2.After December 22, 1998, all existing UST systems not meeting the requirements of Paragraph E.1 of this Section must comply with closure requirements under LAC 33:XI.Chapter 9, including applicable requirements for corrective action under LAC 33:XI.715.

3.Tank Upgrading Requirements. Metal tanks must be upgraded in accordance with Subsection A of this Section and meet one of the following requirements.

a.Internal Lining. A tank may be upgraded by internal lining if:

i.the lining is installed in accordance with the requirements of LAC 33:XI.507; and

ii.within 10 years after lining, and every five years thereafter, the lined tank is internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications.

b.Cathodic Protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of Clauses D.1.b.ii, iii, and iv of this Section, and the integrity of the tank is ensured using one of the following methods.

i.The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes before the cathodic protection system is installed.

ii.The tank has been installed for less than 10 years and is monitored monthly for releases in accordance with LAC 33:XI.701.A.4-8.

iii.The tank has been installed for less than 10 years and is assessed for corrosion holes by conducting two tightness tests that meet the requirements of LAC 33:XI.701.A.3. The first tightness test must be conducted before the cathodic protection system is installed. The second tightness test must be conducted between three and six months after the first operation of the cathodic protection system.

iv.The tank 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 specified in Clauses E.3.b.i-iii of this Section.

v.All procedures used to upgrade existing UST systems by cathodic protection shall be conducted in accordance with applicable requirements of the Louisiana Department of Transportation and Development, or its successor agency.

c.Internal Lining Combined with Cathodic Protection. A tank may be upgraded by both internal lining and cathodic protection if:

i.the lining is installed in accordance with the requirements of LAC 33:XI.507; and

ii.the cathodic protection system meets the requirements of Clauses D.1.b.ii, iii, and iv of this Section.

4.Piping Upgrading Requirements. Metal piping that routinely contains regulated substances and is in contact with the ground or water must be cathodically protected and must meet the requirements of Clauses D.2.b.ii, iii, and iv of this Section.

5.Spill and Overfill Prevention Equipment. To prevent spilling and overfilling associated with product transfer to the UST system, all existing UST systems must comply with the requirements for spill and overfill prevention equipment for new UST systems specified in Paragraph D.3 of this Section.

6.Reporting Requirements

a.The owner and operator must notify the Office of Environmental Assessment in writing at least 30 days before beginning a UST system upgrade.

b.An amended registration form (UST-REG-02) must be submitted to the Office of Environmental Assessment within 30 days after the UST system is upgraded. The owner and operator must certify compliance with Subsection C of this Section on the amended registration form (UST-REG-02). Beginning January 20, 1992, the amended registration forms (UST-REG-01 and 02) shall include the name and department-issued certificate number of the individual exercising supervisory control over those steps in the upgrade that involve repair-critical junctures or installation-critical junctures (as defined in LAC 33:XI.1303) of a UST system.

AUTHORITY NOTE:Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE:Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:728 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 28:475 (March 2002), amended by the Office of Environmental Assessment, LR 31:1066 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2520 (October 2005), LR 33:2171 (October 2007), LR 34:2116 (October 2008)>

§305.Interim Prohibitions for Deferred UST Systems

A.The requirements in this Section apply to all UST systems deferred under LAC 33:XI.101.C.

B.No person may install a UST system listed in LAC 33:XI.101.C for the purpose of storing regulated substances unless the UST system (whether of single- or double-wall construction) meets the following requirements.

1.The UST system will prevent releases due to corrosion or structural failure for the operational life of the UST system.

2.The UST system is cathodically protected against corrosion, is constructed of noncorrodible material or of metal clad with a noncorrodible material, or is designed in a manner to prevent the release or threatened release of any stored substance.

3.The UST system is constructed or lined with material that is compatible with the stored substance.

C.Notwithstanding Subsection B of this Section, a UST system without corrosion protection may be installed at a site that a corrosion expert determines is not corrosive enough to cause the UST system to have a release due to corrosion during its operating life. Owners and operators must maintain records that demonstrate compliance with the requirements of this Subsection for the remaining life of the tank.

D.LAC 33:XI.599.Appendix A lists codes of practice developed by nationally-recognized associations or independent testing laboratories that shall be used to comply with these regulations.

AUTHORITY NOTE:Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE:Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), amended by the Office of Environmental Assessment, LR 31:1069 (May 2005).

§307.Fee Schedule

A.Applicability. These regulations apply to registered UST systems, regardless of their operational status.

B.Annual Fees

1.Fees are assessed according to the following schedule.

2.Fee payment shall be made by check, draft, or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the invoice.

3.Fees shall be assessed for the state of Louisiana fiscal year (July 1 through June 30).

4.Any UST system shall be assessed the entire annual monitoring and maintenance fee for the fiscal year in which it is installed or permanently closed, regardless of the date during that year on which such action occurs.

5.The owner of record of the UST system on the date of invoicing by the department is responsible for payment of the annual monitoring and maintenance fees.

C.Late Payment Fee. Payments not received within 15 days of the due date will be charged a late payment fee. Any late payment fee shall be calculated from the due date indicated on the invoice.

1.Payments not received by the department by the fifteenth day from the due date will be assessed a 5 percent late payment fee on the original assessed fee.

2.Payments not received by the department by the thirtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee.

3.Payments not received by the department by the sixtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee.

D.Failure to Pay. Failure to pay the prescribed application fee or annual fee as provided herein, within 90 days after the due date, shall constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

AUTHORITY NOTE:Promulgated in accordance with R.S. 30:2001, 2014, 2195, and 2195.3 et seq.

HISTORICAL NOTE:Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2400 (December 1999), LR 29:690 (May 2003), LR 29:2052 (October 2003).

Chapter 4. 2005 Federal Underground Storage Tank Compliance Act Mandated Requirements

§401.Purpose

A.This Chapter implements requirements mandated by the Underground Storage Tank Compliance Act, 42 U.S.C. 6991.

AUTHORITY NOTE:Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE:Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1867 (September 2007).

§403.Delivery Prohibition of Regulated Substances to Underground Storage Tank Systems

A.Underground storage tank (UST) systems, except for those systems deferred or exempted from specified Chapters and Sections of these regulations in accordance with LAC 33:XI.101.C, that do not meet any one of the following requirements, upon discovery by the department, shall be subject to the status of red tag/delivery prohibition of regulated substances:

1.installation of spill prevention equipment in accordance with LAC 33:XI.Chapter 3;

2.installation of overfill protection equipment in accordance with LAC 33:XI.Chapter 3;

3.establishment of release detection methods or installation of release detection equipment in accordance with LAC 33:XI.Chapter 7;

4.installation of corrosion protection equipment in accordance with LAC 33:XI.Chapter 3;

5.compliance with LAC 33:XI.301.C.4; or

6.upon evidence of a below-surface release from an UST system, initiation by the owner/operator of release investigation and confirmation steps in accordance with LAC 33:XI.711, or compliance with the release response and corrective action requirements in LAC 33:XI.715.

B.Noncompliance with these regulations as listed in this Subsection shall result in a red tag/delivery prohibition of regulated substances if response action is not taken by the owner/operator within 30 days of receipt of written notification by the department to the owner/operator. Response action will be considered as taken if the owner/operator has contracted and scheduled the action to take place within those 30 days and the response action has been initiated within 60 days of receipt of the written notification. The forms of noncompliance are:

1.failure to properly operate and/or maintain release detection equipment in accordance with LAC 33:XI.Chapter 7. Failure to provide records, within 10 days of request by the department, showing proper operation and/or maintenance of release detection equipment shall be considered a failure to properly operate and/or maintain the release detection equipment;

2.failure to properly operate and/or maintain spill, overfill, or corrosion protection equipment in accordance with LAC 33:XI.Chapter 5. Failure to provide records, within 10 days of request by the department, showing the type of spill, overfill, or corrosion protection equipment installed and the proper operation and/or maintenance of spill, overfill, or corrosion protection equipment shall be considered a failure to properly operate and/or maintain the spill, overfill, or corrosion protection equipment;

3.failure to maintain financial responsibility in accordance with LAC 33:XI.Chapter 11;

4.failure to protect from corrosion buried metal piping and/or components that routinely contain regulated substances in accordance with LAC 33:XI.303.D.2 and E.4. Failure to produce records, within 10 days of request by the department, showing procedures and/or practices designed to protect from corrosion buried metal piping and/or components that routinely contain regulated substances shall be considered a failure to protect from corrosion buried metal piping and/or components that routinely contain regulated substances.

C.It shall be unlawful for any person to place, or allow the placement of, a regulated substance into an UST that the department has red tagged/prohibited from delivery of regulated substances under Subsection A or B of this Section. The department may use its discretion in determining whether a non-delivery due to a red tag/delivery prohibition of regulated substances may jeopardize the availability of, or access to, motor fuel in remote areas of the state or in cases where an emergency declaration is in effect. When the department determines that red tagging/delivery prohibition will jeopardize the availability of, or access, to regulated substances, specifically motor fuels, in remote areas or in cases of an emergency declaration, it may allow for continued delivery of regulated substances, for up to 180 days, to an UST that has failed to have equipment required under Subsection A of this Section installed or that has been deemed noncompliant by the department under Subsection B of this Section.

D.The department shall provide adequate notice to UST system owners/operators and regulated substance deliverers that an UST has been determined to be ineligible for delivery, deposit, or acceptance of a regulated substance. Placing or allowing placement of a regulated substance into an UST determined ineligible for delivery, deposit, or acceptance of a regulated substance constitutes a violation of this Section.

E.The owner/operator of an UST that has been determined to be ineligible for delivery, deposit, or acceptance of a regulated substance must make the necessary system repairs or upgrades, or remedy any form of noncompliance, and must be cleared of the red tag/delivery prohibition in writing by the department, or a person authorized by the department, in order to be removed from the red tag listing and be deemed eligible for delivery of regulated substances. The department, or a person authorized by the department, shall remove the red tag/delivery prohibition status for an UST system within two working days after compliance and/or upgrade or repair has been demonstrated.

AUTHORITY NOTE:Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE:Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33: 1867 (September 2007), amended LR 34:2119 (October 2008).

Chapter 5. General Operating Requirements

§501.Spill and Overfill Control

A.LAC 33:XI.599.Appendix A lists codes of practice developed by nationally-recognized associations or independent testing laboratories that shall be used to comply with these regulations.

B.Owners and operators must ensure that releases due to spilling or overfilling do not occur. Before a transfer is made, the owner and operator must ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank and that the transfer operation is monitored constantly to prevent overfilling and spilling. Spill and overfill controls shall be conducted in accordance with Subsection A of this Section.

C.Owners and operators must report, investigate, and clean up any spills and overfills, in accordance with LAC 33:XI.713.

AUTHORITY NOTE:Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE:Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, LR 31:1069 (May 2005).

§503.Operation and Maintenance of Corrosion Protection

A.All owners and operators of metal UST systems with corrosion protection must comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the UST system is used to store regulated substances.

1.All corrosion protection systems must be operated and maintained to continuously provide corrosion protection to the metal components of external portions of the tank and piping that routinely contain regulated substances and are in contact with the ground or water.

2.All UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements.

a.Frequency. All cathodic protection systems must be tested within six months after installation and at least every three years thereafter.

b.Inspection Criteria. The criteria used to determine whether cathodic protection is adequate as required by this Section must be in accordance with LAC 33:XI.501.A.

3.UST systems with impressed current cathodic protection systems must also be inspected every 60 days to ensure that the equipment is running properly.

B.For UST systems using cathodic protection, records of the operation of the cathodic protection must be maintained (in accordance with LAC 33:XI.509) to demonstrate compliance with the performance standards in this Section. These records must provide the following:

1.the results of the last three years of inspections required in Paragraph A.3 of this Section; and

2.the results of testing from the last two inspections required in Paragraph A.2 of this Section.

AUTHORITY NOTE:Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE:Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, LR 31:1069 (May 2005).

§505.Compatibility

A.Owners and operators must use a UST system made of or lined with materials that are compatible with the substance stored in the UST system.

B.Owners and operators storing alcohol blends shall do so in accordance with LAC 33:XI.501.A.

AUTHORITY NOTE:Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE:Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, LR 31:1070 (May 2005).

§507.Repairs Allowed

A.Owners and operators of UST systems must ensure that repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances. The repairs must meet the following requirements.

1.Except in emergencies, the owner and operator shall notify the Office of Environmental Assessment in advance of the necessity for conducting a repair to a UST system.

2.Repairs to UST systems must be properly conducted in accordance with LAC 33:XI.501.A. Beginning January 20, 1992, all owners and operators must ensure that the individual exercising supervisory control over *repair-critical junctures* (as defined in LAC 33:XI.1303) is certified in accordance with LAC 33:XI.Chapter 13.

3.Repairs to fiberglass-reinforced plastic tanks may be made by the manufacturer's authorized representatives or in accordance with LAC 33:XI.501.A.

4.Metal pipe sections and fittings that have released product as a result of corrosion or other damage must be replaced. Fiberglass pipes and fittings must be repaired or replaced in accordance with the manufacturer's specifications.

5.Repaired tanks and piping must be tightness tested in accordance with LAC 33:XI.701.A.3 and B.2 within 30 days after the date that the repair is completed, except under the following circumstances:

a.the repaired tank is internally inspected in accordance with LAC 33:XI.501.A; or

b.the repaired portion of the UST system is monitored monthly for releases in accordance with a method specified in LAC 33:XI.701.A.4-8; or

c.another test method is used that has been given prior approval by the department after it determined the method to be no less protective of human health and the environment than those listed above.

6.Within six months following the repair of any cathodically protected UST system, the cathodic protection system must be tested in accordance with LAC 33:XI.503.A.2 and 3 to ensure that it is operating properly.

7.After December 20, 2008, if any piping repair or replacement impacts 25 percent or more of the UST piping in the repaired piping run, that entire piping run shall be upgraded with secondary containment and meet the requirements of LAC 33:XI.303.D.2 and 701.B.4.

B.Owners and operators of UST systems must maintain records of each repair for the remaining operating life of the UST system that demonstrate compliance with the requirements of this Section.

AUTHORITY NOTE:Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE:Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), amended by the Office of Environmental Assessment, LR 31:1070 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2172 (October 2007), LR 34:2119 (October 2008).

§509.Reporting and Recordkeeping

A.Reporting. Owners and operators must submit the following information to the department:

1.registration forms (UST-REG-01 and 02) for all UST systems (LAC 33:XI.301), including certification of installation and verification of installer certification for new UST systems, in accordance with LAC 33:XI.303.D.6.b;

2.reports of all releases, including suspected releases (LAC 33:XI.707), spills and overfills (LAC 33:XI.713), and confirmed releases (LAC 33:XI.715.B);

3.descriptions of corrective actions planned or taken, including initial abatement measures (LAC 33:XI.715.C), initial site characterization (LAC 33:XI.715.D), free product removal (LAC 33:XI.715.E), investigation of soil and groundwater cleanup (LAC 33:XI.715.F), and corrective action plan (LAC 33:XI.715.G);

4.notification before permanent closure or change-in-service (LAC 33:XI.905); and

5.results of the site investigation conducted at permanent closure (LAC 33:XI.907).

B.Recordkeeping. Owners and operators must maintain the following information:

1.a corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used (LAC 33:XI.303.D.1.d and D.2.c);

2.documentation of operation of corrosion protection equipment (LAC 33:XI.503.B);

3.documentation of UST system repairs (LAC 33:XI.507.B);

4.documentation of recent compliance with release detection requirements (LAC 33:XI.705);

5.copies of the most current registration forms (UST-REG-01 and 02) filed with the department;

6.documentation of the type and construction of the tank, piping, leak detection equipment, corrosion protection equipment, and spill and overfill protection equipment currently in use at the site; and

7.documentation of permanent closure, where applicable.

C.Availability and Maintenance of Records. Owners and operators must either keep the records required at the UST site and immediately available for the department's inspection, or keep them at a readily available alternative site and provide them to the department for inspection upon request.

AUTHORITY NOTE:Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE:Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 18:728 (July 1992), amended by the Office of Environmental Assessment, LR 31:1070 (May 2005), repromulgated by the Office of the Secretary, Legal Affairs Division, LR 32:393 (March 2006), amended LR 34:2119 (October 2008).

§599.Appendix A―Industry Codes and Standards

AUTHORITY NOTE:Promulgated in accordance with R.S. 30: 2001 et seq., 2194, and 2194.1.

HISTORICAL NOTE:Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:1070 (May 2005).

Chapter 7. Methods of Release Detection and Release Reporting, Investigation, Confirmation, and Response

§701.Methods of Release Detection

A.Tanks. Each method of release detection for tanks used to meet the requirements of LAC 33:XI.703.B must be conducted in accordance with the following.

1.Inventory Control. Product inventory control (or another test of equivalent performance) must be conducted monthly in a manner to ensure the detection of any release as small as 1.0 percent of flow-through plus 130 gallons on a monthly basis in the following manner.

a.Inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tan