

§ R18-12-101. Definitions

In addition to the definitions prescribed in A.R.S. §§ 49-1001 and 49-1001.01, the following definitions apply in this Chapter:

"Aboveground release" means 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 an UST system and aboveground releases associated with overfills and transfer operations as the regulated substance moves to or from an UST system.

"Accidental release" means, with respect to Article 3 only, any sudden or nonsudden release of petroleum arising from operating an UST system that is neither expected nor intended by the UST system owner or operator, that results in a need for one or more of the following:

Corrective action,

Compensation for bodily injury, or

Compensation for property damage.

"Airport hydrant fuel distribution system" or "airport hydrant system" means a petroleum UST system which fuels aircraft and operates under high pressure with large diameter piping that typically terminates into one or more hydrants (fill stands). The airport hydrant system begins where fuel enters one or more tanks from an external source such as a pipeline, barge, rail car, or other motor fuel carrier.

"Ancillary equipment" means any device used to distribute, dispense, meter, monitor, or control the flow of regulated substances to and from an UST system.

"Annual" means, with respect to R18-12-240 through R18-12-245 only, a calendar period of 12 consecutive months.

"Aviation fuel," for the purpose of Article 4 only, has the definition at A.R.S. § 28-101.

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

"Bodily injury" means injury to the body, sickness, or disease sustained by any person, including death resulting from any of these at any time.

"CAP" means corrective action plan.

"Cathodic protection" means a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell.

"Cathodic protection tester" means 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 shall have education and experience in soil receptivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and tank systems.

"CERCLA" means the federal Comprehensive Environmental Response, Compensation, and Liability Act as defined in A.R.S. § 49-201.

"CFR" means the Code of Federal Regulations, with standard references in this Chapter by Title and Part, so that " 40 CFR 280 " means Title 40 of the Code of Federal Regulations, Part 280.

"Change-in-service" means changing the use of an UST system from the storage of a regulated substance to the storage of a non-regulated substance.

"Chemical of concern" means any regulated substance detected in contamination from the LUST site that is evaluated for potential impacts to public health and the environment.

"Chief financial officer" means, with respect to local government owners and operators, the individual with the overall authority and responsibility for the collection, disbursement, and use of funds by the local government.

"Class A operator" means the individual who has primary responsibility to operate and maintain the UST system in accordance with applicable requirements established by this Chapter and Arizona Revised Statutes, title 49, chapter 6. The Class A operator typically manages resources and personnel, such as establishing work assignments, to achieve and maintain compliance with regulatory requirements.

"Class B operator" means the individual who has day-to-day responsibility for implementing applicable regulatory requirements established by this Chapter and Arizona Revised Statutes, title 49, chapter 6. The Class B operator typically implements in-field aspects of operation, maintenance, and associated recordkeeping for the UST system.

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

"Clean Water Act" has the definition at A.R.S. § 49-201.

"Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another under conditions likely to be encountered in the UST during the operational life of the UST system.

"Conceptual site model" means a written and visual representation of the complete current and potential exposure pathways, based on existing and reasonably anticipated future use.

"Connected piping" means all underground piping including valves, elbows, joints, flanges, and flexible connectors that are attached to a tank system and through which regulated substances flow. For the purpose of determining how much piping is connected to an individual UST system, the piping that joins multiple tanks shall be divided equally between the tanks.

"Consultant" means a person who performs environmental services in an advisory, investigative, or remedial capacity.

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

"Contamination" means the analytically determined existence of a regulated substance within environmental media outside the confines of an UST system, which originated from the UST system.

"Contractor" means a person who is required to obtain and hold a valid license from the Arizona Registrar of Contractors which permits bidding and performance of removal, excavation, repair, or construction services associated with an UST system.

"Controlling interest" means direct ownership of at least 50 percent of a firm, through voting stock, or otherwise.

"Corrective action services" means any service that is provided to fulfill the statutory requirements of A.R.S. § 49-1005 and the rules made under § 49-1005.

"Corrective action standard" means the concentration of the chemical of concern in the medium of concern that is protective of public health and welfare and the environment based on either pre-established non-site-specific assumptions or site-specific data, including any applied environmental use restriction.

"Corrosion expert" means a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. The person shall be accredited or certified as being qualified by the National Association of Corrosion Engineers or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.

"Current assets" means assets which can be converted to cash within one year and are available to finance current operations or to pay current liabilities.

"Current liabilities" means those liabilities which are payable within one year.

"Decommissioning" means, with respect to Article 8 only, activities described in R18-12-271(D)(1) through R18-12-271(D)(4).

"De minimis" means that quantity of regulated substance which is described by one of the following:

When mixed with another regulated substance, is of such low concentration that the toxicity, detectability, or corrective action requirements of the mixture are the same as for the host substance.

When mixed with a non-regulated substance, is of such low concentration that a release of the mixture does not pose a threat to public health or the environment greater than that of the host substance.

"Department" means the Arizona Department of Environmental Quality.

"Derived waste" means any excavated soil, soil cuttings, and other soil waste; fluids from well drilling, aquifer testing, well purging, sampling, and other fluid wastes; or disposable decontamination, sampling, or personal

protection equipment generated as a result of release confirmation, LUST site investigation, or other corrective action activities.

"Dielectric material" means a material that does not conduct electrical current and that is used to electrically isolate UST systems or UST system parts from surrounding soils or portions of UST systems from each other.

"Diesel" means, with respect to Article 4 only, a liquid petroleum product that meets the specifications in American Society for Testing and Materials Standard D975-18, "Standard Specification for Diesel Fuel Oils".

"Director" means the Director of the Arizona Department of Environmental Quality.

"Dispenser" means equipment located aboveground that dispenses regulated substances from the UST system.

"Dispenser system" means the dispenser and the equipment necessary to connect the dispenser to the underground storage tank system.

"Electrical equipment" means underground equipment that contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.

"Emergency power generator" means a power generator which is used only when the primary source of power is interrupted. The interruption of the primary source of power shall not be due to any action or failure to take any action by the owner or operator of either the emergency generator or of the UST system which stores fuel for the emergency generator.

"Engineering Control" for soil, surface water and groundwater contamination has the definition at R18-7-201.

"Excavation zone" means the volume that contains or contained the tank system and backfill material and is bounded by the ground surface, walls, and floor of the pit and trenches into which the UST system is placed at the time of installation.

"Excess lifetime cancer risk level" for soil, surface water, and groundwater contamination, has the definition at R18-7-201.

"Existing tank system" means a 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.

"Exposure" for soil, surface water, and groundwater contamination, has the meaning defined in R18-7-201.

"Exposure assessment" means the qualitative or quantitative determination or estimation of the magnitude, frequency, duration, and route of exposure or potential for exposure of a receptor to chemicals of concern from a release.

"Exposure pathway" for soil, surface water, and groundwater contamination, has the meaning defined in R18-7-201.

"Exposure route" for soil, surface water, and groundwater contamination, has the definition at R18-7-201.

"Facility" means a single parcel of property and any contiguous or adjacent property on which one or more UST systems are located.

"Facility identification number" means the unique number assigned to a facility by the Department either after the initial notification requirements of A.R.S. § 49-1002 are satisfied, or after a refund claim is submitted and approved under R18-12-409.

"Facility location," for the purpose of Article 4 only, means the street address or a description of the location of a storage facility.

"Facility name" means the business or operational name associated with a storage facility.

"Farm tank" means a tank system located on a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. A farm tank shall be located on the farm property. The term "farm" includes fish hatcheries, rangeland, and nurseries with growing operations.

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

"Financial reporting year" means the latest consecutive 12-month period, either fiscal or calendar, for which financial statements used to support the financial test of self-insurance under R18-12-305 are prepared, including the following, if applicable:

A 10-K report submitted to the Securities and Exchange Commission.

An annual report of tangible net worth submitted to Dun and Bradstreet.

Annual reports submitted to the Energy Information Administration or the Rural Utilities Service.

"Firm" means any for-profit entity, nonprofit or not-for-profit entity, or local government. An individual doing business as a sole proprietor is a firm for purposes of this Chapter.

"Flow-through process tank" means a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. The term "flow-through process tank" does not include a tank used for the storage of materials prior to their introduction into the production process or for the storage of finished products or byproducts from the production process.

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

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

"Groundwater" means water in an aquifer as defined at A.R.S. § 49-201.

"Hazard Index" for soil, surface water, and groundwater contamination, has the definition at R18-7-201.

"Hazard quotient" for soil, surface water, and groundwater contamination, has the definition at R18-7-201.

"Hazardous substance UST system" means an UST system that contains a hazardous substance as defined in A.R.S. § 49-1001 or any mixture of such substance and petroleum, which is not a petroleum UST system.

"Heating oil" means petroleum that is No. 1, No. 2, No. 4-light, No. 4-heavy, No. 5-light, No. 5-heavy, or No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one of these fuel oils for heating purposes.

"Hydraulic lift tank" means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices.

"ICC" means the International Code Council.

"Implementing agency" means, with respect to Article 3 only, the Arizona Department of Environmental Quality for UST systems subject to the jurisdiction of the state of Arizona, or the EPA for other jurisdictions or, in the case of a state with a program approved under 42 U.S.C. 6991 (or pursuant to a memorandum of agreement with EPA), the designated state or local agency responsible for carrying out an approved UST program.

"Indian country" means, under 18 U.S.C. 1151, all of the following:

All land within the limits of an Indian reservation under the jurisdiction of the United States government which is also located within the borders of this state, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation.

All dependent Indian communities within the borders of the state whether within the original or subsequently acquired territory of the state.

All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.

"Induration" means the consolidation of a rock or rock material by the action of heat, pressure, or the introduction of some cementing material not commonly contained in the original mass. Induration also means the hardening of a soil horizon by chemical action to form hardpan (caliche).

"Installation" means the placement and preparation for placement of any UST system or UST system part into an excavation zone. Installation is considered to have commenced if both of the following exist:

The owner and 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.

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

"Institutional control" for soil, surface water, and groundwater contamination, has the definition at R18-7-201.

"Legal defense cost" means, with respect to Article 3 only, any expense that an owner or operator, or provider of financial assurance incurs in defending against claims or actions brought under any of the following circumstances:

By EPA or a state to require corrective action or to recover the costs of corrective action;

By or on behalf of a 3rd party for bodily injury or property damage caused by an accidental release; or

By any person to enforce the terms of a financial assurance mechanism.

"Liquid trap" means sumps, well cellars, and other traps used in association with oil and gas production, gathering, and extraction operations (including gas production plants), for the purpose of collecting oil, water, and other liquids. These liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.

"Local government" means a county, city, town, school district, water and aqueduct management district, irrigation district, power district, electrical district, agricultural improvement district, drainage and flood control district, tax levying public improvement district, local government public transportation system, and any political subdivision defined in A.R.S. § 49-1001.

"LUST" means leaking UST, or one that has leaked.

"LUST case" means all of the documentation related to a specific LUST number, which is maintained on file by the Department.

"LUST number" means the unique number assigned to a release by the Department after the notification requirements of A.R.S. § 49-1004(A) are met.

"LUST site" means the UST facility from which a release has occurred.

"Maintenance" means those actions necessary to ensure the proper working condition of an UST system or equipment used in corrective actions.

"Motor vehicle fuel," for the purpose of Article 4 only, has the definition at A.R.S. § 28-101.

"Natural attenuation" means a reduction in mass or concentration of a chemical of concern in groundwater over time or distance from the release point due to naturally occurring physical, chemical, and biological processes, such as: biodegradation, dispersion, dilution, sorption, and volatilization.

"Nature of the regulated substance" means the chemical and physical properties of the regulated substance stored in the UST, and any changes to the chemical and physical properties upon or after release.

"Nature of the release" means the known or estimated means by which the contents of the UST was dispersed from the UST system into the surrounding media, and the conditions of the UST system and media at the time of release.

"New tank system" means a tank system that will be used to contain an accumulation of regulated substances and for which installation has commenced after December 22, 1988.

"On-site control" means, for the purpose of Article 8 only, being at the location where tank service is being performed while tank service is performed.

"On the premises where stored" means, with respect to A.R.S. § 49-1001(18)(b) only, a single parcel of property or any contiguous or adjacent parcels of property.

"Operational life" means the period beginning when installation of the tank system has begun and ending when the tank system is properly closed under R18-12-271 through R18-12-274.

"Overfill release" means a release that occurs when a tank is filled beyond its capacity, resulting in a discharge of a regulated substance to the environment.

"Owner identification number" means the unique number assigned to the owner of an UST by the Department after the initial notification requirements of A.R.S. § 49-1002 are satisfied, or after a refund claim is submitted and approved pursuant to R18-12-409.

"Petroleum marketing facility" means a facility at which petroleum is produced or refined and all facilities from which petroleum is sold or transferred to other petroleum marketers or to the public.

"Petroleum UST system" means an UST system that contains or contained petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. These systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

"Pipe" or "Piping" means a hollow cylinder or tubular conduit that is constructed of non-earthen materials.

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

"Point of compliance" means the geographic location at which the concentration of the chemical of concern is to be at or below the risk-based corrective action standard determined to be protective of public health and the environment.

"Point of exposure" for soil, surface water, and groundwater contamination, has the definition at R18-7-201 for "exposure point."

"Property damage" means physical injury to, destruction of, or contamination of tangible property, including all resulting loss of use of that property; or loss of use of tangible property that is not physically injured, destroyed, or contaminated, but has been evacuated, withdrawn from use, or rendered inaccessible.

"Provider of financial assurance" means an entity that provides financial assurance to an owner or operator of an UST through one of the mechanisms listed in R18-12-305 through R18-12-317, including a guarantor, insurer, risk retention group, surety, or issuer of a letter of credit.

"RCRA" means the Resource Conservation and Recovery Act.

"Receptor" means persons, enclosed structures, subsurface utilities, waters of the state, or water supply wells and wellhead protection areas.

"Release confirmation" means free product discovery, or reported laboratory analytical results of samples collected and analyzed in accordance with the sampling requirements of R18-12-280 and A.A.C. Title 9, Chapter 14, Article 6 which indicate a release of a regulated substance from the UST system.

"Release confirmation date" means the date that an owner or operator first confirms the release, or the date that the owner or operator is informed of a release confirmation made by another person.

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

"Remediation" for soil, surface water, and groundwater contamination, has the definition at A.R.S. § 49-151.

"Repair" means to restore to proper operating condition a tank pipe, spill prevention equipment, overfill prevention equipment, corrosion protection

equipment, release detection equipment or other UST system component that has caused or may cause a release of regulated substance from the UST system or has failed to function properly.

"Replaced" means:

(a) For a tank - to remove a tank and install another tank.

(b) For piping - removing and replacing any piping component.

"Residential tank" means an UST system located on property used primarily for dwelling purposes.

"Retrofit" means to add to an UST system, equipment or parts that were not originally included or installed as part of the UST system.

"Risk characterization" means the qualitative and quantitative determination of combined risks to receptors from individual chemicals of concern and exposure pathways, and the associated uncertainties.

"Routinely contains product" or "routinely contains regulated substance" means the part of an UST system which is designed to contain regulated substances and includes all internal areas of the tank and all internal areas of the piping, excluding only the vent piping.

"SARA" means the Superfund Amendments and Reauthorization Act of 1986, P.L. 99-499.

"Secondary containment" or "Secondarily contained" means a release prevention and release detection system for a tank or piping. This system has an inner and outer barrier with an interstitial space that is monitored for leaks. This term includes containment sumps when used for interstitial monitoring of piping.

"Septic tank" means a water-tight covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such receptacle is distributed for disposal through the soil and settled solids and scum from the tank are pumped out periodically and hauled to a treatment facility.

"Site location map" means a representation by means of signs and symbols on a planar surface, at an established scale, of the streets, wells, and general use of the land for properties within at least one-quarter mile of the facility boundaries, with the direction of orientation indicated.

"Site plan" means a representation by means of signs and symbols on a planar surface, at an established scale, of the physical features (natural, artificial, or both) of the facility and surrounding area necessary to meet the requirements under which the site plan is prepared, with the direction of orientation indicated.

"Site vicinity map" means a representation by means of signs and symbols on a planar surface, at an established scale, of the natural and artificial physical features, used in the exposure assessment, that occur within at least 500 feet of the facility boundaries, with the direction of orientation indicated.

"Solid Waste Disposal Act" for the purposes of this Chapter means the "federal act" as defined by A.R.S. § 49-921.

"Source area" means either the location of the release from an UST, the location of free product, the location of the highest soil and groundwater concentration of chemicals of concern, or the location of a soil concentration of chemicals of concern which may continue to impact groundwater or surface water.

"Source of contamination" means with respect to this Chapter, the conditions described in A.R.S. § 49-1053(J).

"Spill" means the loss of regulated substance during the transfer of a regulated substance to an UST system.

"Storage facility" means, for the purpose of Article 4 only, the common, identifiable, location at which deliveries of regulated substances are made to an UST, an above ground storage tank, or to a group of underground and above ground storage tanks, and to which the Department has assigned a single facility identification number.

"Storm-water or wastewater collection system" means piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation, or of 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.

"Substantial business relationship" means the extent of a business relationship necessary under Arizona law to make a guarantee contract issued incident to that relationship valid and enforceable. A guarantee contract is issued "incident to that relationship" if it arises from and

depends on existing economic transactions between the guarantor and the owner or operator.

"Substantial governmental relationship" means the extent of a governmental relationship necessary under Arizona law to make an added guarantee contract issued incident to that relationship valid and enforceable. A guarantee contract under R18-12-316 is issued "incident to that relationship" if it arises from a clear commonality of interest in the event of an UST release such as coterminous boundaries, overlapping constituencies, common groundwater aquifer, or other relationship other than monetary compensation that provides a motivation for the guarantor to provide a guarantee.

"Supplier" means, for the purpose of Article 4 only, with respect to collection of the UST excise tax, a person who is described by either A.R.S. § 28-6001(A) or (B). The term "supplier" includes a distributor, as defined in A.R.S. § 28-5601, who is required to be licensed by A.R.S. Title 28, Chapter 16, Article 1.

"Supplier identification number" means, for the purpose of Article 4 only, the unique number assigned to the supplier by the Department of Transportation for the purpose of administering the motor vehicle fuel tax under A.R.S. Title 28, Chapter 16, Article 1.

"Surface impoundment" means a natural topographic depression, artificial excavation, or diked area formed primarily of earthen materials, but which may be lined with artificial materials, that is not an injection well.

"Surface water" has the definition at R18-11-101.

"Surficial soil" means any soil occurring between the current surface elevation and extending to that depth for which reasonably foreseeable construction activities may excavate and relocate soils to surface elevation, and any stockpiles generated from soils of any depth.

"Suspected release discovery date" means the day an owner or operator first has reason to believe, through direct discovery or being informed by another person, that a suspected release exists.

"Suspected release notification date" means the day the Department informs an owner or operator, as evidenced by the return receipt, that a UST may be the source of a release.

"Tangible net worth" means, for purposes of R18-12-101 and R18-12-305, the tangible assets that remain after deducting liabilities; such assets do not include intangibles such as goodwill and rights to patents or royalties. For

purposes of this definition, "assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity as a result of past transactions.

"Tax" means, for the purpose of Article 4 only, the excise tax on the operation of USTs levied by A.R.S. Title 49, Chapter 6, Article 2. "Taxpayer" means, for the purpose of Article 4 only, the owner or operator of an UST who pays the tax.

"Training program" means any program that provides information to and evaluates the knowledge of a Class A, Class B, or Class C operator through testing, practical demonstration, or another approach acceptable to the Department regarding requirements for UST systems that meets the requirements of A.R.S. § 49-1083 and this Chapter.

"Under-dispenser containment" or "UDC" means containment underneath a dispenser system designed to prevent leaks from the dispenser and piping within or above the UDC from reaching soil or groundwater.

"Underground area" means an underground room, such as a basement, cellar, shaft, or vault that provides enough space for physical inspection of the exterior of the tank, situated on or above the surface of the floor.

"Underground storage tank" has the definition at A.R.S. § 49-1001.

"Upgrade" means the addition to or retrofit of an UST system or UST system parts, under R18-12-221, to improve the ability to prevent release of a regulated substance.

"UST" means an underground storage tank as defined at A.R.S. § 49-1001.

"UST regulatory program" means the program established by and described in A.R.S. Title 49, Chapter 6 and the rules promulgated under that program.

"UST system" or "tank system" means an UST, connected underground piping, impact valve and connected underground ancillary equipment and containment system, if any.

"Vadose zone" has the definition at A.R.S. § 49-201.

"Volatile regulated substance" means any regulated substance that generally has the following chemical characteristics: a vapor pressure of greater than 0.5 mmHg at 20°C, a Henry's Law Constant of greater than 1×10^{-5} atm m³/mol, and which has a boiling point of less than 250° - 300°C.

"Wastewater treatment tank" means a tank system that is designed to receive and treat an influent wastewater through physical, chemical, or biological methods.

(Adopted effective September 21, 1992 (Supp. 92-3). Amended effective May 23, 1996 (Supp. 96-2). Amended effective July 30, 1996 (Supp. 96-3). Amended effective December 6, 1996 (Supp. 96-4). Amended by final rulemaking at 8 A.A.R. 3894, effective August 20, 2002 (Supp. 02-3). Amended by final rulemaking at 12 A.A.R. 1611, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 13 A.A.R. 4605, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-102. Applicability

A. Owners and operators. As provided in A.R.S. § 49-1016(A), the responsibilities of this Chapter, unless indicated otherwise, are imposed on persons who are the owner or the operator of an UST. If the owner and operator of an UST are separate persons, only one person is required to discharge any specific responsibility. Both persons are liable in the event of noncompliance.

B. Persons in possession or control of property. The requirements of this Chapter are applicable to a person acting under the provisions of A.R.S. § 49-1016(C).

C. No supersedence. Nothing in this Chapter supersedes the requirements of the following:

1. An order of a court of competent jurisdiction in effect before August 20, 2002,
2. An order of the Director under A.R.S. § 49-1013 in effect before August 20, 2002.

(Adopted effective September 21, 1992 (Supp. 92-3). Amended effective May 23, 1996 (Supp. 96-2). Amended effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 3894, effective August 20, 2002 (Supp. 02-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-103. Material Incorporated by Reference

The following materials are incorporated by reference and applicable in this Chapter unless specifically stated otherwise. The materials include no future editions or amendments, are on file with the Department, and are also available as indicated below:

40 CFR 280.10, 40 CFR 280.95(d), 40 CFR 280.96(c), 40 CFR 280.97(b)(1) and (2), 40 CFR 280.98(b), 40 CFR 280.99(b), 40 CFR 280.103(b)(1) and (2), 40 CFR 280.104(d), 40 CFR 280.104(e), 40 CFR 280.105(c), 40 CFR 280.106(d), 40 CFR 280.106(e), 40 CFR 280.107(d), 40 CFR 280.111(b)(11)(i), 40 CFR 280.112(b)(2)(i), 40 CFR 144.63, and 40 CFR 264.147(f)(1), amended as of October 13, 2015 and available at www.ecfr.gov ;

American Petroleum Institute Recommended Practice 1007, "Loading and Unloading of MC 306/DOT 406 Cargo Tank Motor Vehicles", 1st edition, amended as of March 2001, reaffirmed February 2011, available at www.techstreet.com ;

American Petroleum Institute Recommended Practice 1604, "Closure of Underground Petroleum Storage Tanks", 3rd edition, available at www.techstreet.com ;

American Petroleum Institute Publication 1615, "Installation of Underground Hazardous Substances or Petroleum Storage Systems", 6th edition, April 2011, available at www.techstreet.com ;

American Petroleum Institute Recommended Practice 1621, "Bulk Liquid Stock Control At Retail Outlets", 5th edition, available at www.techstreet.com ;

American Petroleum Institute Recommended Practice 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Filling Stations", 2nd edition, available at www.techstreet.com ;

American Petroleum Institute Recommended Practice 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks", 5th edition, available at www.techstreet.com ;

American Petroleum Institute Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", 3rd edition, available at www.techstreet.com ;

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(Adopted effective September 21, 1992 (Supp. 92-3). Amended effective May 23, 1996 (Supp. 96-2). Repealed effective July 30, 1990 (Supp. 96-3). Adopted by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-210. Applicability

A. The requirements of this Article apply to all owners and operators of an UST system, except as otherwise provided in subsections (B) and (C).

1. Previously deferred UST systems. Airport hydrant fuel distribution systems, UST systems with field-constructed tanks, and UST systems that store fuel solely for use by emergency power generators shall meet the requirements of this Chapter as follows:

a. Airport hydrant fuel distribution systems and UST systems with field-constructed tanks shall meet the requirements in Article 9.

b. UST systems that store fuel solely for use by emergency power generators installed on or before January 1, 2020 shall meet the release detection requirements of R18-12-240 through R18-12-245 on or before March 1, 2020.

c. UST systems that store fuel solely for use by emergency power generators installed after January 1, 2020 shall meet all applicable requirements of this Chapter at installation.

2. Any UST system listed in subsection (C) of this Section shall meet the requirements of R18-12-211.

B. Excluded UST systems. The following UST systems are excluded from the requirements of this Article:

1. Any UST system holding hazardous wastes which are listed or identified under Subtitle C of the Solid Waste Disposal Act, or a mixture of such hazardous waste and other regulated substances;

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;

3. Equipment or machinery that contains regulated substances solely for operational purposes such as hydraulic lift tanks and electrical equipment tanks;

4. Any UST system with a capacity of 110 gallons or less;

5. Any UST system that contains a de minimis concentration of regulated substances;

6. Any emergency spill or overflow containment UST system that is expeditiously emptied after use.

C. Partially excluded UST systems. Except as noted in subsection (C)(2) below, only R18-12-101, R18-12-210, R18-12-211, R18-12-222, R18-12-261 through R18-12-264.01, and the provisions of A.R.S. §§ 49-1001.01 and 49-1005 and the rules promulgated thereunder apply to:

1. Wastewater treatment tank systems other than those specified in subsection (B)(2);
2. Aboveground storage tanks associated with:
 - a. Airport hydrant fuel distribution systems regulated under Article 9.
 - b. UST systems with field-constructed tanks regulated under Article 9.
3. Any UST systems containing radioactive material that are regulated under the Atomic Energy Act of 1954, 42 U.S.C. §§ 2011 et seq.;
4. Any UST system that is part of an emergency generator system at nuclear power generation facilities licensed by the Nuclear Regulatory Commission and subject to Nuclear Regulatory Commission requirements regarding design and quality criteria, including but not limited to 10 CFR 50;

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

**Ariz. Admin. Code R18-12-211 Installation Requirements for
Partially Excluded Ust Systems (Arizona Administrative Code
(2021 Edition))**

**§ R18-12-211. Installation Requirements for Partially Excluded
UST Systems**

A. Owners and operators installing an UST system listed in R18-12-210(C)(1), (3), or (4) storing regulated substances, whether of single-wall or double-wall construction, shall ensure that it meets all of 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, constructed of non-corrodible material, steel clad with a non-corrodible material, or 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.

B. Notwithstanding subsection (A), an UST system without corrosion protection may be installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operational life. Owners and operators shall maintain records that demonstrate compliance with the requirements of this subsection for the remaining operational life of the UST system.

C. Compliance with the corrosion protection provisions of this Section shall be determined in accordance with the codes of practice set forth in R18-12-281(A).

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-219. Installation of New UST Systems

A. An owner or operator that intends to bring a new underground storage tank system into operation shall submit to the Director on a Department form all of the following information at least 30 days before beginning installation:

1. The tank's size, construction material, manufacturer, and intended system contents;
2. The certified UST service provider who will perform or supervise the installation;
3. Detailed installation plans showing the site drawn to scale, piping layouts, electrical service, and stating that the tanks will be installed according to the manufacturer's instructions, and the applicable installation standards and codes of practice in R18-12-220 and R18-12-281;
4. Evidence that the intended system contents are compatible with the UST system;
5. A statement describing how the owner or operator plans to satisfy financial responsibility in accordance with Article 3;
6. The intended installation schedule with the proposed backfill date.

B. Within 15 calendar days of receipt of the information required in subsection (A), the Department shall send the owner or operator an email indicating whether the proposed installation may or may not proceed, or whether further information is necessary.

C. An owner or operator may not backfill a new tank system installation until approval by a representative of the Director after an onsite inspection. At the time of inspection the owner or operator shall have on site certifications for all equipment and test results for all piping.

(Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-220. Performance Standards for New UST Systems

A. Owners and operators of a new UST system shall meet the requirements described in this Section 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. In addition, except for suction piping that meets the requirements of R18-12-241(C)(2)(a) through (e), tanks and piping installed or replaced after January 1, 2009 shall be secondarily contained and use interstitial monitoring in accordance with R18-12-243(G). Secondary contain, be able to contain regulated substances leaked from the primary containment until they are detected and removed and pre-vent the release of regulated substances to the environment at any time during the operational life of the UST system. For cases where the piping to be replaced exceeds the percentage in A.R.S. § 49-1009(C), the entire piping run shall be secondarily contained.

B. A tank shall be properly designed and constructed, and any portion underground that routinely contains a regulated substance shall be protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below:

1. The tank is constructed of fiberglass-reinforced plastic. Compliance with this subsection may be determined in accordance with the performance standards set forth in R18-12-281(B);
2. The tank is constructed of steel and is cathodically protected, in accordance with one of the performance standards of R18-12-281(C), by all of the following:
 - a. The tank is coated with a suitable dielectric material;
 - b. The field-installed cathodic protection systems are designed by a corrosion expert;
 - c. The impressed current systems, if used, are designed to allow determination of current operating status as required in R18-12-231(C);
 - d. The cathodic protection systems are operated and maintained in accordance with R18-12-231.
3. The tank is constructed of steel and clad or jacketed with a non-corrodible material. Compliance with this subsection shall be determined in accordance with one of the performance standards set forth in R18-12-281(D).

4. The tank is constructed of metal without additional corrosion protection measures, and both of the following conditions are met:
 - a. The tank is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life;
 - b. Owners and operators maintain records that demonstrate compliance with the requirements of subsection (B)(4)(a) for the remaining operational life of the tank.
 5. 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 requirements of subsections (B)(1) through (4).
- C. The piping that routinely contains regulated substances and is in contact with the ground shall be properly designed, constructed, and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below:
1. The piping is constructed of non-corrodible material. Compliance with this subsection may be determined in accordance with the performance standard set forth in R18-12-281(E).
 2. The piping is constructed of steel and in meeting the performance standards of R18-12-281(F) is cathodically protected according to all of the following:
 - a. The piping is coated with a suitable dielectric material;
 - b. Field-installed cathodic protection systems are designed by a corrosion expert;
 - c. Impressed current systems, if used, are designed to allow determination of current operating status as required in R18-12-231(C);
 - d. Cathodic protection systems are operated and maintained in accordance with R18-12-231.
 3. The piping is constructed of metal without additional corrosion protection measures, and all of the following requirements are satisfied:

- a. The piping is installed at a site that is determined by a corrosion expert to not be corrosive enough to cause it to have a release due to corrosion during its operating life;
- b. Owners and operators maintain records that demonstrate compliance with the requirements of subsection (a) for the remaining life of the piping.
4. 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 subsections (C)(1) through (3).
- D. Except as provided in subsections D)(3) and (D)(4), owners and operators shall use both of the following spill and overfill prevention equipment systems to prevent spilling and overfilling associated with transfer of a regulated substance to the UST system:
 1. Spill prevention equipment that will prevent release of a regulated substance to the environment when the transfer hose is detached from the fill pipe;
 2. Overfill prevention equipment that will do one or more of the following:
 - a. Automatically shut off flow into the tank when the tank is no more than 95% full;
 - b. Alert the transfer operator when the tank is no more than 90% full by restricting the flow into the tank or triggering a high-level alarm that can be heard at the point of transfer;
 - c. Restrict flow 30 minutes prior to overfilling, alert the operator with a high level alarm that can be heard at the point of transfer one minute before overfilling, or automatically shut off flow into the tank so that none of the fittings located on top of the tank are exposed to a regulated substance due to overfilling.
 3. Owners and operators are not required to use the spill and overfill prevention equipment specified in subsections (D)(1) and (2) if either of the following conditions is met:
 - a. Alternative equipment is used that is determined by the Department to be no less protective of human health and the environment than the equipment specified in subsections (D)(1) or (2);
 - b. The tank is filled by transfers of no more than 25 gallons at one time.

4. Flow restrictors used in vent lines may not be used to comply with subsection (D)(2) of this Section when overfill prevention is installed or replaced.

5. Spill and overfill prevention equipment shall be periodically tested or inspected in accordance with R18-12-235.

E. The UST system shall

be properly installed in accordance with the manufacturer's instructions and in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, such as those listed in R18-12-281(G).

F. Owners and operators shall ensure, in addition to the installation being inspected and approved by the Department under R18-12-219, that one or more of the following methods of certification, testing, or inspection is used to demonstrate compliance with subsection (E):

1. The installer has been certified by the tank and piping manufacturers,

2. The installation has been inspected and certified by a registered professional engineer with education and experience in UST system installation, or

3. All work listed in the manufacturer's installation checklists has been completed, or

4. Owners and operators have complied with another method for ensuring compliance with subsection (E) that is determined by the Department to be no less protective of human health and the environment.

G. Under-dispenser containment. Each UST system shall be equipped with under-dispenser containment for any new dispenser installed or replaced after January 1, 2009. Under-dispenser containment shall be liquid-tight on its sides, bottom, and at any penetrations. Under-dispenser containment shall allow for visual inspection and access to the components in the containment system or be periodically monitored for leaks from the dispenser system.

H. Notwithstanding subsection (G), under dispenser containment is only required when a new dispenser system is installed if the requirement for under dispenser containment in A.R.S. § 49-1009(D) is changed to apply only to new dispenser system installation. A dispenser system is considered new when both the dispenser and the equipment needed to connect the

dispenser to the underground storage tank system are installed at an UST facility. The equipment necessary to connect the dispenser to the underground storage tank system includes check valves, shear valves, unburied risers or flexible connectors, or other transitional components that are underneath the dispenser and connect the dispenser to the underground piping.

I. Owners shall provide a certification of compliance on the UST Notification Form in accordance with R18-12-222(D) and shall ensure that a certification statement in accordance with the applicable requirements of R18-12-222(E) is signed by the installer on the Notification Form prior to submission to the Department.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-221. Upgrading of Existing UST Systems

A. Owners and operators shall permanently close (in accordance with R18-12-270 through R18-12-274) any UST system that does not meet the new UST system performance standards in R18-12-220 or has not been upgraded in accordance with subsections (F) through (I) of this Section. This does not apply to previously deferred UST systems described in Article 9 and where an upgrade is determined to be appropriate by the Department. All existing UST systems shall comply with one of the following requirements:

1. New UST system performance standards under R18-12-220;
2. The upgrading requirements described in subsections (E) through (H);
3. Closure requirements under R18-12-270 through R18-12-274, including applicable requirements for release reporting and corrective action under R18-12-250 through R18-12-264.01.

B. Except for repairs described in subsection (D), an owner or operator that intends to modify an underground storage tank system, including upgrading to comply with subsection (A), shall submit to the Director on a Department form all of the following information at least 30 days before beginning the tank system modifications:

1. The tank's size, construction material, location and intended use.
2. The certified UST service provider(s) performing or supervising the modification.
3. A description of the modifications, including detailed plans, where necessary, showing the site, piping layouts, electrical service, and stating that the modifications will be installed according to the manufacturers' instructions, and the applicable standards and codes of practice in R18-12-220 and R18-12-281.
4. When applicable, evidence that compatibility under R18-12-232 has been considered.
5. The intended modification schedule with any proposed backfill date.

C. For the purposes of this Section, "modify" means any of the following: changing dispensers, installing under dispenser containment, relining or retrofitting a tank, replacing pipe, adding or changing corrosion protection, or making repairs in response to a confirmed or suspected release. Modify does not mean scheduled maintenance or repair above the shear valve.

D. The owner or operator shall submit the information in subsection (B) to the Department as soon as possible after the start of emergency repairs and as soon as possible before the date of the following proposed repairs:

1. Repairs in response to a confirmed or suspected release if an owner or operator is removing a UST from operation for the repairs;
2. Minor repairs, including replacement of a leak detection sensor, and repairs to fittings.

E. Within 15 calendar days of receipt of information under subsection (B), the Department shall send the owner or operator an email indicating whether the proposed modification may or may not proceed, whether a Department inspection will be required, or whether further information is necessary. At the time of the modification, the owner or operator shall have on site service provider certifications and test results for all equipment installed.

F. A steel tank shall be upgraded to meet one of the following requirements in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory:

1. Tanks upgraded by internal lining shall meet both of the following conditions:
 - a. The internal lining is installed in accordance with the requirements of R18-12-233, and R18-12-281(H)(1) or (2);
 - b. Within 10 years after the internal lining is installed, 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. If the internal lining is no longer performing in accordance with original design specifications and cannot be repaired in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, then the lined tank shall be permanently closed in accordance with R18-12-270 through R18-12-274.
2. Tanks upgraded by cathodic protection shall meet the requirements of R18-12-220(B)(2)(b) through (d), and the integrity of the tank shall have been ensured using one of the following methods:
 - a. The tank was internally inspected and assessed to ensure that it was structurally sound and free of corrosion holes prior to installing the cathodic protection system;

- b. The tank had been installed for less than 10 years and is monitored monthly for releases in accordance with R18-12-243(D) through (I);
- c. The tank had been installed for less than 10 years and was assessed for corrosion holes by conducting two tightness tests that meet the requirements of R18-12-243(C). The 1st tightness test shall be conducted prior to installing the cathodic protection system. The 2nd tightness test shall be conducted between three and six months following the 1st operation of the cathodic protection system; or
- d. The tank was assessed for corrosion holes by a method that is determined by the Department to prevent releases in a manner that is no less protective of human health and the environment than the methods described in subsections (B)(2)(a) through (c).

3. Tanks upgraded by both internal lining and cathodic protection shall meet both of the following requirements:

- a. The lining is installed in accordance with the requirements of R18-12-233,
- b. The cathodic protection system meets the requirements of R18-12-220(B)(2)(b) through (d).

G. Metal piping that routinely contains regulated substances and is in contact with the ground shall be cathodically protected in accordance with the applicable requirements of R18-12-220(C)(2)(b) through (d).

H. Any upgrading by use of corrosion protection described in this Section shall be accomplished in accordance with the performance standards set forth in R18-12-281(H).

I. To prevent spilling and overfilling associated with the transfer of a regulated substance to the UST system, all existing UST systems shall comply with UST system spill and overfill prevention equipment requirements specified in R18-12-220(D).

J. Owners or operators shall ensure that one or more of the following methods of certification, testing, or inspection is used to demonstrate compliance with the requirements of this Section by providing a certification of compliance on the UST Notification Form in accordance with R18-12-222(D):

- 1. The installer has been certified by the equipment or system manufacturers;

2. The installation has been inspected and certified by a registered professional engineer with education and experience in UST system installation, or if required under subsection (D), by the Department;
3. All work listed in the manufacturer's installation checklists has been completed;
4. The owner has complied with another method for ensuring compliance with the requirements of this Section that is determined by the Department to be no less protective of human health and the environment.

K. Owners and operators shall ensure that a certification statement in accordance with the applicable requirements of R18-12-222(E) is signed by the installer on the Notification Form prior to submission to the Department.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-222. Notification Requirements

A. An owner of an UST system shall comply with the notification requirements of this Section in accordance with those described in A.R.S. § 49-1002.

B. An owner shall submit the most current and complete information on each UST system at each facility utilizing the Departmental form titled "Notification for Underground Storage Tanks" ("Notification Form"). An owner shall submit a separate Notification Form to the Department for each facility which is owned. Submitted information shall include all of the following for each UST system:

1. Type of notification specifying one of the following:

- a. New facility,
- b. Amendment of previous Notification Form,
- c. Closure.

2. The name and mailing address of the owner of the UST system;

3. Facility street address and the associated county assessor book, map, and parcel;

4. Type of owner, specifying whether government, commercial, or private;

5. Whether the UST system is located within Indian country;

6. Facility type;

7. The name and mailing address of the operator of the UST system;

8. Compliance with financial responsibility requirements in accordance with R18-12-300 through R18-12-325, and the mechanism or mechanisms used to demonstrate compliance;

9. Facility map including tanks and associated piping in addition to major structures;

10. Status of each UST system as one of the following:

- a. Currently in use,
- b. Temporarily out of use,

- c. Permanently out of use.
11. Date of the UST system installation and date the UST system was first brought into operation;
12. Estimated total capacity of the tank;
13. Material of tank construction and method of corrosion protection for each UST system;
14. Date of tank repair or replacement, if tank has been repaired or replaced;
15. Material of piping construction and method of corrosion protection for each UST system;
16. Date of piping repair or any replacement, if piping has been repaired or replaced;
17. Type of piping delivery system;
18. Methods of leak detection currently in use for tank and piping;
19. Whether the UST system is connected to an emergency generator;
20. Substance currently or last stored in the UST system in greatest quantity by volume;
21. If the substance currently or last stored in the UST system is a hazardous substance, identification of the CERCLA name or Chemical Abstracts Service number;
22. If the substance currently or last stored in the UST system is a mixture of substances, identification of the constituents of the mixture;
23. Information on under dispenser containment including construction material, and date(s) of any repair, replacement or modification.

C. In addition to the information required in subsection (B), if an UST system is permanently closed, temporarily closed, or if a change-in-service has occurred, an owner shall provide all of the following:

1. The estimated date the UST system was last used, and the estimated date the UST system was permanently closed;
2. Identification of the UST system as one of the following:
 - a. Removed from the ground,

- b. Closed in the ground and filled with inert solid materials and a description of those materials,
 - c. Completed change-in-service and a description of current use,
 - d. Temporarily closed,
 - e. Temporarily closed with a request for extension of temporary closure.
3. Whether an UST site assessment was completed;
 4. Whether there was evidence of a leak.

D. An owner shall certify under penalty of law that the owner has personally examined and is familiar with the information submitted in the Notification Form and all attached documents, and that based either on direct knowledge or on inquiry of those individuals immediately responsible for obtaining the information, the owner believes that the submitted information is true, accurate, and complete. For a new or upgraded UST system, this certification shall include compliance with all the following requirements:

1. Installation of tanks and piping under R18-12-220(E) and (F);
2. Cathodic protection of steel tanks and piping under R18-12-220(B) and (C), or R18-12-221(F) through (H);
3. Spill and overfill protection under R18-12-220(D) or R18-12-221(I);
4. Release detection under R18-12-240 through R18-12-245;
5. Financial responsibility under R18-12-300 through R18-12-325.

E. An owner of a new or upgraded UST system shall ensure that the installer certifies on the Notification Form that to the best information and belief of the installer the items set forth in subsections (D)(1) through (4) are true and comply with R18-12-219 through R18-12-221.

F. Any request for an extension of temporary closure shall be made in accordance with R18-12-270.

G. In addition, an owner of an UST system shall notify the Department within 30 days after any one of the following occurs:

1. A change in the operator of the UST system;
2. Temporary closure in accordance with R18-12-270;

3. Return to active service following temporary closure in accordance with R18-12-270(A);
4. Permanent closure or change-in-service in accordance with R18-12-271 through R18-12-274;
5. A change in the contents of the UST system among the categories of regulated substances described in subsections (B)(20), (21), or (22);
6. A change in status of financial responsibility in accordance with R18-12-300 through R18-12-325.

H. In the case of a change of ownership of an UST system, one of the following shall occur:

1. When a vendor sells an UST system or a tank for use as an UST after May 8, 1986, the vendor shall inform the purchaser, on a form prescribed by the Department, that the Resource Conservation and Recovery Act (RCRA) requires owners of certain underground storage tanks to notify the Department within 30 days of the existence of the tank.
2. When a person transfers ownership of an UST system, both of the following shall occur:
 - a. The transferor shall inform the Department in writing of the transfer of its interest in the UST system including the name and address of the transferor and transferee, name and telephone number of the contact person for the transferee and effective date of the transfer. In addition, the transferor shall advise the transferee of the notification requirements of this Section, utilizing the form referenced in subsection (G)(1);
 - b. The transferee shall submit to the Department a completed Notification Form within 30 days of the transfer of interest.

I. Owners and operators of tanks partially excluded under R18-12-210(C) shall submit a Notification Form under this Section covering each partially excluded tank and provide the information in subsections (B)(1) through (B)(12), (B)(19), and (B)(20) of this Section. Owners and operators of tanks partially excluded under R18-12-210(C)(4) are not required to provide the information in subsection (B)(9).

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-230. Spill and Overfill Control

A. Owners and operators shall ensure that releases due to spilling or overfilling do not occur. Owners and operators shall ensure, before the transfer is made, that the volume then available in the tank is greater than the volume of regulated substance to be transferred to the tank. Owners and operators also shall ensure that the operation is monitored constantly to prevent overfilling and spilling. Compliance with this subsection shall be determined in accordance with the performance standards set forth in R18-12-281(I).

B. Owners and operators shall report, investigate, and clean up any spills and overfills in accordance with A.R.S. §§ 49-1004 and 49-1005 and the rules promulgated thereunder, including R18-12-251(A) and R18-12-260.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

**§ R18-12-231. Operation and Maintenance of Corrosion
Protection**

A. A corrosion protection system shall be operated and maintained to continuously provide corrosion protection to the metal components of an UST system which are subject to the corrosion protection requirements of R18-12-220 and R18-12-221 and to piping which routinely contains regulated substances and is in contact with the ground.

B. An UST system equipped with cathodic protection systems shall be inspected for proper operation by a qualified cathodic protection tester. Owners and operators shall ensure compliance with both of the following requirements:

1. A cathodic protection system shall be tested within six months of installation and at least every three years thereafter,

2. The criteria that are used to determine that cathodic protection is adequate as required by this Section shall be in accordance with the codes of practice set forth in R18-12-281(J).

C. An UST system with an impressed current cathodic protection system, in addition to meeting the requirements of subsections (A) and (B) shall be inspected every 60 days to ensure the equipment is operating in accordance with its design specifications.

D. For an UST system using cathodic protection, records of the operation of the cathodic protection shall be maintained in accordance with R18-12-234 to demonstrate compliance with the performance standards in this Section and R18-12-281(J). These records shall provide the following:

1. The results of testing from the last two inspections required by subsection (B),

2. The results of the last three inspections required by subsection (C).

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-232. Compatibility

A. Owners and operators shall use an UST system made of or lined with materials that are compatible with the substance stored in the UST system. Compliance with this Section may be determined in accordance with the code of practice in R18-12-281(K).

B. Owners and operators shall notify the Department at least 30 days prior to switching to a regulated substance containing greater than 10 percent ethanol, greater than 20 percent biodiesel, or any blend of isobutanol. In addition, owners and operators with UST systems storing these regulated substances shall meet one of the following:

1. Demonstrate compatibility of the UST system (including the tank, piping, containment sumps, pumping equipment, release detection equipment, spill equipment, and overfill equipment). Owners and operators may demonstrate compatibility of the UST system by using one of the following options:
 - a. Certification or listing of UST system equipment or components by a nationally recognized, independent testing laboratory for use with the regulated substance stored; or
 - b. Equipment or component manufacturer approval. The manufacturer's approval shall be in writing, indicate an affirmative statement of compatibility, specify the range of biofuel blends the equipment or component is compatible with, and be from the equipment or component manufacturer; or
2. Use another option determined by the Department to be no less protective of human health and the environment than the options listed in subsection (B)(1) of this Section.

C. Owners and operators shall maintain records in accordance with R18-12-234(B) documenting compliance with subsection (B) of this Section for as long as the UST system is used to store the regulated substance.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-233. Repairs Allowed

A. Owners and operators of an UST system shall 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 shall meet the following requirements:

1. Repairs to an UST system shall be properly conducted in accordance with an applicable code of practice developed by a nationally recognized association or independent testing laboratory as specified in R18-12-281(L);
2. Repairs to a fiberglass-reinforced plastic tank may be made by the manufacturer's authorized representative or in accordance with the code of practice set forth in R18-12-281(M);
3. Any metal pipe sections and fittings that have released a regulated substance as a result of corrosion or other damage shall be replaced. Non-corrodible pipe and fittings may be repaired in accordance with the manufacturer's specifications.

B. Repairs to secondary containment areas of tanks and piping used for interstitial monitoring and to containment sumps used for interstitial monitoring of piping shall have the secondary containment tested for tightness according to the manufacturer's instructions, a code of practice developed by a nationally recognized association or independent testing laboratory, or according to requirements established by the Department within 30 days following the date of completion of the repair. All other repairs to tanks and piping shall be tightness tested in accordance with the specifications described in R18-12-243(C) and R18-12-244(B) within 30 days following the date of the completion of the repair unless one of the following procedures is employed:

1. The repaired tank is internally inspected in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory listed in R18-12-281(N);
2. The repaired portion of the UST system is monitored monthly for releases in accordance with a method specified in R18-12-243(D) through (I); or
3. Another test method is used that is determined by the Department to be no less protective of human health and the environment than those listed in subsections (B)(1) and (2).

C. Within six months following the repair of any cathodically protected UST system, the cathodic protection system shall be tested in accordance with R18-12-231(B) and (C) to ensure that it is operating properly.

D. Within 30 days following any repair to spill or overfill prevention equipment, the repaired spill or overfill prevention equipment shall be tested or inspected, as appropriate, in accordance with R18-12-235 to ensure it is operating properly.

E. Owners and operators of an UST system shall maintain records of each repair until the UST system is permanently closed or undergoes a change-in-service pursuant to R18-12-271.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-234. Reporting and Recordkeeping

A. Owners and operators shall submit notifications for all UST systems in accordance with R18-12-222. Additionally, owners and operators shall submit the following information to the Department:

1. Reports of all releases including suspected releases according to R18-12-251, confirmed releases according to R18-12-260, and spills and overfills according to R18-12-230;
2. Corrective actions planned or taken including initial abatement and site characterization measures in accordance with R18-12-261, free product removal according to R18-12-261.02, investigation of soil and ground-water cleanup according to R18-12-262, and a corrective action plan according to R18-12-263 and R18-12-263.02;
3. The information required in R18-12-271 before starting permanent closure or change-in-service;
4. The closure report in accordance with R18-12-271(E) for owners and operators who are permanently closing or making a change in service to an UST system.

B. Owners and operators shall maintain all of the following information:

1. A corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used under R18-12-211(B), R18-12-220(B)(4) or R18-12-220(C)(3);
2. Documentation of operation of corrosion protection equipment in accordance with R18-12-231;
3. Documentation of compatibility for UST systems as required by R18-12-232;
4. Documentation of UST system repairs in accordance with R18-12-233(E);
5. Documentation of compliance for spill and overfill prevention equipment and containment sumps used for interstitial monitoring of piping as required by R18-12-235(B);
6. Documentation of periodic walkthrough inspections as required by R18-12-236(B);
7. Documentation of compliance with release detection requirements in accordance with R18-12-245;

8. Documentation of operator training according to R18-12-237.
 - C. Unless otherwise arranged with the Department through pre-inspection communication, owners and operators shall keep the records required by subsection (B) either:
 1. At the UST site and immediately available for inspection by the Department, or
 2. At a readily available alternative site and provide those records for inspection to the Department upon request within one business day.
 - D. Unless otherwise required, owners and operators may maintain either paper or electronic records to demonstrate compliance with this Chapter. Electronic records shall contain all of the information required for paper records.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

Ariz. Admin. Code R18-12-235 Periodic Testing of Spill Prevention Equipment and Containment Sumps Used for Interstitial Monitoring of Piping and Periodic Inspection of Overfill Prevention Equipment (Arizona Administrative Code (2021 Edition))

§ R18-12-235. Periodic Testing of Spill Prevention Equipment and Containment Sumps Used for Interstitial Monitoring of Piping and Periodic Inspection of Overfill Prevention Equipment

A. Owners and operators of UST systems with spill and overfill prevention equipment and containment sumps used for interstitial monitoring of piping shall meet these requirements to ensure the equipment is operating properly and will prevent releases to the environment:

1. Spill prevention equipment (such as a catchment basin, spill bucket, or other spill containment device) and containment sumps used for interstitial monitoring of piping shall prevent releases to the environment by meeting one of the following:
 - a. The equipment is double walled and the integrity of both walls is periodically monitored at a frequency not less than the frequency of the walkthrough inspections described in R18-12-236. Owners and operators shall begin meeting subsection (A)(1)(b) of this Section and conduct a test within 30 days of discontinuing periodic monitoring of this equipment; or
 - b. The spill prevention equipment and containment sumps used for interstitial monitoring of piping are tested at least once every three years to ensure the equipment is liquid tight by using vacuum, pressure, or liquid testing in accordance with one of the following criteria:
 - i. Requirements developed by the manufacturer (Note: Owners and operators may use this option only if the manufacturer has developed requirements);
 - ii. Code of practice developed by a nationally recognized association or independent testing laboratory; or
 - iii. Requirements determined by the Department to be no less protective of human health and the environment than the requirements listed in subsections (A)(1)(b)(i) and (ii) of this Section. The Department's "Low Level Hydrostatic Testing for Underground Storage Tank Containment Sumps", amended October 9, 2018, may be used to comply with this subsection (iii) if the system has automatic shutoff of dispenser or submersible pump, as appropriate, to prevent further regulated substances from entering the sump.
2. Overfill prevention equipment shall be inspected at least once every three years. At a minimum, the inspection shall ensure that overfill prevention equipment is set to activate at the correct level specified in R18-12-220(D)

Ariz. Admin. Code R18-12-235 Periodic Testing of Spill Prevention Equipment and Containment Sumps Used for Interstitial Monitoring of Piping and Periodic Inspection of Overfill Prevention Equipment (Arizona Administrative Code (2021 Edition))

and will activate when regulated substance reaches that level. Inspections shall be conducted in accordance with one of the criteria in subsection (A)(1)(b)(i)-(iii) of this Section. The following code of practice may be used to comply with subsections (A)(1)(b) and (A)(2) of this Section: Petroleum Equipment Institute Publication RP1200-17, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities".

B. Owners and operators shall begin meeting these requirements as follows:

1. For UST systems in use on or before January 1, 2020, the initial spill prevention equipment test, containment sump test and overfill prevention equipment inspection shall be conducted not later than March 1, 2020.
2. For UST systems brought into use after January 1, 2020, these requirements apply at installation.
3. Owners and operators shall maintain records as follows (in accordance with R18-12-234) for spill prevention equipment, containment sums used for interstitial monitoring of piping, and overfill prevention equipment:
 - a. All records of testing or inspection shall be maintained for three years; and
 - b. For spill prevention equipment and containment sums used for interstitial monitoring of piping not tested every three years, documentation showing that the prevention equipment is double walled and the integrity of both walls is periodically monitored shall be maintained for as long as the equipment is periodically monitored.

(Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

**§ R18-12-236. Periodic Operation and Maintenance Walkthrough
Inspections**

A. To properly operate and maintain UST systems, owners and operators shall meet one of the following:

1. Conduct a walkthrough inspection that, at a minimum, checks the following equipment as specified below:
 - a. Every 30 days (Exception: spill prevention equipment at UST systems receiving deliveries at intervals greater than every 30 days may be checked prior to each delivery):
 - i. Spill prevention equipment - visually check for damage; remove liquid or debris; check for and remove obstructions in the fill pipe; check the fill cap to make sure it is securely on the fill pipe; and, for double walled spill prevention equipment with interstitial monitoring, check for a leak in the interstitial area, and
 - ii. Release detection equipment - check to make sure the release detection equipment is operating with no alarms or other unusual operating conditions present; and ensure records of release detection testing are reviewed and current; and
 - b. Annually:
 - i. Containment sumps - visually check for damage, leaks to the containment area, or releases to the environment; remove liquid (in contained sumps) or debris; and, for double walled sumps with interstitial monitoring, check for a leak in the interstitial area, and
 - ii. Hand held release detection equipment - check devices such as tank gauge sticks or groundwater bailers for operability and serviceability; or
2. Conduct operation and maintenance walkthrough inspections according to a standard code of practice developed by a nationally recognized association or independent testing laboratory that checks equipment comparable to subsection (A)(1) of this Section; or
3. Conduct operation and maintenance walkthrough inspections developed by the Department that checks equipment comparable to subsection (A)(1) of this Section. The following code of practice may be used to comply with subsection (A)(2) of this Section: Petroleum Equipment Institute RP900-17, "Recommended Practices for the Inspection and Maintenance of UST Systems".

**Ariz. Admin. Code R18-12-236 Periodic Operation and
Maintenance Walkthrough Inspections (Arizona Administrative
Code (2021 Edition))**

B. Owners and operators shall maintain records (in accordance with R18-12-234) of operation and maintenance walkthrough inspections for one year from the date of the walkthrough inspection. Records may be on a form provided by the Department and shall include a list of each area checked, whether each area checked was acceptable or needed action taken, a description of actions taken to correct an issue, and delivery records if spill prevention equipment is checked less frequently than every 30 days due to infrequent deliveries.

(Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-237. Operator Training

A. Owners and operators shall provide and document training as provided in this Section for operators designated under A.R.S. § 49-1083:

1. For class A and B operators, document the name of the trainee, the date trained, the operator training class completed, the name of the trainer or examiner if applicable, and the training company name, address, and telephone number on a form provided by the Director. A copy of a certificate or other documentation of training, which includes the trainee's name, an acceptable source of instruction, the date(s) of instruction, and the results of any examination, may be substituted.
2. Each current class C operator for the facility shall be entered into a log kept on site legibly showing each operator's name, the date(s) of instruction, and the source of instruction.
3. The records in subsections (1) and (2) above shall be maintained at the facility for at least 3 years from the date of training, or off site if they can be made available to the Director within one business day.

B. Class A operator training shall include all of the following:

1. The requirements associated with notification under section 49-1002, release detection under section 49-1003, reporting requirements under section 49-1004, financial responsibility under section 49-1006, closure under section 49-1008, underground storage tank performance under section 49-1009, delivery prohibition under section 49-1023, operator training under section 49-1083, and the rules adopted under those sections, as applicable.
2. The purpose, methods, and function of:
 - a. Spill and overfill prevention;
 - b. Release detection;
 - c. Corrosion protection;
 - d. Emergency response;
 - e. Product and equipment compatibility and demonstration;
 - f. Temporary closure;
 - g. Environmental and regulatory consequences of releases; and

3. Class B and class C operator requirements.

C. Class B operator training shall include all of the following:

1. The requirements associated with release detection under section 49-1003, reporting requirements under section 49-1004, underground storage tank performance under section 49-1009, delivery prohibition under section 49-1023, and the rules adopted under those sections, as applicable.

2. The purpose, methods, and function of:

a. Operation and maintenance;

b. Spill and overfill prevention;

c. Release detection and related reporting;

d. Corrosion protection;

e. Emergency response;

f. Product and equipment compatibility and demonstration;

g. Environmental and regulatory consequences of releases;

h. Training requirements for Class C operators,

D. Class C operator training shall provide individuals the knowledge and skills to take appropriate action in response to emergencies or alarms caused by spills or releases from an underground storage tank system, including procedures for contacting a class A or class B individual and any emergency responder.

E. The following sources of instruction are acceptable:

1. Training workshops or online training provided through ADEQ;

2. Any training program or comparable examination developed or administered by an independent organization or recognized authority that meets the minimum requirements of this Section and includes an evaluation through testing, a practical demonstration, or another approach acceptable to the Department;

3. A training program developed and administered in house, if acceptable to the Department after a review initiated during a site visit. An outline of the

in house operator training program completed shall be available at the facility or off site if it can be made available to the Director within one business day.

F. The following training formats are acceptable:

1. Distance learning/internet courses,
- 2 On-site courses,
3. Classroom and conference style courses

G. Class A, B, and C operators shall be retrained at the following times:

1. Every 3 years;
2. When switching classifications from C to B, from B to A, or from C to A;
3. When changing facilities, unless the equipment is identical, or unless the operator is already trained for multiple facilities; and
4. Class A and class B operators of UST systems determined by the Director to be out of compliance under A.R.S § 49-1083(D). At a minimum, the retraining shall cover each area determined to be out of compliance.

H. Upon request, the Director may excuse retraining under subsection (G) for good cause.

(Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

Ariz. Admin. Code R18-12-240 General Release Detection Requirements for All Ust Systems (Arizona Administrative Code (2021 Edition))

§ R18-12-240. General Release Detection Requirements for All UST Systems

A. Owners and operators of a UST system shall provide a method, or combination of methods, of release detection that:

1. Can detect a release from any portion of the tank and the connected underground piping that routinely contains a regulated substance;
2. Is installed and calibrated in accordance with the manufacturer's instructions;
3. Is operated and maintained, and electronic and mechanical components are tested for proper operation, in accordance with one of the following: manufacturer's instructions; a code of practice developed by a nationally recognized association or independent testing laboratory; or requirements determined by the Director to be no less protective of human health and the environment than the two options in subsections (A)(1) and (A)(2) above. A test of the proper operation shall be performed at least annually and, at a minimum, as applicable to the facility, cover the following components and criteria:
 - a. Automatic tank gauge and other controllers: test alarm; verify system configuration; test battery backup;
 - b. Probes and sensors: inspect for residual buildup; ensure floats move freely; ensure shaft is not damaged; ensure cables are free of kinks and breaks; test alarm operability or running condition and communication with controller;
 - c. Automatic line leak detector: test operation to meet criteria in R18-12-244(A) by simulating a leak;
 - d. Vacuum pumps and pressure gauges: ensure proper communication with sensors and controller; and
 - e. Hand-held electronic sampling equipment associated with groundwater and vapor monitoring: ensure proper operation. Note to subsection (A)(3): The following code of practice may be used to comply with subsection (A)(3) of this Section: Petroleum Equipment Institute Publication RP1200-17, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities".
4. Meets the performance requirements in R18-12-243 or R18-12-244, or Article 9, as applicable, with any performance claims and their manner of

**Ariz. Admin. Code R18-12-240 General Release Detection
Requirements for All Ust Systems (Arizona Administrative Code
(2021 Edition))**

determination described in writing by the equipment manufacturer or installer; and

5. For the methods listed in R18-12-243(B), (C), (D), (H), and (I), R18-244(A) and (B), and Article 9, is capable of detecting the leak rate or quantity specified for that method with a Probability of Detection (PD) of a release of 0.95 and a Probability of False Alarm (PFA) of 0.05

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B. When a release detection method operated in accordance with the performance standards in R18-12-243, R18-12-244, or Article 9 indicates a release may have occurred, owners and operators shall inform the Department in accordance with R18-12-251.

C. Any UST system that cannot apply a method of release detection that complies with the requirements of this Section and R18-12-241 through R18-12-245 shall complete the closure procedures in R18-12-270 through R18-12-274.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-241. Release Detection for Petroleum UST Systems

A. Owners and operators of petroleum UST systems shall provide release detection for tanks installed on or before January 1, 2009 so that the tanks are monitored for releases at least once every month using one of the methods listed in R18-12-243(D) through (I) except that:

1. An UST system that meets the new or upgraded UST system performance standards of R18-12-220 or R18-12-221, and the monthly inventory control requirements of R18-12-243(A) may use tank tightness testing conducted in accordance with R18-12-243(C) at least every five years until 10 years after the tank was installed; and
2. A tank with a capacity of 550 gallons or less or a tank with a capacity of 551 to 1, 000 gallons that meets the tank diameter criteria in R18-12-243(B) may use manual tank gauging conducted in accordance with R18-12-243(B) as a sole method for leak detection.

B. Tanks installed after January 1, 2009, shall be monitored for releases at least once every month in accordance with R18-12-243(G).

C. Owners and operators of petroleum UST systems shall provide release detection for underground piping installed on or before January 1, 2009 so that piping that routinely contains petroleum is monitored for releases in a manner that meets one of the following requirements:

1. Underground piping that conveys petroleum under pressure shall meet both of the following requirements:
 - a. Be equipped with an automatic line leak detector which meets the requirements of R18-12-244(A);
 - b. Have an annual line tightness test conducted in accordance with R18-12-244(B) or have monthly monitoring conducted in accordance with R18-12-244(C).
2. Except as otherwise provided in this subsection, underground piping that conveys petroleum under suction shall either have a line tightness test conducted at least every three years in accordance with R18-12-244(B), or use a monthly monitoring method conducted in accordance with R18-12-244(C). Release detection is not required for suction piping that is designed and constructed to meet all of the following standards:
 - a. The below-grade piping operates at less than atmospheric pressure;

- b. The below-grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;
- c. Only one check valve is included in each suction line;
- d. The check valve is located directly below and as close as practical to the suction pump and is capable of being inspected;
- e. A method is provided that allows compliance with the requirements of subsections (B)(2)(a) through (d) to be readily determined.

D. Piping installed or replaced after January 1, 2009 shall meet one of the following:

- 1. Pressurized piping shall be monitored for releases at least every 30 days in accordance with R18-12-243(G) and be equipped with an automatic line leak detector in accordance with R18-12-244(A);
- 2. Suction piping shall be monitored for releases at least every 30 days in accordance with R18-12-243(G). No release detection is required for suction piping that meets paragraphs (C)(2)(a) through (e) of this Section.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-242. Release Detection for Hazardous Substance UST Systems

A. Owners and operators of hazardous substance UST systems shall provide containment that meets the following requirements and monitor these systems using R18-12-243(G) at least monthly:

1. Secondary containment systems shall be designed, constructed, and installed to:
 - a. Contain regulated substances leaked from the primary containment until they are detected and removed,
 - b. Prevent the release of regulated substances to the environment at any time during the operational life of the UST system,
 - c. Be checked for evidence of a release at least monthly.
2. Double-walled tanks shall be designed, constructed, and installed to meet both of the following requirements:
 - a. Contain a leak from any portion of the inner tank within the outer wall,
 - b. Detect the failure of the inner wall.
3. External liners, including vaults, shall be designed, constructed, and installed to meet all of the following requirements:
 - a. Contain 100% of the capacity of the largest UST system within its boundary,
 - b. Prevent the interference of precipitation or groundwater intrusion with the ability to contain or detect a release of regulated substances,
 - c. Surround the tank completely so that it is capable of preventing lateral as well as vertical migration of regulated substances.
4. Underground piping shall be equipped with secondary containment that satisfies the requirements of this Section (e.g., trench liners, double-walled pipe). In addition, underground piping that conveys regulated substances under pressure shall be equipped with an automatic line leak detector in accordance with R18-12-244(A).
5. For hazardous substance UST systems installed on or before January 1, 2020, methods of release detection other than those described in subsections (1) through (4) may be used if owners and operators meet all of the following requirements:

Ariz. Admin. Code R18-12-242 Release Detection for Hazardous Substance Ust Systems (Arizona Administrative Code (2021 Edition))

- a. Demonstrate to the Department that an alternate method can detect a release of the stored substance as effectively as any of the methods allowed in R18-12-243(B) through (I) can detect a release of petroleum;
- b. Provide information to the Department on effective corrective action technologies, health risks, and chemical and physical properties of the stored substance, and the characteristics of the UST site;
- c. Obtain approval from the Department in writing to use the alternate release detection method before the installation and operation of the UST system.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-243. Methods of Release Detection for Tanks

A. If inventory control is used to meet the requirements of R18-12-241, it shall be used in conjunction with tank tightness testing described in subsection (C). Inventory control shall be conducted monthly in accordance with R18-12-281(O) to detect a release of at least 1.0% of flow-through plus 130 gallons on a monthly basis in the following manner:

1. Inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tank are recorded each operating day;
2. The equipment used is capable of measuring the level of the regulated substance over the full range of the tank's vertical dimension to the nearest 1/8 of an inch;
3. The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery;
4. Deliveries of regulated substances are made through a drop tube that extends to within one foot of the tank bottom;
5. Dispensing of regulated substances is metered and recorded within the standards established by the entity with jurisdiction. If no standards are established, dispensing which meets an accuracy of six cubic inches for every five gallons of regulated substance withdrawn shall be used;
6. The measurement of any water level in the bottom of the tank is made to the nearest 1/8 of an inch at least once a month;
7. Inventory control shall not be utilized as the sole method of release detection.

B. Manual tank gauging used to meet the requirements of R18-12-241 shall meet all of the following requirements:

1. Tank liquid level measurements are taken at the beginning and ending of a period equal to the appropriate minimum duration of test in the table below during which no liquid is added to or removed from the UST system;
2. Level measurements are based on an average of two consecutive stick readings at both the beginning and ending of the period;
3. The equipment used is capable of measuring the level of regulated substance over the full range of the tank's vertical dimension to the nearest 1/8 of an inch;

4. A release is suspected and subject to the requirements of A.R.S. § 49-1004 and the rules promulgated thereunder if the variation between beginning and ending measurements exceeds the weekly or monthly standards in the following table:

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

5. Manual tank gauging may be used as the sole method of release detection only for tanks of 550 gallons or less capacity and tanks with a nominal capacity of 551 to 1, 000 gallons that meet the tank diameter criteria in the table in subsection (B)(4) of this Section. Manual tank gauging may be used in place of inventory control in subsection (A) for all other tanks of 551 to 2, 000 gallons. This method shall not be used to meet the requirements of R18-12-241 for tanks of greater than 2, 000 gallons capacity.

C. Tank tightness testing shall be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains a regulated substance while accounting for the effects of thermal expansion or contraction of the regulated substance, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table.

D. Equipment for automatic tank gauging that tests for the loss of regulated substance and conducts inventory control used to meet the requirements of R18-12-241 shall meet all of the following requirements:

1. The automatic regulated substance level monitor test shall be performed at least monthly and be capable of detecting a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains regulated substance,
2. The automatic tank gauging equipment shall meet the inventory control (or other test of equivalent performance) requirements of subsection (A), and

3. The test shall be performed with the system operating in one of the following modes:
 - a. In-tank static testing conducted at least once monthly; or
 - b. Continuous in-tank leak detection operating on an uninterrupted basis or operating within a process that allows the system to gather incremental measurements to determine the leak status of the tank at least once monthly.
- E. Testing or monitoring for vapors within the soil gas of the excavation zone used to meet the requirements of R18-12-241 shall be conducted at least monthly and shall meet all of the following requirements:
 1. In the UST excavation zone, the site is assessed to ensure that the leak detection method will comply with the requirements in subsections (E)(2) through (6);
 2. The leak detection system is constructed and designed so that the number and positioning of monitoring wells will detect releases into the excavation zone from any portion of the system which routinely contains a regulated substance within 30 days from the date of commencement of a release;
 3. The stored regulated substance, or a tracer compound placed in the UST system, will produce a vapor level that is detectable by the monitoring devices in the monitoring wells within 30 days from the date of commencement of a release from the UST system;
 4. The materials used as backfill will allow diffusion of vapors from releases into the excavation area such that a release is detected within 30 days from the date of commencement of a release from the UST system;
 5. The groundwater, rainfall, soil moisture, or other known interferences will not render the measurement of vapors by the monitoring device inoperable so that a release could go undetected by the monitoring devices in the monitoring wells for more than 30 days from the date of commencement of the release from the UST system;
 6. The level of background contamination at the site will not interfere with the method used to detect releases from the tank system;
 7. The vapor monitors are designed and operated to detect any significant increase in concentration above a documented background level of the regulated substance stored in the tank system, a component or components of that substance, or a volatile tracer compound placed in the tank system;

8. Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

F. Testing or monitoring for liquids on the groundwater used to meet the requirements of R18-12-241 shall be conducted monthly and meet the following requirements:

1. Within and immediately below the UST excavation zone, the site is assessed to ensure that the leak detection method will comply with the requirements in subsections (F)(2) through (7);

2. The leak detection system shall be constructed and designed so that the number and positioning of monitoring wells or devices will detect releases into the excavation zone from any portion of the system which routinely contains a regulated substance;

3. The regulated substance stored is immiscible in water and has a specific gravity of less than 1;

4. Groundwater is never more than 20 feet from the ground surface and the hydraulic conductivity of the material between the UST system and the monitoring wells or devices is not less than 0.01 centimeters per second (e.g., the soil should consist of gravels, coarse to medium sands, coarse silts or other permeable materials);

5. Monitoring wells or devices intercept the excavation zone or are as close to it as is technically feasible;

6. The slotted portion of the monitoring well casing shall be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low ground-water conditions;

7. Monitoring wells shall be sealed from the ground surface to the top of the filter pack;

8. The continuous monitoring devices or manual methods used can detect the presence of at least 1/8 of an inch of free product on top of the groundwater in the monitoring wells;

9. Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

G. Interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it which is used to meet the requirements of R18-12-241 shall be conducted at least monthly and shall be designed,

constructed and installed to detect a leak from any portion of the UST system that routinely contains a regulated substance, and shall meet one of the following requirements:

1. For double-walled UST systems, the sampling or testing method shall be able to detect a leak through the inner wall in any portion of the UST system that routinely contains a regulated substance.
2. For UST systems with a secondary barrier within the excavation zone, characteristics of the site and system components shall be designed and constructed to detect a leak between the UST system and the secondary barrier and shall meet all of the following requirements:
 - a. The secondary barrier around or beneath the UST system shall be constructed of synthetic materials which are sufficiently thick and impermeable to prevent structural weakening of the secondary barrier as a result of contact with any released regulated substance. The rate of permeability shall not exceed 10^{-6} centimeters per second for the regulated substance stored. In addition, the secondary barrier shall be capable of directing any leak to the monitoring point and permit its detection;
 - b. The barrier is compatible with the regulated substance stored so that a leak from the UST system will not cause a deterioration of the barrier allowing a release to pass through undetected;
 - c. For cathodically protected UST systems, the secondary barrier shall be installed so that it does not interfere with the proper operation of the cathodic protection system;
 - d. The groundwater, soil moisture, or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than 30 days;
 - e. The characteristics of the UST site are assessed to ensure that the secondary barrier is always above the groundwater and not in a 25-year flood plain, unless the barrier and monitoring designs are for use under such conditions;
 - f. Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.
3. For tanks with an internally fitted liner, an automated device shall be able to detect a leak between the inner wall of the tank and the liner, and the liner shall be compatible with the substance stored.

H. Statistical inventory reconciliation. Release detection methods based on the application of statistical principles to inventory data similar to those described in R18-12-243(A) shall meet the following requirements:

1. Report a quantitative result with a calculated leak rate;
2. Be capable of detecting a leak rate of 0.2 gallon per hour or a release of 150 gallons within 30 days; and
3. Use a threshold that does not exceed one-half the minimum detectable leak rate.

I. Any other type of release detection method, or combination of methods, may be used to meet the requirements of R18-12-241 if all of the following requirements are met:

1. The monitoring is conducted at least monthly;
2. The Department determines that the method meets either of the following requirements:
 - a. The method can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within 30 days with probability of detection and probability of false alarm in accordance with R18-12-240(A)(4);
 - b. The owner and operator can demonstrate that the method is able to detect a release as effectively as any of the methods allowed in subsections (C) through (H). In comparing methods, the Department shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator shall comply with any conditions imposed by the Department on its use to ensure the protection of human health and the environment.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-244. Methods of Release Detection for Piping

- A. An automatic line leak detection method for piping used to meet the requirements of R18-12-241 which alerts the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if it detects leaks of three gallons per hour, at 10 pounds per square inch line pressure within one hour. An annual test of the operation of the leak detector shall be conducted in accordance with R18-12-240(A)(3);
- B. A periodic line tightness test of piping may be used as a method of release detection for piping for the purpose of meeting the requirements of R18-12-241 only if it can detect a 0.1 gallon per hour leak rate, at one and one-half times the operating pressure.
- C. Except as described in R18-12-241(A), any of the applicable tank methods described in R18-12-243(E) through (I) may be used as a method of release detection for piping for the purpose of meeting the requirements of R18-12-241 if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-245. Release Detection Recordkeeping

A. Owners and operators shall maintain records in accordance with R18-12-234 demonstrating compliance with all applicable requirements of R18-12-240 through R18-12-244. The following records shall be maintained as indicated below:

1. All written performance claims pertaining to any release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or the installer shall be maintained for five years from the date of installation. Records of site assessments required under R18-12-243(E)(1) and (F)(1) shall be maintained for as long as the methods are used. Records of site assessments shall be signed by a professional engineer or professional geologist, or equivalent licensed professional with experience in environmental engineering, hydrogeology, or other relevant technical discipline acceptable to the Department.

2. Written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on-site shall be maintained for at least one year after the servicing work is completed. The retention period shall start at the date of completion of the servicing work.

B. Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer shall be maintained for at least five years from the date of installation.

C. Except as otherwise provided in subsection (D), the results of any sampling testing, or monitoring shall be maintained for at least one year from the date of receipt by owners and operators of the results.

D. The following are exceptions to subsection (C):

1. The results of annual operation tests conducted in accordance with R18-12-240(A)(3) shall be maintained for three years. At a minimum, the results shall list each component tested, indicate whether each component tested meets criteria in R18-12-240(A)(3) or needs to have action taken, and describe any action taken to correct an issue;

2. Passing results of tank tightness testing conducted in accordance with R18-12-243(C) shall be retained from the date of receipt by owners and operators of the results until the next test is conducted and the results of that test are received;

3. Passing results of tank tightness testing, line tightness testing, and vapor monitoring using a tracer compound placed in the tank system conducted in

accordance with R18-12-952 D)(2)(b) shall be retained until the next test is conducted; and

4. Failing results from subsections (D)(2) and (D)(3) above shall be retained for one year after the next test is conducted for which a passing result is received.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-250. Applicability and Scope

A. Release reporting and corrective action. Except for a release from an UST system excluded by R18-12-210(B), or for the corrective action requirements of R18-12-260 through R18-12-264.01 for a release subject to Subtitle C corrective action requirements in Section 3004(u) of RCRA, as amended, R18-12-250 through R18-12-264.01 apply to a release or suspected release discovered:

1. On or after August 20, 2002; or
2. Before August 20, 2002, but only for those sections of R18-12-250 through R18-12-264.01 with required activities not initiated by August 20, 2002.

B. No supersedence. Nothing in R18-12-250 through R18-12-264.01 supersedes any of the following

1. Immediate reporting to the National Response Center and to the Arizona Emergency Response Commission within the Arizona Department of Environmental Quality, under CERCLA, and SARA Title III;
2. A CAP submitted to the Department under 40 CFR 280.66 before August 20, 2002 and subsequently approved

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(New Section made by final rulemaking at 8 A.A.R. 3894, effective August 20, 2002 (Supp. 02-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-251. Suspected Releases; Secondary Containment Leaks

A. 24 hour notifications. An owner or operator shall notify the Department, within 24 hours of either of the following:

1. Discovery of a suspected release, except for:

a. A spill or overfill of 25 gallons or less of petroleum, or a hazardous substance that is less than its reportable quantity under CERCLA, contained and cleaned up within 24 hours, or

b. Monitoring results, including investigation of an alarm, from a release detection method required under R18-12-241, R18-12-242 or R18-12-243(G) that indicate a release may have occurred if one of the following is true:

i. The monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result; or

ii. The leak is contained in the secondary containment and:

(1) Except as provided for in R18-12-243(G)(2)(d), any liquid in the interstitial space not used as part of the interstitial monitoring method (for example, brine filled) is immediately removed, and

(2) Any defective system equipment or component is immediately repaired or replaced; or

iii. In the case of inventory control described in R18-8-243(A), a second month of data does not confirm the initial result or the investigation determines no release has occurred; or

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

2. Discovery of liquid in the interstitial space of secondarily contained systems unless the leak is contained in the secondary containment and all of the following are true:

a. The system equipment or component is found not to be releasing regulated substances to the environment;

b. Any defective system equipment or component is immediately repaired or replaced; and

c. For secondarily contained systems, except as provided for in R18-12-243(G)(2)(d), any liquid in the interstitial space not used as part of the interstitial monitoring method (for example, brine filled) is immediately removed.

B. 24 hour notification content. The notification shall identify the:

1. Individual notifying the Department;
2. UST involved and the reason for notifying the Department;
3. Facility involved;
4. Owner and the operator of the UST facility; and
5. Investigation and containment actions taken as of the date of the notification.

C. Requirement to investigate suspected releases. Within 60 calendar days from the suspected release discovery date or the suspected release notification date, whichever is earlier, an owner or operator shall complete the investigation requirements of this subsection and confirm whether the suspected release is a release. The investigation shall include:

1. Tightness tests of the tank and all connected piping meeting the requirements of R18-12-243(C) and R18-12-244(B), or, as appropriate, secondary containment testing as described in R18-12-233(B). The tests shall determine whether a leak exists in that portion of the tank that routinely contains product, or the attached delivery piping, or whether a breach of either wall of the secondary containment has occurred. Further investigation is required if the results of the tightness tests indicate that the system is either not tight or contaminated media is the basis for suspecting a release.
2. If further investigation is required under subsection (1), a site check meeting the requirements of this subsection shall be performed. The owner or operator shall measure for the presence of a release where contamination is likely to be present and shall consider:
 - a. The nature of the regulated substance;
 - b. The type of initial alarm or cause for suspicion;
 - c. The type of backfill;
 - d. The depth to groundwater; and

e. Other factors appropriate for identifying the presence and source of the release.

D. Interstice Leak or Release Confirmation. If the testing confirms a leak into the interstice or a release, the owner or operator shall repair, replace, upgrade or close the UST system. In addition, if a release is confirmed, the owner or operator shall notify the Department as required by R18-12-260(A), cease further compliance with this Section, and perform corrective actions under R18-12-260 through R18-12-264.01

E. 14 day report. The owner or operator shall submit a written status report, on a form provided by the Department, within 14 calendar days after the suspected release discovery date or the suspected release notification date, whichever is earlier. If the suspected release is confirmed to be a release within the 14 day period, the 14 day report is satisfied when the report required by R18-12-260(C) is submitted. If known on the date the 14 day report is submitted, an owner or operator shall identify the:

1. UST that is the source of the suspected release;
2. Nature of the suspected release;
3. Regulated substance suspected to be released; and
4. Initial response to the suspected release.

F. 90 day report. If the suspected release is not confirmed to be a release the owner or operator shall submit a written report, on a form provided by the Department, within 90 calendar days after the suspected release discovery date or suspected release notification date, whichever is earlier, showing that the investigation has been completed and a release does not exist. Unless previously submitted, the 90 day report shall identify the:

1. UST suspected to be the source of the release;
2. Nature of the suspected release;
3. Regulated substance suspected to be released;
4. Response to the suspected release;
5. Repair, recalibration, or replacement of a monthly monitoring device described in R18-12-243(D) through (H) or R18-12-244(C), and any repair or replacement of faulty UST system equipment, including any piping, that may have been the cause of the suspected release;

6. Results of any tightness test conducted under subsection (C)(1);
7. Person, if the site check described in subsection (C)(2) was not performed, having direct knowledge of the circumstances of the suspected release who observed contaminated media during the discovery or investigation.
8. Laboratory analytical results on samples collected during the site check described in subsection (C)(2); and
9. Site plan showing the location of the suspected release and site check sample collection locations.

G. Investigation of suspected releases required by the Department. If the Department becomes aware of an on- or off-site impact of a regulated substance, the owner or operator shall be notified and may be required, based on an assessment of site specific information, to perform an investigation under subsection (C). If an investigation is required, the Department shall describe the type of impact and the rationale for its decision that the UST system may be the source of the impact.

(New Section made by final rulemaking at 8 A.A.R. 3894, effective August 20, 2002 (Supp. 02-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-252. Investigation Due to Off-Site Impacts

When required by the Department, owners and operators of UST systems shall follow the procedures in R18-12-250 to determine if the UST system is the source of off-site impacts. These impacts include the discovery of regulated substances (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface and drinking waters) that has been observed by the Department or brought to its attention by another party.

(Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-260. Release Notification, and Reporting

A. 24 hour release notification. An owner or operator shall notify the Department within 24 hours after the release confirmation date of the following:

1. A release of a regulated substance;
2. A spill or overfill of petroleum that results in a release exceeding 25 gallons, or causes a sheen on nearby surface water;
3. A spill or overfill of petroleum resulting in a release of 25 gallons or less that is not contained and cleaned up within 24 hours;
4. A spill or overfill of a hazardous substance that equals or exceeds its reportable quantity under CERCLA; and
5. A spill or overfill of a hazardous substance that is less than the reportable quantity under CERCLA, not contained and cleaned up within 24 hours.

B. Release notification information. If known on the date that the 24 hour notification is submitted, an owner or operator shall notify the Department under subsection (A) and shall include the:

1. Individual providing notification;
2. UST involved and the reason for confirming the release;
3. Facility involved;
4. Owner and operator of the facility involved; and
5. Investigations, containment, and corrective actions taken as of the date and time of the notice.

C. 14 day report. An owner or operator shall submit a report, on a form provided by the Department, within 14 calendar days after the release confirmation date. The report shall include:

1. The nature of the release, and the regulated substance and the estimated quantity released;
2. The elapsed time over which the release occurred;
3. A copy of the results of any tightness test, meeting the requirements of R18-12-243(C) or R18-12-244(B), performed to confirm the release;

4. Laboratory analytical results of samples demonstrating the release confirmation; and
 5. The initial response and corrective actions taken as of the date of the report and anticipated actions to be taken within the first 90 calendar days after the release confirmation date.
- D. An owner or operator shall repair, replace, upgrade, or close the UST system that is the source of the release, as required under this Article and the owner shall notify the Department as required by R18-12-222.

(New Section made by final rulemaking at 8 A.A.R. 3894, effective August 20, 2002 (Supp. 02-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-261. Initial Response, Abatement, and Site Characterization

A. 24 hour initial response. An owner or operator shall begin response actions within 24 hours of the release confirmation date to prevent any further release, and identify and mitigate fire, explosion, and vapor hazards.

B. 60 day initial abatement. An owner or operator shall begin the following initial abatement measures as soon as practicable, but not later than 60 calendar days of the release confirmation date:

1. Removal of as much of the regulated substance from the UST system as is necessary to prevent a further release;
2. Visually inspect for and mitigate further migration of any aboveground and exposed belowground release into surrounding soils and surface water;
3. Continue to monitor and mitigate any fire and safety hazards posed by vapors or free product; and
4. Investigate for the possible presence of free product and, if found, initiate the requirements of R18-12-261.02.

C. Initial site characterization required. An owner or operator shall develop, from readily available sources, initial site characterization information on site-specific geology, hydrology, receptors, potential sources of the contamination, artificial pathways for contaminant migration, and occupancies of the facility and surrounding area. Information on any discovered free product shall be gathered and a site check, meeting the requirements of R18-12-251(C)(3), shall be performed, unless conducted as part of the investigation of a suspected release.

D. 90 day report. An owner or operator shall submit an initial site characterization report to the Department, on a Department provided form, within 90 calendar days after the release confirmation date. The report shall include the:

1. Nature of the release, the regulated substance released, and the estimated quantity of the release;
2. The estimated time period when the release occurred;
3. Initial response and abatement actions described in subsections (A) and (B), and any corrective actions taken as of the date of the submission;

Ariz. Admin. Code R18-12-261 Initial Response, Abatement, and Site Characterization (Arizona Administrative Code (2021 Edition))

4. Estimated or known site-specific lithology, depth to bedrock, and groundwater depth, flow direction, and quality. The date and source of the information shall be included;
5. Location, use, and identification of all wells registered with Arizona Department of Water Resources, and other wells on and within one-quarter mile of the facility;
6. Location and type of receptors, other than wells, on and within one-quarter mile of the facility;
7. Current occupancy and use of the facility and properties immediately adjacent to the facility;
8. Data on known sewer and utility lines, basements, and other artificial subsurface structures on and immediately adjacent to the facility;
9. Copies of any report of any tightness test meeting the requirements under R18-12-243(C) or R18-12-244(B), performed during the investigation of the suspected release;
10. Laboratory analytical results of samples analyzed and received as of the date of the report;
11. Site plan showing the location of the facility property boundaries, release, sample collections for samples with laboratory analytical results submitted with the report, and identified receptors;
12. Current LUST site classification form described in R18-12-261.01(E);
13. Information on any free product discovered under R18-12-261.02; and
14. Results of any site check required under subsection (C).

(New Section made by final rulemaking at 8 A.A.R. 3894, effective August 20, 2002 (Supp. 02-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-261.01. LUST Site Classification

A. LUST site analysis. An owner or operator shall determine a LUST site classification by analyzing current and future threats to public health and the environment based on site-specific information known at the time of the determination.

B. LUST site classification factors. The owner or operator shall determine any threats to public health and the environment by addressing the following:

1. Presence and levels of vapors;
2. Presence of free product;
3. Extent of contamination;
4. Type and location of receptor;
5. Impacts and reasonably foreseeable impacts to current and future receptors; and
6. Estimated time between the date of the analysis and the impact to receptors.

C. LUST site classification. An owner or operator shall select a classification for the LUST site from one of the following, based on the analysis performed under subsection (B):

1. Classification 1: immediate threats;
2. Classification 2: short term threats from impacts that are reasonably foreseeable at or within two years;
3. Classification 3: long term threats from impacts that are reasonably foreseeable after two years; or
4. Classification 4: contamination exists, but no demonstrable long term threat has been identified, or information indicates the site cannot be otherwise classified under this subsection.

D. LUST site classification form submission. An owner or operator shall submit to the Department the LUST site classification form described in subsection (E) as required by R18-12-260 through R18-12-264.01, and when LUST site conditions indicate the classification has changed, or if contamination has migrated, or is anticipated to migrate, to a property where the owner or operator does not have access.

E. LUST site classification form contents. An owner or operator shall submit the LUST site classification, on a Department provided form, that includes the following information:

1. Date of preparation;
2. LUST number assigned to the release that is the subject of the classification;
3. The status of corrective action activities on the date that the classification form is submitted;
4. The regulated substance and the estimated volume (in gallons) released, the UST facility identification number from the notification form described in R18-12-222, the component of the UST where the release occurred, and whether the release is a spill or overfill;
5. The factors considered in determining the LUST site classification described in subsection (B);
6. The distance between the identified contamination and each receptor;
7. The estimated time, from the date on the form until impact to a receptor; and
8. The classification of the LUST site.

(New Section made by final rulemaking at 8 A.A.R. 3894, effective August 20, 2002 (Supp. 02-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-261.02. Free Product

A. Free product investigation. An owner or operator shall investigate for free product if site specific information indicates the potential existence for free product, and if discovered, determine its extent.

B. Free product removal. If free product is discovered, the owner or operator shall:

1. Begin removal as soon as practicable;
2. Remove free product in a manner minimizing the spread of contamination using recovery and disposal techniques based on site-specific hydrologic, geologic, and demographic conditions;
3. Comply with local, state, and federal laws or regulations when treating, discharging, or disposing recovery byproducts;
4. Use abatement of free product migration as a minimum objective for the design of the free product removal system; and
5. Handle any flammable product in a safe and competent manner to prevent fire and explosion.

C. Forty-five day free product report. If free product is discovered, the owner or operator shall submit a status report, on a Department provided form, within 45 calendar days of free product discovery and with subsequent reports required by the Department. The status report shall contain the following information known at the time of the report:

1. The name of the person(s) responsible for implementing the free product removal measures;
2. The estimated quantity, type, extent and thickness of free product observed or measured in wells, boreholes, and excavations;
3. A description of free product removal measures taken;
4. A description of any discharge that will take place during the recovery operation and where this discharge will be located;
5. A description of the type of treatment applied to and the effluent quality expected from any discharge;
6. The steps that have been or are being taken to obtain necessary permits for any discharge; and

7. The disposition of the recovered free product.

(New Section made by final rulemaking at 8 A.A.R. 3894, effective August 20, 2002 (Supp. 02-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-262. LUST Site Investigation

A. Requirement to investigate. The owner or operator shall investigate a release at and from a LUST site to determine the full extent of the release of regulated substances and shall:

1. Determine the full extent of contamination;
2. Identify physical, natural, and artificial features at or surrounding the LUST site that are current or potential pathways for contamination migration;
3. Identify current or potential receptors; and
4. Obtain any additional data necessary to determine site-specific corrective action standards and to justify the selection of remedial alternatives to be used in responses to contaminated soil, surface water, and groundwater.

B. Completion of investigation activities. The owner or operator shall complete the investigation activities described in subsection (A) and submit the report described in subsection (D) within a time established by the Department.

C. Determining the full extent of contamination. The owner or operator shall determine, within each contaminated medium, the full extent, location, and distribution of concentrations of each chemical of concern stored in the UST over its operational life. The full extent of contamination shall be determined upon receipt of laboratory analytical results delineating the vertical and lateral extent of the contamination.

D. LUST site characterization report. The owner or operator shall submit a report of the information developed during the investigation required in subsection (A), in a format acceptable to the Department. The report shall be submitted within the time established in subsection (B). The report submitted under this subsection shall contain the following minimum information:

1. A site history summary;
2. Information on bedrock, if encountered during the investigation;
3. The hydrologic characteristics and uses of groundwater and surface water of the local area;
4. A concise description of factors considered in determining the full extent of contamination;

5. A concise summary of the results of the investigation including a conceptual site model;
6. A site vicinity map, site location map and a site plan;
7. A tabulation of all field screening and laboratory analytical results and water level data acquired during the investigation;
8. Laboratory sample analytical and associated quality assurance and quality control reports and chain-of-custody forms;
9. A tabulation of all wells registered with the Arizona Department of Water Resources, and other wells located within one-quarter mile of the facility property boundary;
10. The lithologic logs for all subsurface investigations; and
11. The as-built construction diagram of each well installed as part of this investigation.

E. Conditions for approval of the site characterization report. The Department shall approve the site characterization report if the Department determines it meets the requirements of this Section and A.R.S. § 49-1005, and contains the information required by subsection (D), or if the Department has enough information to make an informed decision to approve the report.

F. Notice of decision. The Department shall determine if the conditions in subsection (E) are or are not satisfied and either approve or not approve the report and notify the owner or operator in writing. The notification shall include any conditions on which the approval or non-approval is based and an explanation of the process for resolving disagreements under A.R.S. § 49-1091.

(New Section made by final rulemaking at 8 A.A.R. 3894, effective August 20, 2002 (Supp. 02-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-263. Remedial Response

A. Remedial response not required. An owner or operator shall comply with R18-12-263.03 for LUST case closure when contaminant concentrations in each contaminated medium, at the point of compliance, are documented to be at or below the corrective action standard under R18-12-263.01(A)(1).

B. Remedial response required. The owner or operator shall remediate contamination at and from the LUST site as required by this Section. Remediation activities shall continue until:

1. Contaminant concentration of any chemical of concern, in each contaminated medium, at the point of compliance, is documented to be at or below the corrective action standard determined in R18-12-263.01;
2. The requirements for LUST case closure in R18-12-263.03 are completed and approved by the Department; or
3. The requirements for groundwater LUST case closure in R18-12-263.04 are met and approved by the Department.

C. Remedial responses that may require a CAP. The Department may request the owner or operator, or the owner or operator may voluntarily submit a CAP, meeting the requirements of this Section, any time after submission of the report in R18-12-261(D). If a CAP is requested, it shall be submitted within 120 calendar days of the owner or operator's receipt of the request, or a longer period of time established by the Department. The Department may request a CAP based on the following:

1. Soil or groundwater contamination extends, or has potential to extend, off the facility property and the LUST site is classification 3 in R18-12-261.01(C);
2. Free product extends off the facility property; and
3. Site-specific conditions indicate a potential level of threat to public health and the environment that is equal to or exceeds the threat in subsections (1) and (2). In determining the extent of threat to public health and the environment, the Department shall consider:
 - a. The nature of the regulated substance and the location, volume, and distribution of concentrations of chemicals of concern in soil, surface water, and groundwater;
 - b. The presence and location of known receptors potentially impacted by the release; and

c. The presence of complete exposure pathways.

D. Remedial responses that require a CAP. At any time after Department approval of the report described in R18-12-261(D), the Department shall request that the owner or operator submit a CAP meeting the requirements of this Section within 120 calendar days, or a longer period of time established by the Department, if any of the following exist:

1. The LUST site is classification 1 or 2 in R18-12-261.01(C);
2. The owner or operator proposes a corrective action standard for groundwater or surface water under a Tier 2 or Tier 3 evaluation, described in R18-12-263.01;
3. The owner or operator proposes a corrective action standard for soil under a Tier 3 evaluation, and the point of compliance extends beyond a facility property boundary; or
4. The intended response or remediation technology involves discharge of a pollutant either directly to an aquifer or the land surface or the vadose zone. For purposes of this subsection, the term pollutant has the definition at A.R.S. § 49-201.

E. Determination of remediation response. The owner or operator shall choose a remediation technology based on the corrective action requirements of A.R.S. § 49-1005(D) and (E), and the following:

1. Local, state, and federal requirements associated with the technology;
2. Reduction of toxicity, mobility, or volume;
3. Long-term effectiveness and permanence;
4. Short-term effectiveness; and
5. Ability to implement the corrective action standard for each chemical of concern, in each contaminated medium, including considering the results presented in the site characterization report, ease of initiation, operation and maintenance of the technology, and public response to any contamination residual to or resulting from the technology.

F. On-site derived waste. Nothing in this subsection shall supersede more stringent requirements for storage, treatment, or disposal of on-site derived waste imposed by local, state or federal governments. An owner or operator meeting the requirements of this subsection is deemed to have met the exemption provisions in the definition of solid waste at A.R.S. § 49-701.01

for petroleum contaminated soil stored or treated on-site. The owner or operator shall prevent and remedy hazards posed by derived waste resulting from investigation or response activities under this Article and shall.

1. Contain on-site derived waste in a manner preventing the migration of contaminants into subsurface soil, surface water, or groundwater throughout the time the derived waste remains on-site, and shall:
 - a. Restrict access to contaminated areas by unauthorized persons; and
 - b. Maintain the integrity of any containment system during placement, storage, treatment, or removal of the derived waste;
2. Label on-site derived waste stored or treated in stockpiles, drums, tanks, or other vessels in a manner consistent with A.R.S. Title 49, Chapter 4, Article 9 and the rules made under that Article; and
3. Treat on-site derived waste to the applicable corrective action standard in R18-12-263.01 if the derived waste is to be returned to the on-site subsurface.

G. Periodic site status report. After approval of the site characterization report, the owner or operator shall submit a site status report, on a form provided by the Department, based on site-specific conditions. The report shall be submitted as requested by the Department, or by the time requested in the CAP under R18-12-263.02. The owner or operator shall continue to submit a site status report until the Department approves a LUST case closure report under R18-12-263.03(F)(1). The report shall:

1. Identify each type of remedial corrective action technology being employed;
2. Provide the date each remedial corrective action technology became operational;
3. Provide the results of monitoring and laboratory analysis of collected samples for each contaminated medium received since the last report was submitted to the Department;
4. Provide a site plan that shows the current location of the components of any installed remediation technology including monitoring and sample collection locations for data collected and reported in subsection (G)(3);
5. Estimate the amount of time that must pass until response activities, including remediation and verification monitoring, will demonstrate that the concentration of each chemical of concern is at or below the corrective

action standard determined for that chemical of concern in the specific contaminated medium; and

6. Provide the current LUST site classification form described in R18-12-261.01(E).

(New Section made by final rulemaking at 8 A.A.R. 3894, effective August 20, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4605, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-263.01. Risk-based Corrective Action Standards

A. Conducting risk-based tier evaluation and proposing the applicable corrective action standard. The owner or operator shall propose and document, as described in subsection (B), each applicable risk-based corrective action standard, using the procedures of this subsection. The owner or operator shall ensure that each corrective action standard meets the corrective action requirements of A.R.S. § 49-1005(D) and (E), and is consistent with soil remediation standards and restrictions on property use in A.R.S. Title 49, Chapter 1, Article 4 and the rules made under each. In determining the proposed corrective action standard, the owner or operator shall first perform a Tier 1 evaluation. The owner or operator may subsequently perform progressively more site-specific, risk-based tier evaluations (Tier 2 or Tier 3) after considering the comparative differences in input parameters, the cost effectiveness in conducting both the additional evaluation and remediation to the next tier corrective action standard, and the cumulative estimate of risk to public health and the environment.

1. For a Tier 1 evaluation, the owner or operator shall:
 - a. Base assumptions on conservative scenarios where all potential receptors are exposed to the maximum concentration of each chemical of concern in each contaminated medium detected in contamination at and from the LUST site;
 - b. Assume that all exposure pathways are complete;
 - c. Use the assumed point of exposure at the source or the location of the maximum concentration as the point of compliance;
 - d. Compare the maximum concentration of each chemical of concern in each contaminated medium at the point of compliance with the applicable Tier 1 corrective action standard in subsections (A)(1)(e) through (A)(1)(j);
 - e. For soil, use the applicable corrective action standard in R18-7-203(A)(1) and (2) and (B);
 - f. For surface water, use the applicable corrective action standard in R18-11-112 or Appendix A (18 A.A.C. 11, Article 1);
 - g. For groundwater, use the applicable corrective action standard in R18-11-406;
 - h. For contaminated groundwater that is demonstrated to discharge or potentially discharge to surface water, use the applicable corrective action standard in R18-11-108, R18-11-112, or Appendix A (18 A.A.C. 11, Article 1);

- i. If a receptor is or has the potential to be impacted, for those chemicals of concern in soil or surface water with no numeric standard established in rule or statute, use a corrective action standard consistent with R18-7-206 or R18-11-108, as applicable, using updated, peer-reviewed scientific data applying those equations and methodologies used to formulate the numeric standards established in R18-7-203(A)(2) or Appendix A (18 A.A.C. 11, Article 1), or for leachability and protection of the environment, a concentration determined on the basis of methods approved by the Department; and
 - j. If a public or private water supply well is or has the potential to be impacted, for those chemicals of concern in groundwater with no numeric water quality standard established in rule or statute, use a corrective action standard consistent with R18-11-405, using updated, peer-reviewed scientific data applying those equations and methodologies used to formulate the numeric standards established in R18-11-406.
2. For a Tier 2 evaluation the owner or operator shall:
- a. Apply site-specific data to the same equations used to develop the Tier 1 corrective action standard, or, in the case of volatilization from subsurface soil, a Department-approved equation that accounts for the depth of contamination;
 - b. For those chemicals of concern with no numeric standard established in statute or rule, use a corrective action standard based on updated, peer-reviewed scientific data, and provided through environmental regulatory agencies and scientific organizations;
 - c. Use Department-approved values for equation parameters, if the values are different than those used in Tier 1 or not obtained through site-specific data;
 - d. Eliminate exposure pathways that are incomplete due to site-specific conditions, or institutional or engineering controls, from continued evaluation in this tier;
 - e. Use as the point of compliance a location between the source and the point of exposure for the nearest known or potential on-site receptor, or the nearest downgradient facility property boundary, whichever is the nearest to the source;
 - f. Use representative concentrations of chemicals of concern that are the lesser of the 95% upper confidence level or maximum concentration in the contaminated medium at the point of compliance;

g. Use as the Tier 2 corrective action standard, a concentration determined under subsections (A)(2)(a) through (A)(2)(c), R18-7-206, R18-11-108, and R18-11-405; and

h. Compare the representative concentration of each chemical of concern, in each contaminated medium, at the point of compliance with the proposed Tier 2 corrective action standard, to determine if remediation is required.

3. For a Tier 3 evaluation the owner or operator shall:

a. Apply more site-specific data than required in the development of Tier 2 corrective action standards in alternative and more sophisticated equations appropriate to site-specific conditions. The owner or operator shall use equations and methodology of general consensus within the scientific community that is published in peer-reviewed professional journals, publications of standards, and other literature;

b. Use the nearest known or potential receptor as the point of exposure;

c. Use as the point of compliance the point of exposure or some location between the source and the point of exposure, regardless of the facility boundary;

d. Use representative concentrations that are the actual or modeled concentrations in the medium of concern at the point of compliance;

e. Use as the Tier 3 corrective action standard a concentration consistent with subsections (A)(3)(a) through (A)(3)(d);

f. Compare the representative concentration of each chemical of concern in each contaminated medium at the point of compliance with the Tier 3 corrective action standard to determine if remediation is required; and

g. Choose the remedial action upon completion of the Tier 3 evaluation that will result in concentrations of chemicals of concern presenting a hazard index no greater than 1 and a cumulative excess lifetime cancer risk between 1×10^{-6} and 1×10^{-4} .

4. All risk-based corrective action standards proposed under the tier evaluations in subsections (A)(1) through (3) are based on achieving similar levels of protection of public health and the environment. For Tier 2 and Tier 3 evaluations, a cumulative risk assessment is warranted if multiple pathways of exposure are present, or reasonably anticipated, and one or more of the following conditions impacts or may impact current or future receptors:

- a. More than 10 carcinogens are identified;
 - b. More than one class A carcinogen is identified;
 - c. Any non-carcinogen has a hazard quotient exceeding 1/nth of the hazard index of 1, where n represents the total number of non-carcinogens identified; or
 - d. More than 10 non-carcinogens are identified.
- B. Documentation of tier evaluation. The owner or operator shall document each tier evaluation performed in response to contaminated soil, surface water and groundwater. The owner or operator shall prepare each evaluation using a Department provided format and complying with this subsection.
1. For a Tier 1 evaluation the owner or operator shall provide the following information:
 - a. Each chemical of concern detected in the contamination at and from the LUST site;
 - b. Each medium contaminated, identified as soil, surface water, or groundwater;
 - c. The maximum concentration of each chemical of concern for each contaminated medium.
 - d. The current and future use of the facility and surrounding properties;
 - e. Each receptor evaluated;
 - f. The Tier 1 corrective action standard for each chemical of concern for each contaminated medium; and
 - g. The proposed corrective actions for each chemical of concern that exceeds the Tier 1 corrective action standard.
 2. For the Tier 2 evaluation the owner or operator shall provide the following information:
 - a. Each chemical of concern evaluated;
 - b. Each medium contaminated, identified as surficial soil, subsurface soil, surface water, or groundwater;

- c. The representative concentration of each chemical of concern for each contaminated medium;
- d. A detailed description of the current and future use of the facility and surrounding properties;
- e. The point of exposure;
- f. The point of compliance;
- g. The revised conceptual site model;
- h. Parameters necessary to utilize the leachability equations, if groundwater is or may be impacted by the release, published in federal and state peer-reviewed professional journals, publications of standards, or other literature accepted within the scientific community;
- i. Identification and justification for alternate assumptions or site-specific information used in place of the default assumptions of the Tier 1 evaluation, or used in a Department-approved model under subsection (A)(2) for subsurface volatilization;
- j. Any supporting calculations and reference citations used in the development of Tier 2 corrective action standards;.
- k. A table of the calculated Tier 2 corrective action standards;
- l. A description of any institutional or engineering controls to be implemented; and
- m. Proposed corrective actions for chemical of concerns that exceeds a Tier 2 corrective action standard.

3. For the Tier 3 evaluation the owner or operator shall provide the following information:

- a. Each chemical of concern evaluated;
- b. Each medium contaminated, identified as surficial soil, subsurface soil, surface water, or groundwater;
- c. The representative concentration of each chemical of concern for each contaminated medium;
- d. A detailed description of the current and future use of the facility and surrounding properties, including a demonstration of the current and foreseeable use of groundwater within one-quarter mile of the source;

- e. The point of exposure;
 - f. The point of compliance;
 - g. A revised conceptual site model;
 - h. Identification and justification for alternate assumptions, methodology or site-specific information used in place of the assumptions for the Tier 2 evaluation;
 - i. Any supporting calculations and reference citations used in the development of Tier 3 corrective action standards;
 - j. Results and validation of modeling for soil leaching, groundwater plume migration, and surface water hydrology;
 - k. A table of the calculated Tier 3 corrective action standards;
 - l. Risk characterization, and cumulative lifetime excess cancer risk, and hazard index for current and potential receptors for all chemicals of concern in all contaminated media;
 - m. A description of any institutional or engineering controls to be implemented; and
 - n. Proposed corrective actions for chemical of concern that exceeds a Tier 3 corrective action standard.
4. When a Tier 2 or Tier 3 evaluation relies on the use of an institutional or engineering control in establishing a corrective action standard, the owner or operator shall:
- a. Demonstrate that the institutional or engineering control is legal, and technically and administratively feasible;
 - b. Record any institutional or engineering control with the deed for all properties impacted by the release;
 - c. Communicate the terms of the institutional or engineering control to current and future lessees of the property, and to those parties with rights of access to the property; and
 - d. Ensure that the terms of the institutional or engineering control be maintained throughout any future property transactions until concentrations of chemicals of concern meet a corrective action standard at the point of compliance that does not rely on the use of the institutional or engineering control. For the institutional or engineering control to be

implemented, the owner or operator shall prepare an institutional or engineering control that includes the following, as appropriate:

- i. Chemicals of concern;
- ii. Representative concentrations of the chemicals of concern;
- iii. Any Tier 2 or Tier 3 corrective action standard;
- iv. Exposure pathways that are eliminated;
- v. Reduction in magnitude or duration of exposures to chemicals of concern;
- vi. The cumulative excess lifetime cancer risk and hazard index if determined under subsection (A)(4);
- vii. A brief description of the institutional or engineering control;
- viii. Any activity or use limitation for the site;
- ix. The person responsible for maintaining the institutional or engineering control;
- x. Performance standards;
- xi. Operation and maintenance plans;
- xii. Provisions for removal of the institutional or engineering control if the owner or operator demonstrates that representative concentrations of chemicals of concern comply with an alternative corrective action standard not dependent on the institutional or engineering control; and
- xiii. A statement of intent that informs lessees and parties with rights of access of the terms described in subsections (B)(4)(d)(i) through (xii).

C. Submittal of tier evaluation. The owner or operator shall submit to the Department the tier evaluation conducted under subsection (A) and provide, in accordance with subsection (B), the following:

1. Documentation of the Tier 1 evaluation with the site characterization report described in R18-12-262(D), and
2. Documentation of the Tier 2 evaluation as soon as practicable during the course of conducting risk-based responses to contamination, as a stand alone document or in conjunction with one of the following:
 - a. The site characterization report described in R18-12-262(D);

- b. The CAP as described in R18-12-263.02(B); or
 - c. The corrective action completion report described in R18-12-263.03(D).
3. Documentation of the Tier 3 evaluation shall be submitted to the Department as soon as practicable during the course of conducting risk-based responses to contamination, as a stand alone document or in conjunction with the CAP described in R18-12-263.02(B).

(New Section made by final rulemaking at 8 A.A.R. 3894, effective August 20, 2002 (Supp. 02-3).)

§ R18-12-263.02. Corrective Action Plan

A. When required under R18-12-263(C) or (D), an owner or operator shall prepare a CAP that protects public health and the environment. The Department shall apply the following factors to determine if the CAP protects public health and the environment:

1. The physical and chemical characteristics of the chemicals of concern, including toxicity, persistence, and potential for migration;
2. The hydrologic and geologic characteristics of the facility and the surrounding area;
3. The proximity, quality, and current and future uses of nearby groundwater and nearby surface water;
4. The potential effects of residual contamination on nearby groundwater and nearby surface water;
5. The risk characterization for current and potential receptors; and
6. Any information gathered in accordance with R18-12-251 through R18-12-263.03.

B. CAP contents. An owner or operator shall prepare a CAP in a format provided by the Department that includes:

1. The extent of contamination known at the time of the CAP submission, including a current LUST site classification form, as described in R18-12-261.01(E);
2. A description of any responses to soil, surface water, or groundwater contamination initiated;
3. A determination of the foreseeable and most beneficial use of surface water or groundwater within one-quarter mile of the outermost boundaries of the contaminated water, if a Tier 2 or Tier 3 evaluation is used for the corrective action standard for either medium. In making this determination the owner or operator shall:
 - a. Conduct a survey of property owners and other persons using or having rights to use water within one-quarter mile of the outermost extent of contaminated water; and
 - b. Include within the CAP the names and addresses of persons surveyed and the results;

4. A description of goals and expected results;
 5. The corrective action standard for each chemical of concern in each affected medium, and the tier evaluation documents;
 6. If active remedial methodologies are proposed the owner or operator shall:
 - a. Describe any permits required for the operation of each remediation technology and system.
 - b. Describe, in narrative form, the conceptual design, operation, and total estimated cost of three remedial alternatives proposed to perform corrective actions on contaminated soil, surface water or groundwater. Also include data and conclusions supporting the selection and design of each technology and system, including criteria for evaluation of effectiveness in meeting stated objectives and an abandonment plan. The information described in this subsection is not required if the remedial technology in the CAP is limited to approval of corrective action standards developed under Tier 2 or Tier 3 evaluation.
 - c. Justify the selection of the remedial alternative chosen for the contamination at and from the LUST site. The owner or operator shall consider site-specific conditions and select a remedial alternative that best meets all of the remediation criteria listed in A.R.S. § 49-1005(D).
 - d. Provide schedules for the implementation, operation, and demobilization of any remediation technology and periodic reports as described in R18-12-263(G) to the Department.
 7. The reasonably foreseeable effects of residual contamination on groundwater and surface water.
 8. Additional information necessary to analyze the site-specific conditions and effectiveness of the proposed remedial response, which may include, but is not limited to a feasibility study.
- C. Modification of CAP. The owner or operator shall modify the CAP upon written request of the Department to meet the requirements of subsections (A) and (B). The request for modification shall describe any necessary modification and its rationale. The owner or operator shall respond to the request in writing within 45 calendar days of receipt, or a longer time period approved by the Department. If the requested modification is not made within 45 days, the Department shall disapprove the CAP, and notify the owner or operator in writing under subsection (H)(2).

D. Preliminary CAP approval. If the requirements of subsections (B) and (C) are met, the Department shall provide written notice to the owner or operator that the CAP is complete, and provide public notice required by R18-12-264.01.

E. Implementation before approval. An owner or operator may, in the interest of minimizing environmental contamination and promoting more effective remediation, begin implementation of the remediation technologies, in the CAP, before the plan is approved by the Department, if the owner or operator:

1. Informs the Department in writing before implementation;
2. Complies with any conditions imposed by the Department consistent with the provisions of subsection (A), including halting any activity or mitigating adverse consequences from implementation; and
3. Obtains all necessary permits and approvals for the remediation activities.

F. Modification due to public comment. An owner or operator shall modify the CAP upon written request of the Department that modification is required because of public comment received. The request shall describe any necessary modification and its rationale. The owner or operator shall respond to the modification request within 45 calendar days after receipt. If the requested modification is not made in writing within 45 days, the Department may disapprove the CAP and notify the owner or operator in writing described in subsection (H)(2).

G. Conditions for CAP approval. The Department shall approve a CAP only if the following conditions are met:

1. The CAP contains all elements required in subsections (B), (C), and (F), or the Department makes a determination that it has enough information to make an informed decision to approve the CAP; and
2. The CAP demonstrates that the corrective actions described are necessary, reasonable, cost-effective, technically feasible and meet the requirements of A.R.S. § 49-1005.

H. Notice of CAP approval. The Department shall notify the owner or operator, and any person that comments on the CAP, in writing that it is approving or disapproving the CAP as follows:

1. If the conditions in subsections (G)(1) and (G)(2) are satisfied, the Department shall approve the CAP and notify the owner or operator. If the approved CAP includes a corrective action standard for water that is based

on a Tier 2 or Tier 3 evaluation, the Department shall send a copy of the notice to the Arizona Department of Water Resources, the applicable county, and municipality where the CAP will be implemented, and water service providers and persons having water rights that may be impacted by the release. The notice shall also be sent to any persons submitting written or oral comments on the proposed CAP. The notice shall include any conditions upon which the approval is based and an explanation of the process for resolving disagreements over the determination under A.R.S. § 49-1091.

2. If the conditions of subsections (G)(1) or (2) are not satisfied, the Department shall disapprove the CAP and notify the owner or operator in writing of the disapproval. The Department shall send the notice to any persons submitting written or oral comments on the proposed CAP. The notice shall include an explanation of the rationale for the disapproval and an explanation of the process for resolving disagreements under A.R.S. § 49-1091.

I. CAP implementation. If the CAP is approved, the owner or operator shall begin implementation in accordance with the approved schedule.

J. CAP termination. The Department may terminate an implemented CAP, and may require a new CAP if the corrective action standards of the approved CAP are not being achieved. The Department shall provide notice to the owner or operator and the public under R18-12-264.01 if termination of the CAP is being considered.

K. Revisions to an approved CAP. The Department may approve revisions to an approved CAP without additional public notice unless the revision involves alternative remediation methodologies, or may adversely affect public health or the environment.

L. New CAP. The Department shall require a new CAP under R18-12-263(C) or (D) if a revision involves an alternative remediation methodology or may adversely affect public health or the environment.

(New Section made by final rulemaking at 8 A.A.R. 3894, effective August 20, 2002 (Supp. 02-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-263.03. LUST Case Closure

A. LUST case closure request. An owner or operator requesting LUST case closure by the Department shall do so in writing, and submit a corrective action completion report that meets the requirements of this Section. The owner or operator shall submit the request for LUST case closure only after the site investigation requirements in R18-12-261 and R18-12-262, and any remedial response required by R18-12-263 are satisfied.

B. Verification that corrective action standard is met. The owner or operator shall verify that the corrective action standard for each chemical of concern in each contaminated medium is met, and provide documentation of the verification described in subsection (D).

C. Method of water quality verification. If LUST site investigations indicate that water quality was threatened or impacted, the owner or operator shall use an appropriate method of water quality verification. The owner or operator shall provide documentation that contaminant concentrations are at or below the corrective action standard for each chemical of concern in the contaminated groundwater and surface water. In selecting a method of water quality verification, the owner or operator shall consider:

1. Site-specific hydrologic conditions;
2. The full extent of water contamination, as documented in the site characterization report required by R18-12-262; and
3. The existence and location of known receptors that are or may be impacted by the release.

D. Contents of corrective action completion report. The owner or operator shall include the following information in the corrective action completion report, except that identical information previously submitted to the Department is not required to be resubmitted if the name, date, and applicable page(s) of any previous report containing the information required by this subsection is provided:

1. A description of the vertical and lateral extent of contamination;
2. A statement of the corrective action standard for each chemical of concern in each contaminated medium and the evaluation described in R18-12-263.01(B) for each tier evaluated;
3. A list of remediation technologies used to reach the corrective action standard;

4. Documentation verifying that the corrective action standard for each chemical of concern, in each medium of concern, has been met. Verification is not required if an initial investigation regarding soil, surface water, or groundwater described in R18-12-262 demonstrates the corrective action standard for each chemical of concern in each medium of concern has been met;
5. All sample collection locations shall be shown for both the site investigation described in R18-12-262 and the LUST case closure verification described in this Section;
6. Verification that Arizona Department of Water Resources permitted monitor wells, recovery wells, or vapor extraction wells that are abandoned before submission of the LUST case closure request, have been abandoned as required under A.A.C. R12-15-816 and that recovery wells or vapor extraction wells without Arizona Department of Water Resources permits have been abandoned in a manner that ensures that the well will not provide a pathway for contaminant migration;
7. Documentation showing compliance with the requirements for the storage, treatment, or disposal of any derived waste in R18-12-263(F);
8. Documentation showing any institutional or engineering controls that have been implemented, and any legal mechanisms that have been put in place to ensure that the institutional or engineering controls will be maintained;
9. The current LUST site classification form in R18-12-261.01(E); and
10. Any additional information the owner or operator determines is necessary to verify that the LUST case is eligible for closure under this Section.

E. Conditions for approval of LUST case closure. The Department shall inform the owner or operator that a corrective action completion report is approved if it meets the requirements of this Section and A.R.S. § 49-1005, and contains all of the information in subsection (D), or the Department determines that it has enough information to make an informed decision to approve the report and close the LUST case file.

F. Notice of LUST case closure decision. The Department shall provide written notice to the owner or operator that the corrective action completion report either does or does not comply with the requirements of this Section, and that case closure is approved or denied. LUST case closure occurs as follows:

1. If the Department determines that the conditions in subsection (E) are satisfied, the Department shall approve the report, close the LUST case, and notify the owner or operator. The notification shall include any conditions upon which the approval is based and explain the process for resolving disagreements provided by A.R.S. § 49-1091; or
2. If the Department determines that the conditions in subsection (E) are not satisfied, the Department shall disapprove the report and notify the owner or operator. The notification shall include any conditions upon which the disapproval is based and explain the process for resolving disagreements under A.R.S. § 49-1091.

G. Change in foreseeable or most beneficial use of water. If the Department is notified of a change in the foreseeable or most beneficial use of water, documented under a Tier 2 or Tier 3 evaluation, the Department may reopen the LUST case file and require the owner or operator to perform additional corrective actions as necessary to meet the requirements of R18-12-261 through R18-12-264.01.

H. Subsequent discovery of contamination. If evidence of previously undocumented contamination is discovered at or emanating from the LUST site, the Department may reopen the LUST case file based on an assessment of site specific information and require an owner or operator to perform additional corrective actions necessary to comply with the requirements of R18-12-261 through R18-12-264.01.

(New Section made by final rulemaking at 8 A.A.R. 3894, effective August 20, 2002 (Supp. 02-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-263.04. Groundwater LUST Case Closures

A. Applicability. Pursuant to A.R.S. § 49-1005(E), the Director may approve a corrective action that may result in aquifer water quality exceeding aquifer water quality standards established under A.R.S. § 49-223 after completion of the corrective action, if, in addition to complying with the other corrective action requirements in this Article, the corrective action:

1. Includes a Tier 2 or Tier 3 evaluation performed in accordance with R18-12-263.01(A)(2) or (3), and (4); or
2. Complies with the process described in subsections (B) through (F).

B. Site-specific requirements. The Director may approve LUST case closure where there is an exceedance of an aquifer water quality standard without requiring the placement of institutional controls on the deeds of all properties affected by the groundwater contamination related to the UST release, after consideration of the following:

1. Characterization of the groundwater plume,
2. Removal or control of the source of contamination,
3. Groundwater plume stability,
4. Natural attenuation,
5. Threatened or impacted drinking water wells,
6. Other exposure pathways,
7. Requirements of A.R.S. § 49-1005(D) and (E), and
8. Other information that is pertinent to the LUST case closure approval.

C. Public notice. If, after consideration of the criteria specified in subsection (B), the Department determines that the LUST site is eligible for LUST case closure, the Department shall provide public notice in accordance with R18-12-264.01.

D. Conditions for approval of LUST case closure. After consideration of comments obtained through the public notice process, the Department shall evaluate whether the LUST case meets the requirements of this Section and A.R.S. § 49-1005; and determine if the LUST case closure can be approved.

E. Notice of LUST case closure decision. The Department shall provide written notice to the owner or operator and any commenter whether the LUST case closure is approved or denied.

F. Future corrective actions. Subsequent to LUST case closure, if the Department becomes aware of site-specific conditions that warrant additional corrective actions, the LUST case file may be re-opened. Future corrective actions shall be performed as follows:

1. If a no further action letter has not been issued for the release or has been rescinded, the UST owner or operator shall perform additional corrective actions necessary to comply with the requirements of R18-12-261 through R18-12-264.01; or
2. If a no further action letter issued by the Department is in effect, the additional corrective actions shall be performed by the Department in accordance with A.R.S. § 49-1017.

(New Section made by final rulemaking at 13 A.A.R. 4605, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-264. General Reporting Requirements

A. Standard first page. An owner or operator making a written submission to the Department under R18-12-251 through R18-12-263.04 shall prepare a cover page, on a Department provided form, that contains the following:

1. The name, address, and daytime telephone number of the person responsible for submitting the document, identified as owner, operator, a political subdivision under A.R.S. § 49-1053(F), or other person notifying the Department of a release or suspected release or conducting corrective actions under A.R.S. § 49-1016(C)(2) or (4), and any identifying number assigned to the person by the Department;
2. Identification of the type of document or request being submitted;
3. The LUST number assigned by the Department to the release that is the subject of the document. If no LUST number is assigned, the date the release or suspected release was reported to the Department;
4. The name and address of the facility, and the facility identification number;
5. The name, address, daytime telephone number, and any identification number assigned by the Department of the owner and operator and the owner of the property that contains LUST; and
6. A certification statement signed by the owner or operator or the person conducting the corrective actions under A.R.S. § 49-1016(C) that reads: "I hereby certify, under penalty of law, that this submittal and all attachments are, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations."

B. Professional registration requirements. The registered professional engineer or geologist submitting a written report to the Department under R18-12-260 through R18-12-263.03 and the report shall meet the requirements of the Arizona Board of Technical Registration under A.R.S. Title 32, Chapter 1 and the rules made under that Chapter.

(New Section made by final rulemaking at 8 A.A.R. 3894, effective August 20, 2002 (Supp. 02-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-264.01. Public Participation

A. Public notice. If public notice is required by A.R.S. § 49-1005, or this Article, the Department shall provide a minimum of 30 calendar days notice to the public regarding a public comment period. The Department shall use one or more methods of public notice designed to reach those members of the public directly affected by the release and the planned corrective actions, which may include, but is not limited to the following: publication in a newspaper of general circulation, posting at the facility, mailing a notice to applicable persons, or posting on the Department's internet site. At a minimum, the notice shall be sent to the following applicable persons:

1. The UST owner and operator;
2. Owners of property and other parties directly affected or potentially directly affected by contamination from the release, corrective actions, or LUST case closure;
3. The Arizona Department of Water Resources;
4. The applicable county and municipality; and
5. Water service providers and persons having water rights that may be impacted by the release.

B. Public notice contents. The Department shall provide notice to the public that includes all of the following:

1. The name of the document that is available for public comment;
2. The facility where the release occurred and the site of the proposed corrective actions, or LUST case closure in accordance with R18-12-263.04.
3. If the document is a CAP, the date the CAP was submitted to the Department, and name of the person who submitted the CAP;
4. A specific explanation if a corrective action standard for water is based on a Tier 2 or Tier 3 evaluation;
5. The location where a copy of the document can be viewed by the public;
6. An explanation that any comments on the document shall be sent to the Underground Storage Tank Program of the Department within the time-frame specified in the notice; and
7. The public meeting provisions of subsection (C).

C. Public meeting. The Department may hold a public meeting to receive comments on a document undergoing public review. If the Department holds a public meeting, the Department shall schedule the meeting and notify the public, in accordance with subsection (A), of the meeting time and location.

(New Section made by final rulemaking at 8 A.A.R. 3894, effective August 20, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4605, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-270. Temporary Closure

A. Owners and operators shall notify the Department in accordance with R18-12-222(G) within 30 days of the date that an UST system is temporarily closed, and within 30 days of a temporarily closed system brought back into operation.

B. Owners and operators of a temporarily closed UST system shall continue operation and maintenance of corrosion protection in accordance with R18-12-231, and release detection in accordance with R18-12-240 through R18-12-245. Discovery of a release or suspected release shall be subject to the provisions of R18-12-274. Release detection and release detection operation and maintenance testing and inspections under R18-12-230 through R18-12-245 are not required if the temporarily closed UST system is emptied of all regulated substances and accumulated residues. The UST system is empty when all contents have been removed from the system so that no more than 2.5 centimeters (1 inch) of residue or 0.3% by weight of the total capacity of the UST system remain in the system. Spill and overfill operation and maintenance testing and inspections in accordance with R18-12-220(D), R18-12-221(H), R18-12-230, R18-12-235 and R18-12-236 do not have to be met during temporary closure.

C. Owners and operators of any UST system which is temporarily closed for three months or more shall also comply with both of the following requirements before the end of the third month following the date on which the UST system began temporary closure:

1. Vent lines left open and functioning;
2. All other lines, pumps, manways, and ancillary equipment capped and secured in accordance with R18-12-281(P)(1).

D. An UST system that meets the performance standards in R18-12-220 for new UST systems or the upgrade standards in R18-12-221 may remain in temporary closure indefinitely.

E. When an UST system that does not meet either the performance standards in R18-12-220 for new UST systems or the upgrade standards in R18-12-221 is temporarily closed for more than 12 months, owners and operators shall permanently close the UST system. Owners and operators of these systems that want to remain in temporary closure longer than 12 months may request either a standard extension or a limited extension of the 12 months of temporary closure according to subsection (F).

F. A request for an extension shall be made by the owner or operator using the Notification Form as described in R18-12-222(C) prior to the expiration of the 12-month period of temporary closure.

1. Standard extension. A standard extension extends the 12 month temporary closure period and temporarily postpones the obligation to permanently close the tank. A request for a standard extension shall include the results of a site assessment conducted in accordance with R18-12-272.
2. Limited extension. A limited extension also temporarily postpones the obligation to permanently close the tank but does not require the results of a site assessment. A limited extension can be requested if:
 - a. The owner or operator has begun the process of permanently closing the tank either with or without the Department's assistance,
 - b. The owner or operator has begun the process of obtaining a baseline assessment either with or without the Department's assistance, or
 - c. The owner or operator has begun the process of confirming a release either with or without the Department's assistance.

G. If the request is timely submitted, the UST shall be considered to be in extended temporary closure until the Department's determination is made and the owner is informed in writing. The Department shall inform the owner, in writing by certified mail, if the extension request is granted or denied. A standard or limited extension of temporary closure which is granted by the Department shall include the duration and the terms and conditions of the extension. Terms and conditions shall be based upon the Department's assessment of what is reasonably necessary to protect human health and the environment. If the request for extension is denied, the UST system shall complete permanent closure in accordance with R18-12-271 through R18-12-274.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-271. Permanent Closure and Change-in-service

A. At least 30 days before beginning permanent closure or a change-in-service under subsection (D), owners and operators shall inform the Department, on a form provided by the Director, of their intent to permanently close or make a change-in-service of an UST. If closure or change-in-service is not completed within six months from the date the Department is informed, the information is deemed to be expired. Owners and operators shall provide the Department with all of the following information:

1. UST system owner name, address, and telephone number;
2. Facility name or company site identifier;
3. Facility street address;
4. Description of each UST system to be closed, including date of installation, total capacity, and construction material;
5. The estimated date of permanent closure or change-in-service;
6. The intended tank service provider.

B. The Department shall waive the 30-day notice described in subsection (A) if the permanent closure is in response to a corrective action conducted under A.R.S. § 49-1005 which was reported under A.R.S. § 49-1004. In addition, the Department may determine another reasonable time period for the notice of intent to permanently close or make a change-in-service to the UST system if any of the following exist:

1. An emergency that threatens human health or the environment,
2. The Department agrees to a request made by an entity operating under an Intergovernmental Agreement with the Department delegating closure inspection authority.

C. Within 15 calendar days of receipt of the information required in subsection (A), the Department shall send the owner or operator an email indicating whether the proposed permanent closure may or may not proceed as described, or whether further information is necessary.

D. To permanently close or make a change-in-service to an UST system, owners and operators may follow the applicable standards in R18-12-281(P) and shall perform all of the following steps:

1. Develop documented evidence that the contents of the system are a regulated substance. Unless system contents can be documented through delivery receipts or knowledge of process, a waste determination in accordance with R18-8-261(A) shall be performed. If contents are not a regulated substance, they may be subject to hazardous, solid or special waste regulations as follows:
 - a. If the contents of an UST system are determined to meet the definition of a hazardous waste based upon a waste determination, the contents may be subject to the requirements of A.R.S. §§ 49-901 et seq. and the rules promulgated thereunder;
 - b. If the contents of an UST system are not a regulated substance and not a hazardous waste, the contents may be subject to the requirements of R18-13-311 and R18-13-312.
2. Drain and flush back into the tank regulated substances from piping and any other ancillary equipment that routinely contains regulated substances. All piping, dispensers, and other ancillary equipment to be closed shall be capped or removed;
3. Empty to the standard set forth in R18-12-270(B) and clean the UST by removing all liquids and accumulated residues. The liquids and accumulated residues which meet the definition of hazardous waste pursuant to A.R.S. § 49-921(5) may be subject to regulation under A.R.S. §§ 49-901 et seq. If the liquids and accumulated residues are not hazardous waste, they may be subject to regulation pursuant to A.R.S. §§ 49-701 et seq;
4. Remove from the ground or fill completely with inert solid materials all tanks permanently taken out-of-operation unless the UST system component is making a change-in-service;
5. Perform the site assessment at closure or change-in-service in accordance with R18-12-272. The site assessment shall be performed after informing the Department but prior to completion of the permanent closure or change-in-service. If the tank is removed, samples shall be taken at the time of removal.

E. Owners and operators who permanently close or make a change-in-service of an UST system shall prepare a closure report in a format provided by the Department. The closure report shall be submitted to the Department within 30 days of the completion of closure or change-in-service. The report shall be maintained by the Department for at least three years from the date of receipt as evidenced by the post mark or the date stamped on the document by the Department. The report shall demonstrate compliance

with the requirements of this Section and R18-12-272. In addition, the report shall include all of the following:

1. The name of the facility owner and operator, facility name and address, facility identification number, and a certification statement signed by the UST owner or operator or the authorized agent of the owner or operator that reads: "I hereby certify, under penalty of law, that this submittal and all attachments were prepared under my direction and supervision, and that the information submitted is true, accurate, and complete to the best of my knowledge."
2. Information concerning the required soil sampling, conducted in accordance with R18-12-272, which shall include the rationale for selecting sample types, sample locations, and measurement methods and, for each sample, all of the following: sample location identification number; sample depth; sampling date; date of laboratory analysis; lithology of sample; field soil vapor readings, if obtained; analytical methods used; laboratory results; numerical detection limits; and all sampling quality assurance and quality control results;
3. Information concerning the required water sampling, conducted in accordance with R18-12-280, which shall include, for each sample, all of the following: sample location identification number; sampling date; date of laboratory analysis; laboratory results; analytical methods used; numerical detection limits; and all sampling quality assurance and quality control results;
4. Copies of all original laboratory reports and chain-of-custody forms, and any supporting laboratory documents which discuss any analytical quality assurance and quality control anomalies experienced by the laboratory. The laboratory reports shall include, for each sample, all of the following: analytical methods; sample collection date; extraction date; sample analysis date; laboratory detection limits; and all analytical quality assurance and quality control analyses conducted by the laboratory for or during the analyses of the subject samples;
5. A brief, site-specific narrative description of the sampling quality assurance and quality control program followed in the field in accordance with R18-12-280(B). Any sampling quality assurance and quality control anomalies shall be discussed in detail. The report shall include a determination as to the validity of the data from a scientific standpoint;
6. A scaled map showing the locations of the tank, piping, and dispensers and the locations of all samples obtained in accordance with R18-12-272.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-272. Assessing the UST Site at Closure or Change-in-service

A. Before permanent closure or a change-in-service is completed, owners and operators shall measure for the presence of a release at the UST site by taking samples for laboratory analysis. Samples shall be obtained in the areas where contamination would most likely occur, or where stained soils, odors, vapors, free product, or other evidence indicates that a release may have occurred. Measurement for presence of a release shall be performed according to all of the following:

1. Owners and operators shall document the environmental condition of the UST site and the presence or absence of any contamination resulting from the operation of the UST system at the site through analyses performed on samples of native soil, and of water encountered during the UST closure assessment;
2. Specific locations for the required sampling at the UST system site shall be determined by the presence of stained soils, odors, vapors, free product, or other evidence indicating that a release may have occurred. In selecting sample types, sample locations, and measurement methods, owners and operators shall also consider the method of closure, the nature of the stored substance, the type of backfill, the depth to groundwater, and other factors which may identify the presence of a release. At a minimum, each site shall be sampled in accordance with the following:
 - a. If water is not present in the excavation at the time an UST is removed or if the UST is filled with a solid inert material as described in R18-12-271(D)(4), a minimum of two distinct soil samples shall be taken from native soils beneath each tank that has a capacity to hold more than 550 gallons. The samples shall be taken from beneath each end of each tank. In cases where the fill pipe or pump is located above the center of the tank, an additional sample shall be taken from beneath the center of the tank. If the capacity of the tank is 550 gallons or less, then one sample shall be taken from native soils beneath the center of the tank;
 - b. If water is present above the floor of the excavation at the time an UST is removed, distinct samples of native soils shall be taken from the walls of the excavation at the soil-water interface at both ends of the tank;
 - c. If native soil cannot be collected in accordance with R18-12-280 due to large clast size or induration, or if the excavation zone is constructed in bedrock one of the following shall be performed:

- i. Samples of the UST excavation backfill material shall be collected from beneath the UST system in accordance with locations described in subsection (A)(2)(a).
 - ii. If the UST excavation backfill material cannot be sampled, the Department shall be contacted for further instruction.
 - d. If water is encountered during activities required under this Section, a sample of the water shall be collected for analysis. If a sheen or free product is observed on the water or in the sample, the sampling requirements of subsection (A)(2) do not have to be met, however, further reporting and investigation shall be conducted in accordance with R18-12-274;
 - e. If piping is permanently closed in accordance with R18-12-271(D)(2) distinct samples of native soil shall be collected under elbows, joints, fittings, dispensers and areas of corrosion. In addition, such sampling shall ensure that samples are collected every 20 linear feet along the piping trench;
 - f. Stockpiled excavated soil shall be sampled in accordance with A.R.S. Title 49, Chapter 4, Article 9, and the rules promulgated thereunder.
3. All required sampling shall be performed in accordance with R18-12-280.

B. The requirements of this Section are satisfied if owners and operators document all of the following:

1. The UST system is monitored by one of the external release detection methods described in R18-12-243(E) or (F),
2. The release detection system has been operated in accordance with the requirements of R18-12-240,
3. The release detection system indicates no releases have occurred.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

Ariz. Admin. Code R18-12-273 Application of Closure Requirements to Previously Closed Systems (Arizona Administrative Code (2021 Edition))

§ R18-12-273. Application of Closure Requirements to Previously Closed Systems

When directed to do so by the Department, owners and operators of an UST system which was permanently closed before December 22, 1988, shall assess the excavation zone and close the UST system in accordance with R18-12-271, R18-12-272, and R18-12-274 if known, suspected, or potential releases from the UST system, in the judgment of the Department, may pose a current or potential threat to human health or the environment.

(Adopted effective July 30, 1996 (Supp. 96-3).)

§ R18-12-274. Release Reporting and Corrective Action for Closed Systems

If a release or suspected release is discovered during temporary closure under R18-12-270 or in the performance of the procedures described in R18-12-272(A), owners and operators shall report the release and perform corrective action as required under A.R.S. §§ 49-1004 and 49-1005 and this Chapter.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-280. Sampling Requirements

A. Required analytical procedures. For all sampling under this Chapter, an owner or operator shall:

1. Analyze samples for the chemicals of concern associated with regulated substances stored in the UST during its operational life by analytical test methods that are approved for analysis of each chemical of concern under 9 A.A.C. 14, Article 6. Before collecting samples, the Department may approve, a different procedure after considering whether the analytical data will be representative of the concentrations and compositions of volatile regulated substances existing in the contaminated medium;
2. Perform sample analyses using a laboratory licensed for the selected analytical method by the Arizona Department of Health Services under A.A.C. R9-14-601 through A.A.C. R9-14-617; and
3. Analyze samples within the specified time period required for the analytical test method under A.A.C. R9-14-601 through A.A.C. R9-14-617.

B. Quality assurance and quality control (QA/QC). For all required sampling under this Chapter, an owner or operator shall:

1. Decontaminate sampling equipment as provided in R18-12-281(Q);
2. Handle and transport samples using a methodology that will result in analytical data that is representative of the concentrations and compositions of the chemicals of concern that may exist in the contaminated medium;
3. Follow chain-of-custody procedures under R18-12-281(T), for all required sampling, including the condition and temperature of the samples received by the laboratory on the chain-of-custody record; and
4. Follow generally accepted industry standards. For the purpose of subsection (B), "generally accepted industry standards" means those QA/QC procedures that are described in publications of national organizations concerned with corrective actions or that otherwise appear in peer-reviewed literature.

C. Soil sampling. An owner or operator shall perform all soil sampling required under this Chapter using a methodology that will result in analytical data that is representative of the concentrations and compositions of the chemicals of concern that may exist in the contaminated soil. The owner or operator shall use a sampling method that is based on consideration of all of the following criteria:

1. The specific chemicals of concern potentially involved,
2. Site-specific lithologic conditions,
3. Depth of sample collection, and
4. Generally accepted industry standards. For the purpose of subsection (C), "generally accepted industry standards" means those soil sampling activities that are described in publications of national organizations concerned with corrective actions or that otherwise appear in peer-reviewed literature.

D. Groundwater sampling. An owner or operator shall perform all required groundwater sampling under this Chapter using a methodology that will result in analytical data that is representative of the concentrations and compositions of the chemicals of concern that may exist in the groundwater. The owner or operator shall use a sampling method that is based on consideration of all of the following criteria:

1. The specific chemicals of concern potentially involved,
2. Site-specific hydrologic conditions,
3. Site-specific monitor well construction details,
4. Depth of sample collection, and
5. Generally accepted industry standards. For the purpose of subsection (D), "generally accepted industry standards" means those groundwater sampling activities that are described in publications of national organizations concerned with corrective actions or that otherwise appear in peer-reviewed literature.

E. Surface water sampling. An owner or operator shall perform all required surface water sampling under this Chapter using a methodology that will result in analytical data that is representative of the concentrations and compositions of the chemicals of concern that may exist in the surface water. The owner or operator shall use a sampling method that is based on consideration of all of the following:

1. The specific chemicals of concern involved or potentially involved,
2. Site-specific hydrologic conditions, and
3. Generally accepted industry standards. For the purpose of subsection (E), "generally accepted industry standards" means those surface water sampling activities that are described in publications of national organizations

concerned with corrective actions or that otherwise appear in peer-reviewed literature.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 3894, effective August 20, 2002 (Supp. 02-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-281. UST System Codes of Practice and Performance Standards

A. Owners and operators may use one of the following to comply with R18-12-211(A):

1. NACE International Standard Practice SP0285-2011, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection";
2. NACE International Standard Practice SP0169-2013, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems";
3. American Petroleum Institute Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", 3rd edition; or
4. Steel Tank Institute Recommended Practice R892, "Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems", revised January 2006.

B. Owners and operators may use one of the following to comply with R18-12-220(B)(1):

1. Underwriters Laboratories Standard 1316, "Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures", 3rd edition; or
 2. Underwriters Laboratories of Canada S615-14, "Standard for Fibre Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids"
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C. Owners and operators may use one of the following five options to comply with R18-12-220(B)(2):

1. Steel Tank Institute sti-P3 "Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks", revised May 2018;
2. Underwriters Laboratories Standard 1746, "Standard for External Corrosion Protection Systems for Steel Underground Storage Tanks", 3rd edition, amended December 19, 2014;

Ariz. Admin. Code R18-12-281 Ust System Codes of Practice and Performance Standards (Arizona Administrative Code (2021 Edition))

3. Underwriters Laboratories of Canada CAN/ULC-S603-14, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids", amended as of October 2014; Underwriters Laboratories of Canada CAN/ULC-S603.1:2017, "Standard for External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids", amended as of February 2017; and Underwriters Laboratories of Canada Standard S631-05, "Isolating Bushings for Steel Underground Tanks Protected with External Corrosion Protection Systems", amended as of July 2005;

4. Steel Tank Institute Standard F841, "Standard for Dual Wall Underground Steel Storage Tanks", January 2006; or

5. NACE International Standard Practice SP0285-2011 "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection"; and Underwriters Laboratories Standard 58, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids", 10th edition, amended as of January 31, 2018.

D. Owners and operators may use one of the following to comply with R18-12-220(B)(3):

1. Underwriters Laboratories Standard 1746, "External Corrosion Protection Systems for Steel Underground Storage Tanks", 3rd edition, amended December 19, 2014;

2. Steel Tank Institute ACT-100, "Specification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks-F894", revised May 2018;

3. Steel Tank Institute ACT-100U Specification F961, "Specification for External Corrosion Protection of Composite Steel Underground Storage Tanks", February 2017; or

4. Steel Tank Institute Specification F922, "Steel Tank Institute Specification for Permatank ®", February 2017.

E. Compliance with R18-12-220(C)(1) may be determined by utilization of one of the following:

1. Underwriters Laboratories 971, "Standard for Nonmetallic Underground Piping for Flammable Liquids", 2nd edition, June 17, 2008; or

2. Underwriters Laboratories of Canada Standard S660 "Standard for Nonmetallic Underground Piping for Flammable and Combustible Liquids", 1st edition, May 1, 2008.

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F. Compliance with R18-12-220(C)(2) may be determined by utilization of one of the following:

1. American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", 3rd edition;
2. Underwriters Laboratories Subject 971A, "Outline of Investigation for Metallic Underground Fuel Pipe"; 1st edition, October 18, 2006;
3. Steel Tank Institute Recommended Practice R892, "Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems", January 2006;
4. NACE International Standard Practice SP0169-2013, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems"; or
5. NACE International Standard Practice SP0285-2011, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection".

G. Compliance with R18-12-220(E) may be determined by utilization of subsection (1), (2), or (3):

1. American Petroleum Institute Publication 1615, "Installation of Underground Hazardous Substances or Petroleum Storage Systems", 6th edition, April 2011;
2. Petroleum Equipment Institute Publication PEI/RP100-17, "Recommended Practices for Installation of Underground Liquid Storage Systems"; or
3. National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code", 2018 edition; and Standard 30A, "Code for Motor Fuel Dispensing Facilities and Repair Garages", 2018 edition.

H. Compliance with R18-12-221(F) may be determined by utilization of any of the following:

1. American Petroleum Institute Recommended Practice 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks", 5th edition;
2. National Leak Prevention Association Standard 631, "Chapter A, Entry, Cleaning, Interior Inspection, Repair and Lining of Underground Storage Tanks"; and Chapter B, "10 And 5 Year Inspection for Lined Tanks without Cathodic Protection", 2009 revision;

Ariz. Admin. Code R18-12-281 Ust System Codes of Practice and Performance Standards (Arizona Administrative Code (2021 Edition))

3. NACE International Standard Practice SP0285-2011, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection"; or
4. American Petroleum Institute Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", 3rd edition.
 - I. Compliance with R18-12-230(A) may be determined by utilization of one of the following:
 1. National Fire Protection Association Publication 385, "Standard for Tank Vehicles for Flammable and Combustible Liquids", amended as of 2017;
 2. American Petroleum Institute Recommended Practice 1007, "Loading and Unloading of MC 306/DOT 406 Cargo Tank Motor Vehicles", 1st edition, amended as of March 2001, reaffirmed February 2011; or
 3. American Petroleum Institute Recommended Practice 1621, "Bulk Liquid Stock Control At Retail Outlets", 5th edition.
 - J. Compliance with R18-12-231(B)(2) may be determined by utilization of one of the following:
 1. NACE International Standard Practice SP0285-2011, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection";
 2. NACE International Standard Test Method TM0101-2012, "Measurement Techniques Related to Criteria for Cathodic Protection of Underground Storage Tank Systems";
 3. NACE International Standard Test Method TM0497-2012, "Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems";
 4. Steel Tank Institute Recommended Practice R051, "Cathodic Protection Testing Procedures for STI-P3 ® USTs", April 2017; or
 5. NACE International Standard Practice SP0169-2013, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems".
 - K. Compliance with R18-12-232(B)(1)(a) may be determined by utilization of American Petroleum Institute Recommended Practice 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Filling Stations", 2nd edition.

Ariz. Admin. Code R18-12-281 Ust System Codes of Practice and Performance Standards (Arizona Administrative Code (2021 Edition))

L. Compliance with R18-12-233(A)(1) may be determined by utilization of the following codes of practice, as applicable:

1. National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code", 2018 edition;
2. American Petroleum Institute Recommended Practice 2200, "Repairing Hazardous Liquid Pipelines", 5th edition;
3. American Petroleum Institute Recommended Practice 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks", 5th edition;
4. National Fire Protection Association Standard 326, "Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair", 2015 edition;
5. National Leak Prevention Association Standard 631, Chapter A, "Entry, Cleaning, Interior Inspection, Repair and Lining of Underground Storage Tanks", (2009 revision);
6. Steel Tank Institute Recommended Practice R972, "Recommended Practice for the Addition of Supplemental Anodes to STI-P3 ® USTs", December 2010;
7. NACE International Standard Practice SP0285-2011, "Control of Underground Storage Tank Systems by Cathodic Protection"; and
8. Fiberglass Tank and Pipe Institute Recommended Practice T-95-1, "Remanufacturing of Fiberglass Reinforced Plastic (FRP) Underground Storage Tanks".

M. Compliance with R18-12-233(A)(2) may be determined by utilization of Fiberglass Petroleum Tank & Piping Institute Recommended Practice T-95-1, "Remanufacturing of Fiberglass Reinforced Plastic (FRP) Underground Storage Tanks".

N. Compliance with R18-12-233(B)(1) may be determined by utilization of the following, as applicable:

1. Steel Tank Institute Recommended Practice R012, "Recommended Practice for Interstitial Tightness Testing of Existing Underground Double Wall Steel Tanks", revised July 2016;
2. Fiberglass Tank and Pipe Institute Protocol RP 2007-2, "Field Test Protocol for Testing the Annular Space of Installed Underground Fiberglass Double and Triple-Wall Tanks with Dry Annular Space"; or

Ariz. Admin. Code R18-12-281 Ust System Codes of Practice and Performance Standards (Arizona Administrative Code (2021 Edition))

3. Petroleum Equipment Institute Recommended Practice RP1200-17, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities".

O. Compliance with R18-12-243(A) may be determined by utilization of American Petroleum Institute Standard RP 1621, "Bulk Liquid Stock Control At Retail Outlets", 5th edition.

P. Compliance with R18-12-271(D) may be determined by utilization of the following, as applicable:

1. American Petroleum Institute Recommended Practice 1604, "Closure of Underground Petroleum Storage Tanks", 3rd edition;

2. American Petroleum Institute Standard 2015, "Requirements for Safe Entry and Cleaning of Petroleum Storage Tanks", 8th edition;

3. American Petroleum Institute Recommended Practice 2016, "Guidelines and Procedures for Entering and Cleaning Petroleum Storage Tanks", 1st edition;

4. American Petroleum Institute Recommended Practice 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks", 5th edition;

5. National Fire Protection Association Standard 326, "Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair", 2015 edition; and

6. The National Institute for Occupational Safety and Health Publication 80-106, "Criteria for a Recommended Standard: W o r k i n g in Confined Spaces", amended as of December 1979.

Q. Compliance with R18-12-280(B)(1) shall be determined by utilization of American Society for Testing and Materials Standard D5088-15a, "Standard Practice for Decontamination of Field Equipment Used at Waste Sites".

R. Compliance with R18-12-280(B)(2) and (C) shall be determined by the following:

1. American Society for Testing and Materials Standard D4547-15: "Standard Guide for Sampling Waste and Soils for Volatile Organic Compounds"; and

2. American Society for Testing and Materials Standard D4700-15, "Standard Guide for Soil Sampling from the Vadose Zone".

**Ariz. Admin. Code R18-12-281 Ust System Codes of Practice and
Performance Standards (Arizona Administrative Code (2021
Edition))**

S. Compliance with R18-12-280(B)(3) shall be determined by utilization of American Society for Testing and Materials Standard D4840-99 (2018)e1, "Standard Guide for Sample Chain-of-Custody Procedures".

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 1/1/2020.)

§ R18-12-300. Financial Responsibility; Applicability

- A. R18-12-301 through R18-12-325 apply to all owners and operators of petroleum UST systems, except as otherwise provided in this Section.
- B. Owners and operators of a petroleum UST system are subject to the requirements of R18-12-301 through R18-12-325 if the petroleum UST system is being used on or after September 21, 1992, or as provided in R18-12-951(A).
- C. State and federal government entities whose debts and liabilities are the debts and liabilities of a state or the United States are exempt from the requirements of this Article.
- D. R18-12-303 through R18-12-325 do not apply to owners and operators of any UST system excluded under 40 CFR 280.10(b) or partially excluded under 40 CFR 280.10(c)(1), (c)(3), or (c)(4), amended as of October 13, 2015.
- E. If owners and operators of a petroleum underground storage tank are separate persons, only one person is required to demonstrate financial responsibility; however, both parties are liable in event of noncompliance. Regardless of which party complies, the date set for compliance at a particular facility is determined by the characteristics of the owner as set forth in R18-12-301.

(Adopted effective September 21, 1992 (Supp. 92-3). Amended effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

**§ R18-12-301. Financial Responsibility; Compliance Dates;
Allowable Mechanisms; Evidence**

A. Owners and operators shall submit to the Department evidence of all financial assurance mechanisms used to demonstrate financial responsibility under this Article for an underground storage tank as provided in this Article.

B. Owners and operators shall use the financial assurance mechanisms in this Article to comply with financial responsibility requirements as follows:

1. Owners and operators, including local government owners and operators, may use any one or combination of the financial assurance mechanisms listed in R18-12-305 through R18-12-312 to demonstrate financial responsibility under this Article for one or more underground storage tanks;

2. Local government owners and operators may also use any one or combination of the financial assurance mechanisms listed in R18-12-314 through R18-12-317 to demonstrate financial responsibility under this Article for one or more underground storage tanks.

C. Owners and operators shall submit evidence of compliance with the requirements of this Article. Owners and operators shall submit to, and maintain with, the Department a copy of any one or combination of the assurance mechanisms specified in R18-12-305 through R18-12-312, and R18-12-314 through R18-12-317 currently in effect along with a copy of the standby trust agreement, if required. Owners and operators using an assurance mechanism specified in R18-12-305 through R18-12-312 and R18-12-314 through R18-12-317 shall submit to, and maintain with, the Department an updated copy of a certification of financial responsibility worded as provided in 40 CFR 280.111(b)(11)(i), amended as of October 13, 2015, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted. In addition, local government owners and operators shall comply with one or more of the following:

1. Local government owners and operators using the local government bond rating test under R18-12-314 shall submit a copy of its bond rating published within the last 12 months by Moody's or Standard & Poor's;

2. Local government owners and operators using the local government guarantee under R18-12-316, if the guarantor's demonstration of financial responsibility relies on the bond rating test under R18-12-314 shall submit a copy of the guarantor's bond rating published within the last 12 months by Moody's or Standard & Poor's;

**Ariz. Admin. Code R18-12-301 Financial Responsibility;
Compliance Dates; Allowable Mechanisms; Evidence (Arizona
Administrative Code (2021 Edition))**

3. Local government owners and operators using a local government fund under R18-12-317 shall submit the following documents:
 - a. A copy of the state constitutional provision or local government statute, charter, ordinance, or order dedicating the fund;
 - b. Year-end financial statements for the most recent completed financial reporting year showing the amount in the fund. If the fund is established under R18-12-317(A)(3) using incremental funding backed by bonding authority, the financial statements shall show the previous year's balance, the amount of funding during the year, and the closing balance in the fund;
 - c. If the fund is established under R18-12-317(A)(3) using incremental funding backed by bonding authority, owners and operators shall also submit documentation of the required bonding authority, including either the results of a voter referendum under R18-12-317(A)(3)(a), or attestation by the state attorney general as specified under R18-12-317(A)(3)(b).

4. Local government owners and operators using the local government guarantee supported by the local government fund shall submit a copy of the guarantor's year-end financial statements for the most recent completed financial reporting year showing the amount of the fund.

D. Owners and operators shall maintain evidence of all financial assurance mechanisms used to demonstrate financial responsibility under this Article for an underground storage tank until released from the requirements of this Article under R18-12-323. Owners and operators shall maintain such evidence at the underground storage tank site or a readily available alternative site. Records maintained off-site shall be provided for inspection to the Department upon request.

(Adopted effective September 21, 1992 (Supp. 92-3). Amended effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-303. Amount and Scope of Required Financial Responsibility

A. Owners and operators of petroleum USTs shall demonstrate financial responsibility for taking corrective action and for compensating 3rd parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs in at least the following per-occurrence amounts:

1. For owners and operators of petroleum USTs that are located at petroleum marketing facilities, or that handle an average of more than 10, 000 gallons of petroleum per month based on annual throughput for the previous calendar year: \$1 million;
2. For owners and operators of petroleum USTs not described in subsection (A)(1): \$500, 000.

B. Owners and operators of petroleum USTs shall demonstrate financial responsibility for taking corrective action and for compensating 3rd parties for bodily injury and property damage caused by accidental releases arising from the operation of a petroleum UST in at least the following annual aggregate amounts:

1. For owners and operators of 1 to 100 petroleum USTs: \$1 million,
2. For owners and operators of 101 or more petroleum USTs: \$2 million.

C. For the purposes of subsections (B) and (G) only, "a petroleum underground storage tank" means a single containment unit and does not mean combinations of single containment units.

D. Except as provided in subsection (E), if owners and operators use separate mechanisms or combinations of separate mechanisms to demonstrate financial responsibility for taking corrective action, compensating 3rd parties for bodily injury and property damage caused by sudden accidental releases, or compensating 3rd parties for bodily injury and property damage caused by nonsudden accidental releases, the amount of assurance provided by each mechanism or combination of mechanisms shall be in the full amount specified in subsections (A) and (B).

E. If owners and operators use separate mechanisms or combinations of separate mechanisms to demonstrate financial responsibility for different petroleum USTs, the annual aggregate required shall be based on the number of tanks covered by each such separate mechanism or combination of mechanisms.

Ariz. Admin. Code R18-12-303 Amount and Scope of Required Financial Responsibility (Arizona Administrative Code (2021 Edition))

F. If owners and operators utilize one mechanism, separate mechanisms, or combinations of separate mechanisms to demonstrate financial responsibility for petroleum USTs in more than one state or territory, with more than one implementing agency, the identification of systems covered by each mechanism shall include the implementing agency for each facility or group of facilities. All facilities subject to the requirements of this rule shall also be identified by the UST facility identification number assigned by the Department.

G. Owners and operators shall review the amount of aggregate assurance provided whenever additional petroleum USTs are acquired or installed. If the number of petroleum underground storage tanks for which assurance shall be provided exceeds 100, owners and operators shall demonstrate financial responsibility in the amount of at least \$2 million of annual aggregate assurance by the anniversary of the date on which the mechanism demonstrating financial responsibility became effective. If assurance is being demonstrated by a combination of mechanisms, owners and operators shall demonstrate financial responsibility in the amount of at least \$2 million of annual aggregate assurance by the 1st-occurring effective date anniversary of any one of the mechanisms combined, other than a financial test or guarantee, to provide assurance.

H. The amounts of assurance required under this Section exclude legal defense costs.

I. The per-occurrence and annual aggregate coverage amounts required by this Section do not limit the liability of owners and operators.

(Adopted effective September 21, 1992 (Supp. 92-3). Amended effective July 30, 1996 (Supp. 96-3).)

§ R18-12-305. Financial Test of Self-insurance

A. Owners, operators, or guarantors may satisfy the requirements of R18-12-303 by passing a financial test as specified in this Section. To pass the financial test of self-insurance, owners, operators, or guarantors shall meet the criteria of either subsection (B) or (C) based on year-end financial statements for the latest completed fiscal year.

B. In order to pass a financial test of self-insurance under this subsection, owners, operators, or guarantors shall meet all of the following requirements:

1. Have a tangible net worth of at least 10 times all of the following:

a. The total of the applicable aggregate amount required by R18-12-303, based on the number of underground storage tanks for which a financial test of self-insurance is used to demonstrate financial responsibility;

b. The sum of the corrective action cost estimates, the current closure and post-closure care cost estimates, and amount of liability coverage for which a financial test of self-insurance is used to demonstrate financial responsibility under R18-8-264 or R18-8-265;

c. The sum of current plugging and abandonment cost estimates for which a financial test of self-insurance is used to demonstrate financial responsibility to EPA under 40 CFR 144.63, amended as of October 13, 2015, or to a state implementing agency under a state program authorized by EPA under 40 CFR part 145.

2. Have a tangible net worth of at least \$10 million,

3. Have a letter signed by the chief financial officer worded as specified in subsection (D),

4. Do either one of the following:

a. File financial statements annually with the U.S. Securities and Exchange Commission, the Energy Information Administration, or the Rural Electrification Administration.

b. Report annually the firm's tangible net worth to Dun and Bradstreet, and Dun and Bradstreet shall have assigned the firm a financial strength rating of 4A or 5A.

5. The firm's year-end financial statements, if independently audited, cannot include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.

C. In order to pass a financial test of self-insurance under this subsection, owners, operators, or guarantors shall meet all of the following requirements:

1. Owners, operators, or guarantors shall meet the financial test requirements of 40 CFR 264.147(f)(1), amended as of October 13, 2015, substituting the appropriate amount specified in either R18-12-303(B)(1) or (2) for the "amount of liability coverage" each time specified in 40 CFR 264.147(f)(1);

2. The fiscal year-end financial statements of owners, operators, or guarantors shall be examined by an independent certified public accountant and be accompanied by the accountant's report of the examination;

3. The firm's year-end financial statements cannot include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification;

4. Owners, operators, or guarantors shall have a letter signed by the chief financial officer, worded as specified in subsection (D);

5. If the financial statements of owners, operators, or guarantors are not submitted annually to the U.S. Securities and Exchange Commission, the Energy Information Administration or the Rural Electrification Administration, owners, operators, or guarantors shall obtain a special report by an independent certified public accountant stating all of the following:

- a. The accountant has compared the data that the letter from the chief financial officer specifies as having been derived from the latest year-end financial statements of owners, operators, or guarantors, with the amounts in such financial statements.

- b. In connection with the comparison under subsection (C)(5)(a), no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.

D. To demonstrate that it meets the financial test under subsection (B) or (C), the chief financial officer of owners, operators, or guarantors, shall sign, within 120 days of the close of each financial reporting year, as defined by the 12-month period for which financial statements used to support the financial test are prepared, a letter worded exactly as provided in 40 CFR 280.95(d), amended as of October 13, 2015, except that the instructions in

brackets are to be replaced by the relevant information and the brackets deleted.

E. If owners and operators, using a financial test of self-insurance for financial responsibility find that they no longer meet the requirements of the financial test based on the year-end financial statements, owners and operators shall obtain alternative coverage within 150 days of the end of the financial reporting year for which financial statements have been prepared.

F. The Director may require reports of financial condition at any time from owners, operators, or guarantors. If the Director finds, on the basis of such reports or other information, that owners, operators, or guarantors, no longer meet the financial test requirements, owners and operators shall obtain alternate coverage within 30 days after notification of such a finding.

G. If owners and operators fail to obtain alternate assurance within 150 days of finding that they no longer meet the requirements of the financial test based on the year-end financial statements, or within 30 days of notification by the Director that they no longer meet the requirements of the financial test, owners and operators shall notify the Director of such failure within 10 days.

H. Owners and operators may use self-insurance in combination with a guarantee only if, for the purpose of meeting the requirements of the financial test under this Section, the financial statements of the owner or operator are not consolidated with the financial statements of the guarantor.

(Adopted effective September 21, 1992 (Supp. 92-3). Amended effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-306. Guarantee

A. Owners and operators may satisfy the requirements of R18-12-303 by obtaining a guarantee that conforms to the requirements of this Section. The guarantor shall be either one of the following:

1. A firm that meets any one of the following descriptions:
 - a. Possesses a controlling interest in the owner or operator,
 - b. Possesses a controlling interest in a firm described under subsection (A)(1)(a),
 - c. Is controlled through stock ownership by a common parent firm that possesses a controlling interest in the owner or operator.
2. A firm engaged in a substantial business relationship with the owner or operator and who issues the guarantee as an act incident to that business relationship.

B. Within 120 days of the close of each financial reporting year, the guarantor shall demonstrate that it meets the financial test criteria of R18-12-305 based on year-end financial statements for the latest completed financial reporting year by completing the letter from the chief financial officer described in R18-12-305(D) and shall deliver the letter to the owner or operator. If the guarantor fails to meet the requirements of the financial test at the end of any financial reporting year, within 120 days of the end of that financial reporting year the guarantor shall send by certified mail, before cancellation or nonrenewal of the guarantee, notice to owners or operators. If the Director notifies the guarantor that the guarantor no longer meets the requirements of the financial test of R18-12-305(B) or (C) and (D), the guarantor shall notify owners and operators within 10 days of receiving such notification from the Director. In both cases, the guarantee terminates no less than 120 days after the date the owner and operator receives the notification, as evidenced by the return receipt. Owners and operators shall obtain alternate coverage as specified in R18-12-318.

C. The guarantee shall be worded as provided in 40 CFR 280.96(c), amended as of October 13, 2015, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

D. Owners and operators who use a guarantee to satisfy the requirements of R18-12-303 shall establish a standby trust fund when the guarantee is obtained. Under the terms of the guarantee, all amounts paid by the guarantor under the guarantee will be deposited directly into the standby trust fund in accordance with instructions from the Director under R18-12-

322. This standby trust fund shall meet the requirements specified in R18-12-313.

(Adopted effective September 21, 1992 (Supp. 92-3). Amended effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-307. Insurance and Risk Retention Group Coverage

A. Owners and operators may satisfy the requirements of R18-12-303 by obtaining liability insurance that conforms to the requirements from a qualified insurer or risk retention group. Such insurance may be in the form of a separate insurance policy or an endorsement to an existing insurance policy.

B. Each insurance policy shall be amended by an endorsement worded as specified in 40 CFR 280.97(b)(1) amended as of October 13, 2015, or evidenced by a certificate of insurance worded as specified in 40 CFR 280.97(b)(2), amended as of October 13, 2015, except that instructions in brackets shall be replaced with the relevant information and the brackets deleted. Termination under 40 CFR 280.97(b)(1) and (2) as referenced in this Section means only those changes that could result in a gap in coverage as where the insured has not obtained substitute coverage or has obtained substitute coverage with a different retroactive date than the retroactive date of the original policy.

C. Each insurance policy shall be issued by an insurer or a risk retention group that, at a minimum, is licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer in one or more states.

(Adopted effective September 21, 1992 (Supp. 92-3). Amended effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-308. Surety Bond

- A. Owners and operators may satisfy the requirements of R18-12-303 by obtaining a surety bond that conforms to the requirements of this Section. The surety company issuing the bond shall be among those listed as acceptable sureties on federal bonds in the most recent Circular 570 of the U.S. Department of the Treasury.
- B. The surety bond shall be worded as provided in 40 CFR 280.98(b), amended as of October 13, 2015, except that instructions in brackets shall be replaced with the relevant information and the brackets deleted.
- C. Under the terms of the bond, the surety shall become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. In all cases, the surety's liability is limited to the per-occurrence and annual aggregate penal sums.
- D. Owners and operators who use a surety bond to satisfy the requirements of R18-12-303 shall establish a standby trust fund when the surety bond is acquired. Under the terms of the bond, all amounts paid by the surety under the bond shall be deposited directly into the standby trust fund in accordance with instructions from the Director under R18-12-322. This standby trust fund shall meet the requirements specified in R18-12-313.

(Adopted effective September 21, 1992 (Supp. 92-3). Amended effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-309. Letter of Credit

A. Owners and operators may satisfy the requirements of R18-12-303 by obtaining an irrevocable standby letter of credit that conforms to the requirements of this Section. The issuing institution shall be an entity that has the authority to issue letters of credit in this state and whose letter of credit operations are regulated and examined by a federal or state agency.

B. The letter of credit shall be worded as provided in 40 CFR 280.99(b), amended as of October 13, 2015, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

C. Owners and operators who use a letter of credit to satisfy the requirements of R18-12-303 shall also establish a standby trust fund when the letter of credit is acquired. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Director shall be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Director under R18-12-322. This standby trust fund shall meet the requirements specified in R18-12-313.

D. The letter of credit shall be irrevocable with a term specified by the issuing institution. The letter of credit shall provide that credit be automatically renewed for the same term as the original term unless, at least 120 days before the current expiration date, the issuing institution notifies the owner or operator by certified mail of its decision not to renew the letter of credit. Under the terms of the letter of credit, the 120 days shall begin on the date when the owner or operator receives the notice, as evidenced by the return receipt.

(Adopted effective September 21, 1992 (Supp. 92-3). Amended effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-310. Certificate of Deposit

A. Owners and operators may satisfy the corrective action requirements, but not the 3rd-party compensation requirements, of R18-12-303 by obtaining an irrevocable certificate of deposit and preparing a Certification and Agreement that conforms to the requirements of this Section. The issuing institution shall meet all of the following:

1. Has the authority to issue certificates of deposit in Arizona,
2. Certificate of deposit operations are regulated and examined by a federal or state agency,
3. Is a member of the Federal Deposit Insurance Corporation.

B. The certificate of deposit may be used for the full required amount of corrective action coverage. Alternatively, it may be used for part of the required amount of corrective action coverage when used in combination with other mechanisms allowed under this Article which provide the remaining amount of coverage. In all cases, the full required amount of 3rd-party compensation coverage shall be met with another mechanism or mechanisms allowed under this Article.

C. Owners and operators who use a certificate of deposit to meet the corrective action requirements of R18-12-303 shall comply with all of the following:

1. The certificate of deposit document and the records of the issuing institution shall designate the Department as the sole payee. The original certificate of deposit, a blank signature card, and the certification and agreement executed in accordance with subsection (D) shall be submitted to the Department. The Department shall return the signature card to the issuing institution with the current Director's signature and the signature of an alternative person designated by the Director affixed;
2. If the issuing institution is unwilling or unable to prepare a certificate of deposit made payable only to the Department, the owner or operator and the issuing institution shall prepare and execute an assignment in the presence of a notary public with a copy provided to the issuing institution which allows only the Department access to the certificate of deposit;
3. The owner or operator's Social Security or Tax Identification number shall appear on the certificate of deposit;
4. All interest accrued on the certificate of deposit shall be applied back to the certificate of deposit;

5. Upon verification by the Department that the requirements of this Article are met using another mechanism or combination of mechanisms, the owner or operator may submit a written request to the Director for release of the certificate of deposit. Within 30 days of receipt of the request from the owner or operator under this subsection, the Director shall release to the owner or operator the certificate of deposit and the certification and agreement.

D. The owner or operator shall prepare, execute, and submit to the Department and the issuing institution a Certification and Agreement which shall be worded as shown in Appendix A except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

E. The certificate of deposit shall be irrevocable with an automatically renewable term, the length of which may be specified by owners and operators. The initial term and the automatic renewal term shall be stated on the certificate of deposit.

F. The Department may present for payment any certificate of deposit to the issuing institution and receive cash if either of the following occur:

1. The owner or operator reports a release in accordance with A.R.S. § 49-1004 from an underground storage tank covered by the certificate of deposit and makes a written request to the Director for payment of corrective action expenses required under A.R.S. § 49-1005. If a request for payment is made the owner or operator shall submit an invoice for corrective action services which have been performed as required under A.R.S. § 49-1005;

2. The conditions of R18-12-322(B)(1) exist.

G. The Department shall pay, from funds received from cashing the certificate of deposit, corrective action expenses if they are determined to be reasonable and necessary.

H. The Director shall, within 30 days of the date on which the certificate of deposit is cashed, return to the owner or operator any funds received from cashing the certificate of deposit which are in excess of the amount of financial responsibility being demonstrated by the certificate of deposit. The Director shall place funds received from the certificate of deposit which have not been used to meet the expenses payable under subsection (G) in the UST Revolving Fund until such time as they are needed. If upon completion of all corrective action, as evidenced by a corrective action closure letter issued by the Department, the costs incurred for corrective action are less than the amount received from cashing of the certificate of deposit, any excess funds

remaining after final payment shall be refunded to the owner or operator within 30 days of receipt by the Department of a written request for refund.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

**APPENDIX A. Certification and Agreement - Certificate of
Deposit**

(Appendix A adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-311. [Repealed]

(Adopted effective July 30, 1996 (Supp. 96-3). Repealed by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-312. Trust Fund

- A. Owners and operators may satisfy the requirements of R18-12-303 by establishing a trust fund that conforms to the requirements of this Section. The trustee shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal agency or an agency of the state in which the fund is established.
- B. The wording of the trust agreement shall be identical to the wording specified in 40 CFR 280.103(b)(1), amended as of October 13, 2015, and shall be accompanied by a formal certification of acknowledgment as specified in 40 CFR 280.103(b)(2), amended as of October 13, 2015.
- C. The trust fund, when established, shall be funded for the full required amount of coverage, or funded for part of the required amount of coverage and used in combination with other mechanisms that provide the remaining required coverage.
- D. If the value of the trust fund is greater than the required amount of coverage, the owner or operator may submit a written request to the Director for release of the excess.
- E. If other financial assurance as specified in the Sections R18-12-305 through R18-12-311 and R18-12-314 through R18-12-317 is substituted for all or part of the trust fund, the owner or operator may submit a written request to the Director for release of the excess.
- F. Within 60 days after receiving a request from the owner or operator for release of funds as specified in subsections (D) or (E) the Director shall instruct the trustee to release to the owner or operator such funds as the Director specifies in writing.

(Adopted effective September 21, 1992 (Supp. 92-3). Amended effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-313. Standby Trust Fund

A. Owners and operators using any one of the mechanisms authorized by R18-12-306, R18-12-308, and R18-12-309 shall establish a standby trust fund when the mechanism is acquired. The trustee of the standby trust fund shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal agency or an agency of the state in which the fund is established.

B. The standby trust agreement shall be worded as provided in 40 CFR 280.103(b) (1) and 40 CFR 280.103(b)(2), amended as of October 13, 2015, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

C. The Director shall instruct the trustee to refund the balance of the standby trust fund to the provider of financial assurance if the Director determines that no additional corrective action costs or 3rd-party liability claims will occur as a result of a release covered by the financial assurance mechanism for which the standby trust fund was established.

D. Owners and operators may establish one standby trust fund as the depository mechanism for all funds assured in compliance with this Article.

(Adopted effective September 21, 1992 (Supp. 92-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-314. Local Government Bond Rating Test

A. General purpose local government owners and operators or a local government serving as a guarantor that has the legal authority to issue general obligation bonds may satisfy the requirements of R18-12-303 by having a currently outstanding issue or issues of general obligation bonds of \$1 million or more, excluding refunded, with a Moody's rating of Aaa, Aa, A, or Baa, or a Standard & Poor's rating of AAA, AA, A, or BBB. If a local government has multiple outstanding issues, or if a local government's bonds are rated by both Moody's and Standard and Poor's, the lowest rating shall be used to determine eligibility. Bonds that are backed by credit enhancement other than municipal bond insurance may not be considered in determining the amount of applicable bonds outstanding.

B. Local government owners and operators or a local government serving as a guarantor that is not a general purpose local government and does not have the legal authority to issue general obligation bonds may satisfy the requirements of R18-12-303 by having a currently outstanding issue or issues of revenue bonds of \$1 million or more, excluding refunded issues and by also having a Moody's rating of Aaa, Aa, A, or Baa, or a Standard & Poor's rating of AAA, AA, A, or BBB as the lowest rating for any rated revenue bond issued by the local government. If bonds are rated by both Moody's and Standard & Poor's, the lower rating for each bond shall be used to determine eligibility. Bonds that are backed by credit enhancement may not be considered in determining the amount of applicable bonds outstanding.

C. Local government owners and operators, or a guarantor, or both, shall maintain a copy of its bond rating published within the last 12 months by Moody's or Standard & Poor's.

D. To demonstrate that it meets the local government bond rating test, the chief financial officer of a general purpose local government owner or operator, or the guarantor, or both, shall sign a letter worded exactly as provided in 40 CFR 280.104(d), amended as of October 13, 2015, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted.

E. To demonstrate that it meets the local government bond rating test, the chief financial officer of a local government owner and operator, or the guarantor, or both, shall sign a letter worded exactly as provided in 40 CFR 280.104(e), amended as of October 13, 2015, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted.

F. The Director may require reports of financial condition at any time from local government owners and operators, or the local government guarantor, or both. If the Director finds, on the basis of such reports or other information, that the local government owner or operator, or the guarantor, or both, no longer meets the local government bond rating test requirements of this Section, the local government owner or operator shall obtain alternative coverage within 30 days after notification of such a finding.

G. If local government owners and operators using the bond rating test to provide financial assurance finds that it no longer meets the bond rating test requirements, the local government owner or operator shall obtain alternative coverage within 150 days of the change in status.

H. If the local government owner or operator fails to obtain alternate assurance within 150 days of finding that it no longer meets the requirements of the bond rating test or within 30 days of notification by the Director that it no longer meets the requirements of the bond rating test, the owner or operator shall notify the Director of such failure within 10 days.

(Adopted effective September 21, 1992 (Supp. 92-3). Amended effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-315. Local Government Financial Test

A. Local government owners and operators may satisfy the requirements of R18-12-303 by passing the financial test specified in this Section. To be eligible to use the financial test, local government owners and operators shall have the ability and authority to assess and levy taxes or to freely establish fees and charges. To pass the local government financial test, owners and operators shall meet the criteria of subsections (B)(2) and (3) based on year-end financial statements for the latest completed fiscal year.

B. To pass the local government financial test, owners and operators shall meet all of the following:

1. Local government owners and operators shall have the following information available, as shown in the year-end financial statements for the latest completed fiscal year:
 - a. Total revenues: consists of the sum of general fund operating and non-operating revenues including net local taxes, licenses and permits, fines and forfeitures, revenues from use of money and property, charges for services, investment earnings, sales such as property or publications, intergovernmental revenues whether or not restricted, and total revenues from all other governmental funds including enterprise, debt service, capital projects, and special revenues, but excluding revenues to funds held in a trust or agency capacity. For purposes of this test, the calculation of total revenues shall exclude all interfund transfers between funds under the direct control of the local government using the financial test, liquidation of investments, and issuance of debt;
 - b. Total expenditures: consists of the sum of general fund operating and non-operating expenditures including public safety, public utilities, transportation, public works, environmental protection, cultural and recreational, community development, revenue sharing, employee benefits and compensation, office management, planning and zoning, capital projects, interest payments on debt, payments for retirement of debt principal, and total expenditures from all other governmental funds including enterprise, debt service, capital projects, and special revenues. For purposes of this test, the calculation of total expenditures shall exclude all interfund transfers between funds under the direct control of the local government using the financial test;
 - c. Local revenues: consists of total revenues, as defined in subsection (B)(1)(a), minus the sum of all transfers from other governmental entities, including all monies received from federal, state, or local government sources;

d. Debt service: consists of the sum of all interest and principal payments on all long-term credit obligations and all interest-bearing short-term credit obligations. It includes interest and principal payments on general obligation bonds, revenue bonds, notes, mortgages, judgments, and interest bearing warrants. It excludes payments on non-interest-bearing short-term obligations, interfund obligations, amounts owed in a trust or agency capacity, and advances and contingent loans from other governments;

e. Total funds: consists of the sum of cash and investment securities from all funds, including general, enterprise, debt service, capital projects, and special revenue funds, but excluding employee retirement funds, at the end of the local government's financial reporting year. It includes federal securities, federal agency securities, state and local government securities, and other securities such as bonds, notes, and mortgages. For purposes of this test, the calculation of total funds shall exclude agency funds, private trust funds, accounts receivable, value of real property, and other non-security assets.

2. The local government's year-end financial statements, if independently audited, cannot include an adverse auditor's opinion or a disclaimer of opinion. The local government cannot have outstanding issues of general obligation or revenue bonds that are rated as less than investment grade.

3. Local government owners and operators shall have a letter signed by the chief financial officer worded as specified in subsection (C).

C. To demonstrate that it meets the financial test under subsection (B), the chief financial officer of the local government owner or operator shall sign, within 120 days of the close of each financial reporting year, as defined by the 12-month period for which financial statements used to support the financial test are prepared, a letter worded exactly as provided in 40 CFR 280.105(c), amended as of October 13, 2015, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted.

D. If local government owners and operators using the test to provide financial assurance find that it no longer meets the requirements of the financial test based on the year-end financial statements, the owner or operator shall obtain alternative coverage within 150 days of the end of the year for which financial statements have been prepared.

E. The Director may require reports of financial condition at any time from local government owners and operators. If the Director finds, on the basis of such reports or other information, that the local government owner or operator no longer meets the financial test requirements of subsections (B)

and (C), the owner or operator shall obtain alternate coverage within 30 days after notification of such a finding.

F. If the local government owner or operator fails to obtain alternate assurance within 150 days of finding that it no longer meets the requirements of the financial test based on the year-end financial statements or within 30 days of notification by the Director that it no longer meets the requirements of the financial test, the owner or operator shall notify the Director of such failure within 10 days.

(Adopted effective September 21, 1992 (Supp. 92-3). Amended effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-316. Local Government Guarantee

A. Local government owners and operators may satisfy the requirements of R18-12-303 by obtaining a guarantee that conforms to the requirements of this Section. The guarantor shall be either the state in which the local government owner or operator is located or a local government having a "substantial governmental relationship" with the owner or operator and issuing the guarantee as an act incident to that relationship. A local government acting as the guarantor shall meet the requirements of one of the following:

1. Demonstrate that it meets the bond rating test requirements of R18-12-314 and deliver a copy of the chief financial officer's letter as contained in R18-12-314(D) or R18-12-314(E) to the local government owner or operator;
2. Demonstrate that it meets the financial test requirements of R18-12-315 and deliver a copy of the chief financial officer's letter as contained in R18-12-315(C) to the local government owner or operator;
3. Demonstrate that it meets the local government fund requirements of R18-12-317(A)(1), R18-12-317(A)(2) or R18-12-317(A)(3) and deliver a copy of the chief financial officer's letter as contained in R18-12-317(B) to the local government owner or operator.

B. If the local government guarantor is unable to demonstrate financial assurance under R18-12-314, R18-12-315, R18-12-317(A)(1), R18-12-317(A)(2) or R18-12-317(A)(3), at the end of the financial reporting year, the guarantor shall send by certified mail, before cancellation or non-renewal of the guarantee, notice to the owner or operator. The guarantee will terminate no less than 120 days after the date the owner or operator receives the notification, as evidenced by the return receipt. The owner or operator shall obtain alternative coverage as specified in R18-12-318.

C. The guarantee agreement shall be worded as specified in subsection (D) or (E), depending on which of the following alternative guarantee arrangements is selected:

1. If, in the default or incapacity of the owner or operator, the guarantor guarantees to fund a standby trust as directed by the Director, the guarantee shall be worded as specified in subsection (D);
2. If, in the default or incapacity of the owner or operator, the guarantor guarantees to make payments as directed by the Director for taking corrective action or compensating 3rd parties for bodily injury and property damage, the guarantee shall be worded as specified in subsection (E).

D. If the guarantor is a state, the "local government guarantee with standby trust made by a state" shall be worded exactly as provided in 40 CFR 280.106(d), amended as of October 13, 2015, except that instructions in brackets are to be replaced with relevant information and the brackets deleted. If the guarantor is a local government, the "local government guarantee with standby trust made by a local government" shall be worded exactly as provided in 40 CFR 280.106(d), amended as of October 13, 2015, except that instructions in brackets are to be replaced with relevant information and the brackets deleted.

E. If the guarantor is a state, the "local government guarantee without standby trust made by a state" shall be worded exactly as provided in 40 CFR 280.106(e), amended as of October 13, 2015, except that instructions in brackets are to be replaced with relevant information and the brackets deleted. If the guarantor is a local government, the "local government guarantee without standby trust made by a local government" shall be worded exactly as provided in 40 CFR 280.106(e), amended as of October 13, 2015, except that instructions in brackets are to be replaced with relevant information and the brackets deleted.

(Adopted effective September 21, 1992 (Supp. 92-3). Amended effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-317. Local Government Fund

A. Local government owners and operators may satisfy the requirements of R18-12-303 by establishing a dedicated fund account that conforms to the requirements of this Section. Except as specified in subsection (A)(2), a dedicated fund may not be commingled with other funds or otherwise used in normal operations. A dedicated fund shall be considered eligible if it meets one of the following requirements:

1. The fund is dedicated by state constitutional provision, or local government statute, charter, ordinance, or order to pay for taking corrective action and for compensating 3rd parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks and is funded for the full amount of coverage required under R18-12-303, or funded for part of the required amount of coverage and used in combination with other mechanisms that provide the remaining coverage;
2. The fund is dedicated by state constitutional provision, or local government statute, charter, ordinance, or order as a contingency fund for general emergencies, including taking corrective action and compensating 3rd parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks, and is funded for five times the full amount of coverage required under R18-12-303, or funded for part of the required amount of coverage and used in combination with other mechanisms that provide the remaining coverage. If the fund is funded for less than five times the amount of coverage required under R18-12-303, the amount of financial responsibility demonstrated by the fund may not exceed 1/5 the amount in the fund;
3. The fund is dedicated by state constitutional provision, or local government statute, charter, ordinance or order to pay for taking corrective action and for compensating 3rd parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks. A payment is made to the fund once every year for seven years until the fund is fully-funded. This seven-year period is referred to as the "pay-in-period." The amount of each payment shall be determined by the following formula:

TF - CF / Y

where TF is the total required financial assurance for the owner or operator, CF is the current amount in the fund, and Y is the number of years remaining in the pay-in-period, and one of the following is met:

- a. The local government owner or operator has available bonding authority, approved through voter referendum, if such approval is necessary prior to the issuance of bonds, for an amount equal to the difference between the required amount of coverage and the amount held in the dedicated fund. This bonding authority shall be available for taking corrective action and for compensating 3rd parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks;
 - b. The local government owner or operator has a letter signed by the state attorney general stating that the use of the bonding authority will not increase the local government's debt beyond the legal debt ceilings established by the relevant state laws. The letter shall also state that prior voter approval is not necessary before use of the bonding authority.
- B. To demonstrate that it meets the requirements of the local government fund, the chief financial officer of the local government owner or operator, or guarantor, or both, shall sign a letter worded exactly as provided in 40 CFR 280.107(d), amended as of October 13, 2015, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

Ariz. Admin. Code R18-12-318 Substitution of Financial Assurance Mechanisms by Owner or Operator (Arizona Administrative Code (2021 Edition))

§ R18-12-318. Substitution of Financial Assurance Mechanisms by Owner or Operator

A. An owner or operator may substitute any alternate financial assurance mechanisms as specified in R18-12-305 through R18-12-312 and R18-12-314 through R18-12-317, if at all times the owner or operator maintains an effective financial assurance mechanism or combination of mechanisms that satisfies the requirements of R18-12-303.

B. After obtaining alternate financial assurance as specified in R18-12-305 through R18-12-312 and R18-12-314 through R18-12-317, an owner or operator may cancel a financial assurance mechanism by providing notice to the provider of financial assurance.

C. Upon replacement of any financial assurance mechanism, the owner or operator shall forward evidence of financial responsibility and certification of financial responsibility to the Department as required in R18-12-301(C).

(Adopted effective September 21, 1992 (Supp. 92-3). Amended effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-319. Cancellation or Nonrenewal by a Provider of Financial Assurance

A. Except as otherwise provided, a provider of financial assurance may cancel or fail to renew an assurance mechanism by sending a notice of termination by certified mail to the owner or operator in accordance with one of the following:

1. Termination of a local government guarantee, guarantee, surety bond, or letter of credit shall not occur until 120 days after the date on which the owner or operator receives the notice of termination, as evidenced by the return receipt;
2. Termination of insurance or risk retention group coverage, or state-funded assurance, except for non-payment of premium or misrepresentation by the insured, shall not occur until 60 days after the date on which the owner or operator receives the notice of termination, as evidenced by the return receipt. Termination for non-payment of premium or misrepresentation by the insured shall not occur until a minimum of 10 days after the date on which the owner or operator receives the notice of termination, as evidenced by the return receipt.

B. If a provider of financial responsibility cancels or fails to renew for reasons other than incapacity of the provider as specified in R18-12-324, the owner or operator shall obtain alternate coverage as specified in this Article within 60 days after receipt of the notice of termination. If the owner or operator fails to obtain alternate coverage within 60 days after receipt of the notice of termination, the owner or operator shall notify the Director of such failure and submit all of the following:

1. The name and address of the provider of financial assurance,
2. The effective date of termination,
3. The evidence of the financial assurance mechanism subject to the termination submitted in accordance with R18-12-301.

(Adopted effective September 21, 1992 (Supp. 92-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-320. Reporting by Owner or Operator

A. An owner or operator shall submit documented evidence of financial responsibility as described under R18-12-301(C) to the Director according to the following:

1. Within 30 days after the owner or operator identifies a release from an underground storage tank required to be reported under A.R.S. § 49-1004 and the rules promulgated thereunder.
2. If the owner or operator fails to obtain alternate coverage as required by R18-12-319(B), within 30 days after the owner or operator receives notice of any one of the following:
 - a. Commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a provider of financial assurance as a debtor;
 - b. Suspension or revocation of the authority of a provider of financial assurance to issue a financial assurance mechanism;
 - c. Failure of a guarantor to meet the requirements of the financial test;
 - d. Other incapacity of a provider of financial assurance.
3. As required by R18-12-305(G) and R18-12-319(B).

B. An owner or operator shall include in the initial or updated Notification Form a certification of compliance with the financial responsibility requirements of this Article.

C. The Director may, at any time, require owners and operators to submit evidence of financial assurance as described in R18-12-301 or other information relevant to compliance with A.R.S. §§ 49-1006 through 49-1006.02 and this Article.

(Adopted effective September 21, 1992 (Supp. 92-3). Amended effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-321. Repealed

(Adopted effective September 21, 1992 (Supp. 92-3). Repealed effective July 30, 1996 (Supp. 96-3).)

§ R18-12-322. Drawing on Financial Assurance Mechanisms

A. Except as provided in subsection (D), the Director shall require the guarantor, surety, or institution issuing a letter of credit to place the amount of funds stipulated by the Director, up to the limit of funds provided by the financial assurance mechanism, into the standby trust if either of the following circumstances exist:

1. Occurrence of both of the following circumstances:
 - a. The owner or operator fails to establish alternate financial assurance within 60 days after receiving notice of cancellation of the guarantee, surety bond, letter of credit, or, as applicable, other financial assurance mechanism; and
 - b. The Director determines or has reason to believe that a release from an underground storage tank covered by the financial assurance mechanism has occurred and so notifies the owner or operator, or the owner or operator notify the Director pursuant to A.R.S. § 49-1004 and the rules promulgated thereunder of a release from an underground storage tank covered by the financial assurance mechanism.
2. The conditions of subsections (B)(1), (2), or (3) are satisfied.

B. The Director may draw on a certificate of deposit or standby trust fund when any of the following occurs:

1. The Director makes a final determination that a release has occurred and immediate or long-term corrective action for the release is needed, and the owner or operator, after appropriate notice and opportunity to comply, has not conducted corrective action as required under A.R.S. § 49-1005 and the rules promulgated thereunder;
2. The Director receives a certification from the owner or operator and the 3rd-party liability claimant and from attorneys representing the owner or operator and the 3rd-party liability claimant that a 3rd-party liability claim should be paid. The certification shall be worded as provided in 40 CFR 280.112(b)(2)(i), amended as of October 13, 2015, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted; or
3. The Director receives a valid final court order establishing a judgment against the owner or operator for bodily injury or property damage caused by an accidental release from an underground storage tank covered by financial assurance under this Article and the Director determines that the owner or operator has not satisfied the judgment.

C. If the Director determines that the amount of corrective action costs and 3rd-party liability claims eligible for payment under subsection (B) may exceed the balance of the certificate of deposit or standby trust fund and the obligation of the provider of financial assurance, the first priority for payment shall be corrective action costs necessary to protect human health and the environment. The Director shall pay 3rd-party liability claims in the order in which the Director receives certifications under subsection (B)(2) and valid court orders under subsection (B)(3).

D. A governmental entity acting as guarantor under R18-12-316(E), the local government guarantee without standby trust, shall make payments as directed by the Director under the circumstances described in subsections (A), (B), and (C).

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

**Ariz. Admin. Code R18-12-323 Release from Financial
Responsibility Requirements (Arizona Administrative Code (2021
Edition))**

**§ R18-12-323. Release from Financial Responsibility
Requirements**

Owners and operators are no longer required to maintain financial responsibility under this Article for an underground storage tank after the tank has completed permanent closure or change-in-service in accordance with the requirements of A.R.S. § 49-1008 and the rules promulgated thereunder or, if corrective action is required, after corrective action has been completed and the tank has completed permanent closure or change-in-service under A.R.S. § 49-1008 and the rules promulgated thereunder.

(Adopted effective July 30, 1996 (Supp. 96-3).)

§ R18-12-324. Bankruptcy or Other Incapacity of Owner, Operator, or Provider of Financial Assurance

- A. Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming an owner or operator as debtor, owners and operators shall notify the Director by certified mail of such commencement and submit the appropriate forms listed in R18-12-301 documenting current financial responsibility.
- B. Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a guarantor providing financial assurance as debtor, such guarantor shall notify the owner or operator by certified mail of such commencement as required under the terms of the guarantee specified in R18-12-306.
- C. Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a local government owner or operator as debtor, the local government owner or operator shall notify the Director by certified mail of such commencement and submit the appropriate forms listed in R18-12-301 documenting current financial responsibility.
- D. Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a guarantor providing a local government financial assurance as debtor, such guarantor shall notify the local government owner or operator by certified mail of such commencement as required under the terms of the guarantee specified in R18-12-316.
- E. An owner or operator who obtains financial assurance by a mechanism other than the financial test of self-insurance will be deemed to be without the required financial assurance in the event of a bankruptcy or incapacity of its provider of financial assurance, or a suspension or revocation of the authority of the provider of financial assurance to issue a guarantee, insurance policy, risk retention group coverage policy, surety bond, letter of credit, or certificate of deposit. The owner or operator shall obtain alternate financial assurance as specified in this Article within 30 days after receiving notice of such an event. If the owner or operator does not obtain alternate coverage within 30 days after such notification, the owner or operator shall notify the Director.
- F. Within 30 days after receipt of notification that a state fund or other state assurance has become incapable of paying for assured corrective action costs or 3rd-party liability compensation, owners and operators shall obtain alternate financial assurance.

**Ariz. Admin. Code R18-12-324 Bankruptcy or Other Incapacity of
Owner, Operator, or Provider of Financial Assurance (Arizona
Administrative Code (2021 Edition))**

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

**§ R18-12-325. Replenishment of Guarantees, Letters of Credit, or
Surety Bonds**

A. If a standby trust is funded upon the instruction of the Director with funds drawn from a guarantee, local government guarantee with standby trust, letter of credit, or surety bond, and if the amount in the standby trust is reduced below the full amount of coverage required, the owner or operator shall by the anniversary date of the financial mechanism from which the funds were drawn:

1. Replenish the value of financial assurance to equal the full amount of coverage required; or
2. Acquire another financial assurance mechanism for the amount by which funds in the standby trust have been reduced.

B. For purposes of this Section, the full amount of coverage required is the amount of coverage to be provided under R18-12-303. If a combination of mechanisms was used to provide the assurance funds which were drawn upon, replenishment shall occur by the earliest anniversary date among the mechanisms.

(Adopted effective July 30, 1996 (Supp. 96-3). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-401. Repealed

(Temporary rule adopted effective July 3, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-3). Temporary rule readopted effective December 28, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-4). Temporary rule readopted effective June 28, 1991, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 91-2). Temporary rule permanently adopted with changes effective December 26, 1991 (Supp. 91-4). Repealed effective July 30, 1996 (Supp. 96-3).)

Ariz. Admin. Code R18-12-402 Duties and Responsibilities of a Supplier; Certain Regulated Substances (Arizona Administrative Code (2021 Edition))

§ R18-12-402. Duties and Responsibilities of a Supplier; Certain Regulated Substances

The duties and responsibilities of a supplier with respect to a regulated substance that is refined, manufactured, produced, compounded, or blended in this state, or imported into this state by the supplier, as described by this Article are imposed only to the extent that the regulated substance is also aviation fuel, diesel, or motor vehicle fuel.

(Temporary rule adopted effective July 3, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-3). Temporary rule readopted effective December 28, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-4). Temporary rule readopted effective June 28, 1991, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 91-2). Temporary rule permanently adopted with changes effective December 26, 1991 (Supp. 91-4).)

§ R18-12-403. Periodic Payments; Deductions

A. On or before the 25th day of each month, a supplier shall pay to the Director of the Department of Transportation an amount equal to one cent for each gallon of regulated substance which is refined, manufactured, produced, compounded, or blended in this state or imported into this state by the supplier during the preceding month.

B. A supplier may deduct from the payments required to be made under subsection (A) either or both of the following amounts:

1. An amount equal to the product of one cent multiplied by the number of gallons of regulated substance sold or delivered to a person to whom an exemption certificate has been issued pursuant to R18-12-410(C) or to whom an exemption certificate number has been assigned pursuant to R18-12-410(D) during the month for which the supplier is making a payment.
2. An amount equal to the sum of the amounts of refunds approved by the Department under R18-12-409 and submitted to the Department of Transportation during the month for which the supplier is making a payment.

(Temporary rule adopted effective July 3, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-3). Temporary rule readopted effective December 28, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-4). Temporary rule readopted effective June 28, 1991, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 91-2). Temporary rule permanently adopted effective December 26, 1991 (Supp. 91-4).)

§ R18-12-404. Reporting requirements for suppliers

A. On or before the 25th day of each month, a supplier shall submit a monthly summary report on forms prescribed by the Department pursuant to subsection (B) indicating all gallons acquired and sold by that supplier during the preceding month. A supplier shall submit a monthly summary report even if the supplier is not making a payment as described in R18-12-403. The monthly report shall be accompanied by schedules prescribed for the purpose of obtaining detailed information about the gallons acquired and sold by that supplier. The forms and schedules shall be prescribed by the Department and may include forms and schedules prescribed by the Department of Transportation for the administration of the motor vehicle fuel tax. A written or computerized report setting forth all information required on the prescribed forms and schedules will be accepted in lieu of a report on the prescribed form. The report and schedules shall contain the following information:

1. The number of gallons in the supplier's inventory at the beginning of the reporting period.
2. The number of gallons brought into Arizona during the report period for which the supplier is reporting and for which the supplier is paying tax, including date shipped, the name of the person from whom the regulated substance was acquired, the shipping point, manifest or pipeline shipment number, Arizona destination, and type of regulated substance.
3. The number of gallons blended or compounded in Arizona during the report period that the supplier is reporting and on which the supplier is paying tax, including date blended or compounded, and the types of constituent substances being blended or compounded.
4. The number of gallons which are tax due.
5. The number of gallons acquired tax paid during the report period including date shipped, shipping point, name and account number of supplier, invoice number, Arizona destination, and type of regulated substance.
6. The total number of gallons that are tax due and tax paid.
7. The number of gallons sold tax paid to suppliers during the report period, including date shipped, shipping point, name and account number of supplier, invoice number, Arizona destination, and type of regulated substance.

8. The number of gallons sold as tax exempt sales during the report period, including date sold, name of person claiming exempt sale, delivery address of regulated substance sold, exemption certificate number utilized for sale, invoice number, and type of regulated substance.
9. The number of gallons sold to underground storage tank owners during the report period, including total gallons for each type of regulated substance sold.
10. The number of gallons sold exported to destinations outside of Arizona during the report period including date sold, Arizona shipping point, name of purchaser outside of Arizona, invoice number, out-of-state destination and type of regulated substance.
11. The number of gallons of regulated substance sold or exported.
12. The ending book inventory indicating the gallon difference between the number of gallons received tax due and tax paid and the number of gallons sold or exported.
13. The ending physical inventory indicating the number of gallons in the person's inventory at the end of the report period including location of Arizona storage.
14. The gallon difference between ending book inventory and ending physical inventory.

B. The monthly report described in subsection (A) is considered to be the return form required by A.R.S. § 28-6003(A).

C. On or before March 31 of any year, each supplier shall submit to the Department of Transportation an annual report indicating the name and owner identification number of each underground storage tank owner or operator to whom the supplier made a sale during the preceding calendar year and the total number of gallons sold annually to that owner or operator by type of regulated substance. The Department of Transportation, for good cause, may extend the time for making the annual report required by this subsection.

(Temporary rule adopted effective July 3, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-3). Temporary rule readopted effective December 28, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-4). Temporary rule readopted effective June 28, 1991, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 91-2). Temporary rule permanently adopted with changes

Ariz. Admin. Code R18-12-404 Reporting requirements for suppliers (Arizona Administrative Code (2021 Edition))

effective December 26, 1991 (Supp. 91-4). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-405. Invoice requirement for suppliers

Except as otherwise provided in R18-12-410(E), a supplier shall provide the underground storage tank excise tax associated with that sale, stated as a separate item, on the invoice for each sale of a regulated substance:

..

(Temporary rule adopted effective July 3, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-3). Temporary rule readopted effective December 28, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-4). Temporary rule readopted effective June 28, 1991, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 91-2). Temporary rule permanently adopted effective December 26, 1991 (Supp. 91-4). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

Ariz. Admin. Code R18-12-406 Reports and Returns, Net Gallons Required to be Indicated (Arizona Administrative Code (2021 Edition))

§ R18-12-406. Reports and Returns, Net Gallons Required to be Indicated

All reports and returns submitted pursuant to this Article shall indicate net gallons in any instance where the number of gallons of regulated substances are required to be reported.

(Temporary rule adopted effective July 3, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-3). Temporary rule readopted effective December 28, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-4). Temporary rule readopted effective June 28, 1991, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 91-2). Temporary rule permanently adopted effective December 26, 1991 (Supp. 91-4).)

§ R18-12-407. Payment of Tax; Annual Return

A. A taxpayer shall pay the tax as measured by the quantity of regulated substances placed in an underground storage tank owned or operated by the taxpayer in any calendar year. The tax shall be paid at the rate of one cent for each gallon of regulated substance.

B. The tax is due and payable annually on or before March 31 for the preceding calendar year. The tax is delinquent if it is not postmarked on or before that date or if it is not received by the Department on or before March 31 for taxpayers electing to file in person.

C. At the time that the tax is paid, the taxpayer shall prepare and file with the tax an annual return on a form prescribed by the Director. The taxpayer shall provide all of the following information:

1. The owner identification number of the owner of the tank.
2. The taxpayer's name and address, including street number and name, post office box, city, state, county, and zip code.
3. The time period covered by the return.
4. The total number of storage facilities reported on by the return.
5. The types of regulated substances placed in underground storage tanks during the calendar year covered by the return.
6. The total number of gallons of regulated substances, by type and by facility identification number, placed in underground storage tanks during the calendar year covered by the return.
7. The supplier identification number of each supplier from whom the taxpayer received regulated substances which were placed in underground storage tanks.
8. The tax due, by type of regulated substance.
9. The tax paid, by type of regulated substance.
10. Any credits or refunds claimed, by type of regulated substance and by exemption certificate number.
11. The total tax due.

D. The taxpayer shall sign a sworn statement or otherwise certify, under penalty of perjury, that the information contained in the return is true,

complete, and correct according to the best belief and knowledge of the taxpayer filing the report.

(Temporary rule adopted effective July 3, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-3). Temporary rule readopted effective December 28, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-4). Temporary rule readopted effective June 28, 1991, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 91-2). Temporary rule permanently with changes adopted effective December 26, 1991 (Supp. 91-4).)

§ R18-12-408. Statement of tax responsibility

The tax shall be collected from the owner of an underground storage tank unless the owner and the operator of the underground storage tank file a statement with the Department designating the operator as primarily responsible for the tax.

(Temporary rule adopted effective July 3, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-3). Temporary rule readopted effective December 28, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-4). Temporary rule readopted effective June 28, 1991, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 91-2). Temporary rule permanently adopted effective December 26, 1991 (Supp. 91-4). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-409. Refunds

A. Any person who pays the tax but is not liable for the tax under A.R.S. Title 49, Chapter 6 may claim a refund of the tax paid.

B. A claim for a refund shall be submitted on forms prescribed by the Director. A person claiming a refund shall provide the following information:

1. The name, address and telephone number of the person claiming the refund.

2. The facility name.

3. The facility location.

4. The supplier identification number.

5. The type of regulated substances.

6. The number of gallons of regulated substances.

7. The date of the transaction for which the refund is claimed or the time period covered if the claim involves more than one transaction.

8. The reason justifying the payment of a refund.

9. The amount of tax paid and supporting documentation for the amount of refund claimed, including an invoice showing the tax paid as required by R18-12-405.

C. The person claiming the refund shall sign a sworn statement or otherwise certify, under penalty of perjury, that the information contained in the return is true, complete and correct.

D. If the Department determines that a person claiming a refund is entitled to the refund, the Department shall issue a refund payment. A person who has been denied a refund by the Department may request a hearing on the denial within 30 days after receiving notice of the denial. The hearing shall be conducted pursuant to A.R.S. § 41-1092.03 *et seq.*

E. Any person eligible to claim a refund of the tax may assign the claim to the person from whom the regulated substance was purchased. The assignee of the claim may claim the refund if the assignor of the claim certifies in writing to the assignee on forms prescribed by the Director that the assignor relinquishes all interest in the refund and will not also claim a refund from

the Director. A copy of an invoice corresponding to the sale for which an assignment of a refund is sought shall accompany any assignment.

(Temporary rule adopted effective July 3, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-3). Temporary rule readopted effective December 28, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-4). Temporary rule readopted effective June 28, 1991, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 91-2). Temporary rule permanently with changes adopted effective December 26, 1991 (Supp. 91-4). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-410. Exemption certificates

- A. Except as otherwise provided in subsection (D), any person who has claimed and has been awarded a refund of tax paid may apply for and be issued an exemption certificate as provided in this Section.
- B. An application for an exemption certificate shall be submitted on a form prescribed by the Director. A person applying for an exemption certificate shall provide the following information:
1. The name, address, email, tax identification number, and telephone number of the person applying for the exemption certificate.
 2. The facility name and the facility location of the storage facility for which the exemption certificate is sought, including the county, telephone number, and email.
 3. The reason justifying the issuance of an exemption certificate.
 4. A photo of each aboveground storage tank.
- C. If the Department determines that the person applying for an exemption certificate is not liable for paying the tax, the Department shall issue the exemption certificate. A person who has been denied an exemption certificate may request a hearing on the denial within 30 days after receiving notice of the denial. The hearing shall be conducted pursuant to A.R.S. § 41-1092.03 *et seq.*
- D. The following exemption certificate numbers are established to characterize the following circumstances:
1. Deliveries to storage facilities in Indian country: 00-0100001.
 2. Deliveries to state-owned storage facilities: 00-0200002.
 3. Deliveries to federally owned storage facilities: 00-0300003.
- E. A supplier shall not include the tax in the amounts charged by the supplier for deliveries of regulated substances if the person to whom the regulated substances are delivered presents a valid exemption certificate.
- (Temporary rule adopted effective July 3, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-3). Temporary rule readopted effective December 28, 1990, pursuant to A.R.S. § 49-1031(H) and (I), effective for 180 days (Supp. 90-4). Temporary rule readopted effective June 28, 1991, pursuant to A.R.S. § 49-1031(H) and (I), effective for

180 days (Supp. 91-2). Temporary rule permanently with changes adopted effective December 26, 1991 (Supp. 91-4). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-501. Fees

A. Each owner and operator of an underground storage tank who is required by A.R.S. § 49-1020 to pay annually to the Department a fee of \$100.00 for each tank shall make the required payment on or before March 15 of each year.

B. For any check or other instrument used to pay the annual fees described in this Section that is returned to the Department as dishonored by the drawer's financial institution, the owner and operator of the tank shall pay a charge of \$12.00.

C. An owner and operator of an underground storage tank may request in writing that the Department approve an alternate schedule for paying the fee required by A.R.S. § 49-1020. The Department will approve an alternate schedule if the following conditions are met:

1. The owner and the operator request and receive approval of the schedule from the Department before March 15 of the year for which the schedule is requested.

2. Each partial payment made under the schedule shall be equal to at least 25% of the total payment due on March 15.

3. The first partial payment is made on March 15 of the year for which the schedule is requested.

4. The total amount due is paid by September 15 of the year for which the schedule is requested.

(Adopted effective December 26, 1991 (Supp. 91-4). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-601. Expired

(Adopted effective September 21, 1992 (Supp. 92-3). Amended effective December 6, 1996 (Supp. 96-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 1611, effective June 4, 2006 (Supp. 06-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-602. Expired

(Adopted effective September 21, 1992 (Supp. 92-3). Section repealed; New Section made by final rulemaking at 12 A.A.R. 1611, effective June 4, 2006 (Supp. 06-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-603. Expired

(Adopted effective September 21, 1992 (Supp. 92-3). Section repealed; New Section made by final rulemaking at 12 A.A.R. 1611, effective June 4, 2006 (Supp. 06-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-604. Expired

(Adopted effective September 21, 1992 (Supp. 92-3). Section repealed; New Section made by final rulemaking at 12 A.A.R. 1611, effective June 4, 2006 (Supp. 06-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-605. Expired

(Adopted effective September 21, 1992 (Supp. 92-3). Section repealed; New Section made by final rulemaking at 12 A.A.R. 1611, effective June 4, 2006 (Supp. 06-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-605.01. Repealed

(Adopted under an exemption from A.R.S. Title 41, Chapter 6 pursuant to A.R.S. § 49-1014, and §§ 49-1052(B) and (O), effective August 15, 1996 (Supp. 96-3). Section repealed by final rulemaking at 12 A.A.R. 1611, effective June 4, 2006 (Supp. 06-2).)

§ R18-12-606. Expired

(Adopted effective September 21, 1992 (Supp. 92-3). Section repealed; New Section made by final rulemaking at 12 A.A.R. 1611, effective June 4, 2006 (Supp. 06-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-607. Expired

(Adopted effective September 21, 1992 (Supp. 92-3). Amended effective September 14, 1995 (Supp. 95-3). Section repealed; New Section made by final rulemaking at 12 A.A.R. 1611, effective June 4, 2006 (Supp. 06-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-607.01. Repealed

(Adopted under an exemption from A.R.S. Title 41, Chapter 6 pursuant to A.R.S. § 49-1014, and §§ 49-1052(B) and (O), effective August 15, 1996 (Supp. 96-3). Section repealed by final rulemaking at 12 A.A.R. 1611, effective June 4, 2006 (Supp. 06-2).)

§ R18-12-608. Expired

(Emergency rule adopted effective September 21, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Emergency expired.

Emergency rule adopted again effective January 13, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-1). Adopted permanently with changes effective April 15, 1993 (Supp. 93-2). Section repealed; New Section made by final rulemaking at 12 A.A.R. 1611, effective June 4, 2006 (Supp. 06-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

APPENDIX A. Repealed

(Emergency rule adopted effective September 21, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Emergency expired.

Emergency rule adopted again effective January 13, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-1). Adopted permanently with changes effective April 15, 1993 (Supp. 93-2). Appendix A repealed by final rulemaking at 12 A.A.R. 1611, effective June 4, 2006 (Supp. 06-2).)

§ R18-12-609. Expired

(Adopted effective September 21, 1992 (Supp. 92-3). Section repealed; New Section made by final rulemaking at 12 A.A.R. 1611, effective June 4, 2006 (Supp. 06-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-610. Expired

(Adopted effective September 21, 1992 (Supp. 92-3). Section repealed; New Section made by final rulemaking at 12 A.A.R. 1611, effective June 4, 2006 (Supp. 06-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-611. Expired

(New Section made by final rulemaking at 12 A.A.R. 1611, effective June 4, 2006 (Supp. 06-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-612. Expired

(New Section made by final rulemaking at 12 A.A.R. 1611, effective June 4, 2006 (Supp. 06-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-613. Expired

(New Section made by final rulemaking at 12 A.A.R. 1611, effective June 4, 2006 (Supp. 06-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-614. Expired

(New Section made by final rulemaking at 12 A.A.R. 1611, effective June 4, 2006 (Supp. 06-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-615. Expired

(New Section made by final rulemaking at 12 A.A.R. 1611, effective June 4, 2006 (Supp. 06-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-701. Expired

(Adopted effective May 23, 1996 (Supp. 96-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-702. Expired

(Adopted effective May 23, 1996 (Supp. 96-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-703. Expired

(Adopted effective May 23, 1996 (Supp. 96-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-704. Expired

(Adopted effective May 23, 1996 (Supp. 96-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-705. Expired

(Adopted effective May 23, 1996 (Supp. 96-2). Amended effective October 21, 1998 (Supp. 98-4). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-706. Expired

(Adopted effective May 23, 1996 (Supp. 96-2). Amended effective October 21, 1998 (Supp. 98-4). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-707. Expired

(Adopted effective May 23, 1996 (Supp. 96-2). Amended under an exemption from A.R.S. Title 41, Chapter 6 pursuant to A.R.S. § 49-1014, and §§ 49-1052(B) and (O), effective August 15, 1996 (Supp. 96-3). Amended effective October 21, 1998 (Supp. 98-4). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-708. Expired

(Adopted effective May 23, 1996 (Supp. 96-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-709. Expired

(Adopted effective May 23, 1996 (Supp. 96-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-710. Expired

(Adopted effective May 23, 1996 (Supp. 96-2). Amended effective October 21, 1998 (Supp. 98-4). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-711. Expired

(Adopted effective May 23, 1996 (Supp. 96-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-712. Expired

(Adopted effective May 23, 1996 (Supp. 96-2). Amended effective October 21, 1998 (Supp. 98-4). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-713. Expired

(Adopted effective May 23, 1996 (Supp. 96-2). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-714. Expired

(Adopted effective May 23, 1996 (Supp. 96-2). Amended effective October 21, 1998 (Supp. 98-4). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-801. Applicability

A. A person shall not perform tank service on an underground storage tank system unless the person is certified under this Article by the Department or is supervised by a person certified under this Article by the Department in accordance with R18-12-802 or R18-12-806. The certification requirements of this Article shall not apply to the site assessment or sampling requirements of this Chapter.

B. A person who performs or supervises tank service shall present to the Department proof of certification when requested by the Department.

(Adopted effective December 6, 1996 (Supp. 96-4). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-802. Expired

(Adopted effective December 6, 1996 (Supp. 96-4). Section expired pursuant to A.R.S. § 41-1056(J), at 22 A.A.R. 2983, effective September 15, 2016 (Supp. 16-3).)

§ R18-12-803. Categories of Certification

The Department may certify a person who performs or supervises tank service in any one or more of the following categories:

1. Installation and retrofit of an UST,
2. Tightness testing of an UST,
3. Cathodic protection testing of an UST,
4. Decommissioning of an UST,
5. Interior lining of an UST.

(Adopted effective December 6, 1996 (Supp. 96-4).)

**§ R18-12-804. International Code Council Certification;
Manufacturer Certification**

A person qualifies for certification by the Department as a tank service provider if the following conditions are met:

1. The person holds certification from ICC for the category of certification being sought.
2. If required by the manufacturer, the person holds a manufacturer's certification for the use of a piece of equipment or methodology in addition to holding the ICC certification for the category of certification being sought.
3. The person submits evidence of qualification under this Section for the category of certification being sought in accordance with R18-12-806(B)(3).

(Adopted effective December 6, 1996 (Supp. 96-4). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-805. Alternative Certification

A. A person qualifies for certification by the Department as a tank service provider under this Section if the requirements of R18-12-804(1) cannot be met because an ICC certification is not available for the category of certification being sought and all of the following conditions exist:

1. The manufacturer of the technology has a process for certification of tank service providers and the person seeking qualification under this Section has received the manufacturer's certification;
2. The manufacturer's certification is based on training or examination that evaluates competency specific to the category of tank service;
3. The certification training or examination emphasizes the applicable codes of practice found in A.R.S. Title 49, Chapter 6 and the rules promulgated thereunder;
4. The tank service technology is protective of human health and the environment;
5. The person submits evidence of qualification under this subsection for the category of certification being sought in accordance with R18-12-806(B)(3).

B. A person qualifies for certification by the Department for the category of cathodic protection tester without holding an ICC certification if all the following conditions exist:

1. The person holds certification by the National Association of Corrosion Engineers as a "corrosion specialist," "cathodic protection specialist," "senior corrosion technologist," or a "corrosion technologist."
2. The person submits evidence of qualification under this subsection in accordance with R18-12-806(B)(3).

C. If certification is developed by ICC for a category that has been previously certified under subsection (A) of this Section, the ICC certification shall be required. The Department shall notify, in writing, all tank service providers certified for that category of the existence of the replacement ICC certification. A certified tank service provider will have 90 days from the date of receipt of notice from the Department to obtain the ICC certification under R18-12-804. Alternative certification under this Section is void 91 days after the tank service provider is notified that the ICC certification is required for certification under this Article.

(Adopted effective December 6, 1996 (Supp. 96-4). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-806. Application; Certification

A. Except as provided in R18-12-802, a person who seeks to supervise or perform any category of tank service under R18-12-803 shall obtain and submit a completed application to the Department on the form prescribed by the Department. A person who seeks certification for more than one category shall submit a separate application form for each category.

B. A completed application form shall include all the following information:

1. Name, address (mail and physical), telephone number (home and business), aliases, and employer;
2. Name of the category of tank service for which certification is sought;
3. Proof of qualification as described in R18-12-804 or R18-12-805 for the category of tank service for which certification is being sought;
4. A 1 inch by 1 inch color portrait of the applicant or alternatively, an emailed photo to serviceprovider@azdeq.gov;
5. A certification statement that the information submitted pursuant to this subsection is true, accurate, and complete.

C. The Department shall either grant or deny certification within an overall time-frame of 30 days after receipt of an application as evidenced by the date stamped on the application by the Department upon receipt. Within 15 days of receipt of the application, the Department shall issue, by certified mail or email, if an email is available, a notice of deficiency if the application is not administratively complete. If the deficiency is not cured within 30 days of the applicant's receipt of a notice of deficiency, as evidenced by the return receipt or or a returned email receipt, the application is denied and re-application is required for certification. If the application is administratively complete, the Department shall have the remaining number of the total of 30 days for substantive review of the application to either issue a certification card or deny the application. If an application is denied, a hearing may be requested pursuant to A.R.S. Title 41, Chapter 6, Article 10. If the Department issues a written notice of deficiencies within the administrative completeness time-frame, the administrative completeness review time-frame and the overall time-frame are suspended from the date the notice is issued until the date that the Department receives the missing information from the applicant. The date the Department receives the missing information is determined by the date received stamp on the missing information.

**Ariz. Admin. Code R18-12-806 Application; Certification (Arizona
Administrative Code (2021 Edition))**

(Adopted effective December 6, 1996 (Supp. 96-4). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-807. Duration; Renewal; Changes

A. Certification under this Article shall be issued for two years unless the qualifying certification under R18-12-804 or R18-12-805 is valid for a period of time less than two years. Certification expires either at the expiration of the qualifying certification under R18-12-804 or one year following issuance of certification under R18-12-806, whichever is later. Certification under R18-12-805 requirements shall be for the period allowed under the technology manufacturer's certification or two years, whichever is shorter, but in no event for a period of time less than one year.

B. A person seeking renewal of certification shall submit to the Department an application form, in accordance with the provisions of R18-12-806.

C. The tank service provider shall notify the Department of any change to the information reported in the application form on file with the Department, by submitting a new application form within 30 days after the change.

(Adopted effective December 6, 1996 (Supp. 96-4).)

§ R18-12-808. Discontinuation of Tank Service

- A. If the Department discovers that a supervisor or provider of tank service has supervised or performed tank service in Arizona without the Department certification required under this Article, or the tank service supervised or performed by a certified person is not in compliance with A.R.S. Title 49, Chapter 6, and this Chapter, the Department shall immediately notify the person performing tank service to stop work and make the area safe by securing the tank area to prevent bodily injury and unauthorized access.
- B. If the Department stops work pursuant to subsection (A), before work can continue, a certified tank service provider shall determine if the work already completed complies with the standards set forth in A.R.S. Title 49, Chapter 6, and this Chapter and certify the work which meets those standards.

(Adopted effective December 6, 1996 (Supp. 96-4). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-809. Suspension; Revocation of Certification

A. If the Department discovers that a tank service provider has falsified documents to obtain certification under this Article, the Department shall notify the tank service provider in writing, by certified mail or personal service, that certification is revoked effective 30 days after receipt of the notice, as evidenced by the return receipt or documentation of service, unless a hearing is requested pursuant to A.R.S. Title 41, Chapter 6, Article 10. The revocation under this subsection shall be for two years. The Department shall not accept an application from an individual whose certification has been revoked under this subsection for the revoked category of certification until the end of the revocation period.

B. If the Department discovers that a tank service provider has not performed tank service in compliance with A.R.S. Title 49, Chapter 6 and this Chapter, the Department shall notify the tank service provider in writing, by certified mail or personal service, that certification is suspended for 30 days, effective 30 days after receipt of the notice, as evidenced by the return receipt or documentation of service, unless a hearing is requested pursuant to A.R.S. Title 41, Chapter 6, Article 10.

C. If the Department discovers that a tank service provider has not performed tank service in compliance with A.R.S. Title 49, Chapter 6 and this Chapter, after the individual has had certification suspended pursuant to subsection (B), the Department shall notify the tank service provider in writing, by certified mail or personal service, that certification is suspended for 90 days, effective 30 days after receipt of the notice as evidenced by the return receipt or documentation of service, unless a hearing is requested pursuant to A.R.S. Title 41, Chapter 6, Article 10. The tank service provider shall surrender the certification card to the Department within 15 days following the effective date of the suspension. Failure to surrender the certification card shall result in revocation of certification for the remainder of the certification period. The tank service provider may request the certification card be returned after the 90-day suspension.

D. If the Department discovers that a tank service provider has not performed tank service in compliance with A.R.S. Title 49, Chapter 6 and this Chapter, after the individual has had certification suspended pursuant to subsection (C), the Department shall notify the tank service provider in writing, by certified mail or personal service, that certification is revoked for two years, effective 30 days after receipt of the notice as evidenced by the return receipt or documentation of service, unless a hearing is requested pursuant to A.R.S. Title 41, Chapter 6, Article 10. The tank service provider shall surrender the certification card to the Department within 15 days following the effective date of the revocation. The Department shall not

accept an application from an individual whose certification has been revoked under this subsection for the revoked category of certification until the end of the revocation period.

E. The Department shall publish, on a quarterly basis, a list of all tank service providers who have received suspension or revocation pursuant to this Section during that quarter or whose revocation or suspension remains in effect for any portion of that quarter.

(Adopted effective December 6, 1996 (Supp. 96-4). Amended by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

§ R18-12-901. Expired

(New Section made by final rulemaking at 13 A.A.R. 4605, effective February 2, 2008 (Supp. 07-4). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-902. Expired

(New Section made by final rulemaking at 13 A.A.R. 4605, effective February 2, 2008 (Supp. 07-4). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-903. Expired

(New Section made by final rulemaking at 13 A.A.R. 4605, effective February 2, 2008 (Supp. 07-4). Section expired pursuant to A.R.S. § 41-1056(J), at 23 A.A.R. 3428, effective October 10, 2017 (Supp. 17-4).)

§ R18-12-951. General Requirements

A. Implementation of requirements. Owners and operators shall comply with the requirements of this Article for UST systems with field-constructed tanks and airport hydrant systems as follows:

1. For UST systems installed on or before January 1, 2020, the requirements are effective according to the following schedule:

Requirement	Effective Date
Upgrading UST systems; general operating requirements; and operator training	March 1, 2020
Release detection	March 1, 2020
Release reporting, response, and investigation; closure; financial responsibility and notification (except as provided in subsection (B) of this Section)	January 1, 2020

2. For UST systems installed after January 1, 2020, the requirements apply at installation.

B. All owners of previously deferred UST systems shall submit a notification form under R18-222 to the Department and shall demonstrate financial responsibility at the time of submission of the notification form.

C. Except as provided in R18-12-952, owners and operators shall comply with the requirements of Articles 1 through 5 and 9 of this Chapter.

D. In addition to the codes of practice listed in R18-12-281, owners and operators may use military construction criteria, such as "Unified Facilities Criteria (UFC) 3-460-01, Petroleum Fuel Facilities Design, With Change 2, " revised 6/17/15, when designing, constructing, and installing airport hydrant systems and UST systems.

(Adopted by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)

**Ariz. Admin. Code R18-12-952 Additions, Exceptions, and
Alternatives for Ust Systems with Field-Constructed Tanks and
Airport Hydrant Systems (Arizona Administrative Code (2021
Edition))**

**§ R18-12-952. Additions, Exceptions, and Alternatives for UST
Systems with Field-Constructed Tanks and Airport Hydrant
Systems**

- A. Exception to piping secondary containment requirements. Owners and operators may use single walled piping when installing or replacing piping associated with UST systems with field-constructed tanks greater than 50, 000 gallons and piping associated with airport hydrant systems.
- B. Piping associated with UST systems with field-constructed tanks less than or equal to 50, 000 gallons not part of an airport hydrant system shall meet the secondary containment requirement when installed or replaced. Where the piping to be replaced exceeds the percentage in A.R.S. § 49-1009(C), the entire piping run shall be secondarily contained.
- C. Upgrade requirements. Airport hydrant systems and UST systems with field-constructed tanks shall meet the following requirements or be permanently closed pursuant to R18-12-270 through R18-12-274.
 - 1. Corrosion protection. UST system components in contact with the ground that routinely contain regulated substances shall meet one of the following:
 - a. Except as provided in subsection (A) of this Section, the new UST system performance standards for tanks at R18-12-220(A) and for piping at R18-12-220(B); or
 - b. Be constructed of metal and cathodically protected according to a code of practice developed by a nationally recognized association or independent testing laboratory and meets the following:
 - i. Cathodic protection shall meet the requirements of R18-12-220(A)(2)(ii), (iii) and (iv) for tanks, and R18-12-220(B)(2)(ii), (iii), and (iv) for piping.
 - ii. Tanks greater than 10 years old without cathodic protection shall be assessed to ensure the tank is structurally sound and free of corrosion holes prior to adding cathodic protection. The assessment shall be by internal inspection or another method determined by the Department to adequately assess the tank for structural soundness and corrosion holes.

Note to subsection (C)(1): The following codes of practice may be used to comply with this subsection:

(A) NACE International Standard Practice SP0285-2011, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection";

**Ariz. Admin. Code R18-12-952 Additions, Exceptions, and
Alternatives for Ust Systems with Field-Constructed Tanks and
Airport Hydrant Systems (Arizona Administrative Code (2021
Edition))**

- (B) NACE International Standard Practice SP0169-2013, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems";
- (C) National Leak Prevention Association Standard 631, Chapter C, "Internal Inspection of Steel Tanks for Retrofit of Cathodic Protection", 2009 revision; or
- (D) American Society for Testing and Materials Standard G158-98, "Standard Guide for Three Methods of Assessing Buried Steel Tanks".
2. Spill and overfill prevention equipment. To prevent spilling and overfilling associated with product transfer to the UST system, all UST systems with field-constructed tanks and airport hydrant systems shall comply with new UST system spill and overfill prevention equipment requirements specified in R18-12-220(C).
- D. Walkthrough inspections. In addition to the walkthrough inspection requirements in R18-12-236, owners and operators shall inspect the following additional areas for airport hydrant systems at least once every 30 days if confined space entry according to the Occupational Safety and Health Administration (see 29 CFR part 1910) is not required or at least annually if confined space entry is required and keep documentation of the inspection according to R18-12-236(B).
1. Hydrant pits - visually check for any damage; remove any liquid or debris; and check for any leaks, and
 2. Hydrant piping vaults - check for any hydrant piping leaks.
- E. Release detection. Owners and operators of UST systems with field-constructed tanks and airport hydrant systems shall meet the release detection requirements described in this Article as follows:
1. Methods of release detection for field-constructed tanks. Owners and operators of field-constructed tanks with a capacity less than or equal to 50, 000 gallons shall meet the release detection requirements in R18-12-240 through R18-12-245. Owners and operators of field-constructed tanks with a capacity greater than 50, 000 gallons shall meet either the requirements in R18-12-240 through R18-12-245 (except R18-12-243(E) and (F) shall be combined with inventory control as stated below) or use one or a combination of the following alternative methods of release detection:
 - a. Conduct an annual tank tightness test that can detect a 0.5 gallon per hour leak rate;

**Ariz. Admin. Code R18-12-952 Additions, Exceptions, and
Alternatives for Ust Systems with Field-Constructed Tanks and
Airport Hydrant Systems (Arizona Administrative Code (2021
Edition))**

- b. Use an automatic tank gauging system to perform release detection at least every 30 days that can detect a leak rate less than or equal to one gallon per hour. This method shall be combined with a tank tightness test that can detect a 0.2 gallon per hour leak rate performed at least every three years;
- c. Use an automatic tank gauging system to perform release detection at least every 30 days that can detect a leak rate less than or equal to two gallons per hour. This method shall be combined with a tank tightness test that can detect a 0.2 gallon per hour leak rate performed at least every two years;
- d. Perform vapor monitoring (conducted in accordance with R18-12-243(E) for a tracer compound placed in the tank system) capable of detecting a 0.1 gallon per hour leak rate at least every two years;
- e. Perform inventory control (conducted in accordance with Department of Defense Directive 4140.25-M, volume 9; ATA Airport Fuel Facility Operations and Maintenance Guidance Manual, revision 2004.1; or equivalent procedures) at least every 30 days that can detect a leak equal to or less than 0.5 percent of flow-through; and
- i. Perform a tank tightness test that can detect a 0.5 gallon per hour leak rate at least every two years; or
- ii. Perform vapor monitoring or groundwater monitoring (conducted in accordance with R18-12-243(E) or (F), respectively, for the stored regulated substance) at least every 30 days; or
- f. Another method approved by the Department if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subsections (E)(1)(a) through (e) of this Section. In comparing methods, the Department shall consider the size of release that the method can detect and the frequency and reliability of detection.
2. Methods of release detection for piping. Owners and operators of underground piping associated with field-constructed tanks less than or equal to 50, 000 gallons shall meet the release detection requirements in R18-12-240 through R18-12-245. Owners and operators of underground piping associated with airport hydrant systems and field-constructed tanks greater than 50, 000 gallons shall follow either the requirements in R18-12-240 through R18-12-245 (except R18-12-243(E) and (F) shall be combined with inventory control as stated below) or use one or a combination of the following alternative methods of release detection:

**Ariz. Admin. Code R18-12-952 Additions, Exceptions, and
Alternatives for Ust Systems with Field-Constructed Tanks and
Airport Hydrant Systems (Arizona Administrative Code (2021
Edition))**

- i. Perform a semiannual or annual line tightness test at or above the piping operating pressure in accordance with the table below.

Maximum Leak Detection Rate Per Test Section Volume		
Test Section Volume (Gallons)	Semiannual Test -Leak Detection Rate Not To Exceed (Gallons Per Hour)	Annual Test - Leak Detection Rate Not To Exceed (Gallons Per Hour)
< 50, 000	1.0	0.5
>= 50, 000 to < 75, 000	1.5	0.75
>= 75, 000 to < 100, 000	2.0	1.0
>= 100, 000	3.0	1.5

- ii. Piping segment volumes $\geq 100,000$ gallons not capable of meeting the maximum 3.0 gallon per hour leak rate for the semiannual test may be tested at a leak rate up to 6.0 gallons per hour according to the following schedule:

Phase In For Piping Segments $\geq 100,000$ Gallons In Volume	
First test	Not later than March 1, 2020 (may use up to 6.0 gph leak rate)
Second test	Between March 1, 2020 and March 1, 2023 (may use up to 6.0 gph leak rate)
Third test	Between March 1, 2023 and March 1, 2024 (may use up to 3.0 gph leak rate)
Subsequent tests	After March 1, 2024, begin using semiannual or annual line testing according to the Maximum Leak Detection Rate Per Test Section Volume table above

- b. Perform vapor monitoring (conducted in accordance with R18-12-243(E) for a tracer compound placed in the tank system) capable of detecting a 0.1 gallon per hour leak rate at least every two years;

- c. Perform inventory control (conducted in accordance with Department of Defense Directive 4140.25m, volume 9; ATA Airport Fuel Facility Operations and Maintenance Guidance Manual, revision 2004.1; or equivalent procedures) at least every 30 days that can detect a leak equal to or less than 0.5 percent of flow-through; and

- i. Perform a line tightness test (conducted in accordance with subsection (D)(2)(a) of this Section using the leak rates for the semiannual test) at least every two years; or

**Ariz. Admin. Code R18-12-952 Additions, Exceptions, and
Alternatives for Ust Systems with Field-Constructed Tanks and
Airport Hydrant Systems (Arizona Administrative Code (2021
Edition))**

- ii. Perform vapor monitoring or groundwater monitoring (conducted in accordance with R18-12-243(E) or (F), respectively, for the stored regulated substance) at least every 30 days; or
 - d. Another method approved by the Department if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subsections (E)(2)(a) through (c) of this Section. In comparing methods, the Department shall consider the size of release that the method can detect and the frequency and reliability of detection.
3. Recordkeeping for release detection. Owners and operators shall maintain release detection records according to the recordkeeping requirements in R18-12-245.
- F. Applicability of closure requirements to previously closed UST systems. When directed by the Department, the owner and operator of an UST system with field-constructed tanks or airport hydrant system permanently closed before January 1, 2020 shall assess the excavation zone and close the UST system in accordance with R18-12-270 through R18-12-274 if releases from the UST may, in the judgment of the Department, pose a current or potential threat to human health and the environment.

(Adopted by final rulemaking at 25 A.A.R. 3123, effective 10/1/2020.)