

CHAPTER 07

STORAGE TANKS

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24.0701 Applicability.

(a) The requirements contained in this section shall apply to all tanks, both above and below ground, which receive, store or distribute petroleum products or other chemicals except as provided in subsection (b) below.

(b) Exemptions. The following are exempt from the provisions of this chapter:

- (1) water tanks,
- (2) septic tanks,
- (3) publicly owned treatment works and
- (4) flow through process tanks.

History: Rule 9-88, eff 30 Aug 88, § 1.

24.0702 Definitions.

As used in this chapter:

(1) "Above ground storage tank" means any one or combination of tanks (including the pipes connected thereto) that are used to contain an accumulation of petroleum products or other chemicals and the volume of which (including the volume of pipes connected thereto) is 90 percent or more above the surface of the ground. This definition includes any tank situated in an under ground area if the tank is situated upon or above the surface of the floor.

(2) "Cathodic protection" means a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. A tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

(3) "Commission" means the environmental quality commission.

(4) "Existing tank" means any tank installed and operated prior to the effective date of these regulations and which has not been the source of any release to the environment.

(5) "Inventory controls" means techniques used to identify a loss of product that are based on volumetric measurements of the tank contents and reconciliation of those measurements with product delivery and withdrawal records.

(6) "Interstitial area" means the area between the tank and the secondary containment. For double wall tanks, it is the area between the inner and outer walls. For single wall tanks, it is the area between the tank and the vault or liner.

(7) "New tank" means any tank installed on or after the effective date of these regulations and any tank required by 24.0706(c)(2) to meet the installation standards for new above ground storage tanks as appropriate.

(8) "Operator" means any person in control of, or having responsibility for, the daily operation of the tank.

(9) "Owner" means any person who owns a tank used for storage, use or dispensing of a regulated substance.

(10) "Person" means an individual, trust, firm, joint stock company, federal agency, corporation, state, municipality, commission, political subdivision of a state or territory, interstate body, consortium, joint venture or commercial entity.

(11) "Petroleum" means crude oil, crude oil fractions, and refined petroleum fractions including gasoline, kerosene, heating oils, and diesel fuels.

(12) "Publicly owned treatment works: means any device or system used in the treatment of municipal sewage or industrial wastes of a liquid nature which is owned by a state, territory or municipality.

(13) "Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank or associated piping into groundwater, surface water, surface soils or subsurface soils.

(14) "Secondary containment" means a system installed around an underground storage tank that is designed to prevent a release from migrating beyond the secondary containment system outer wall (in the case of a double-walled tank) or excavation area (in the case of a liner or vault system) before the release can be detected. For an above ground storage tank it means a wall or dike impermeable to the material stored which will prevent the escape of the stored material outside the wall or dike.

(15) "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.

(16) "Tank" means a stationary device designed to contain an accumulation of regulated substances which is constructed of non-earthen materials (e.g., concrete, steel, plastic) that provide structural support.

(17) "Underground storage tank" means any one or combination of tanks (including the pipes connected thereto) that are used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground.

History: Rule 9-88, eff 30 Aug 88, § 1.

24.0703 Installation standards for new underground storage tanks.

The following standards are applicable to new underground storage tanks and attached underground piping installed after the effective date of this rule. New tanks must be:

(1) equipped with the means to detect and prevent the overfilling of the tank before any discharge can occur;

(2) designed or equipped to prevent corrosion for the operational life of the tank. Corrosion protection may be accomplished by:

(A) constructing the tank of fiberglass reinforced plastic, or

(B) equipping the tank with a coating and a cathodic protection system designed by an independent corrosion expert, or

(C) any other equally effective design approved in writing by the commission;

(3) constructed of or lined with materials which are compatible with the product to be stored;

(4) equipped with secondary containment. Secondary containment may consist of:

(A) a double walled tank, or

(B) a pit lined with a low permeability barrier or synthetic liner, or

(C) an impermeable vault or

(D) any other equally effective design approved in writing by the commission

(5) equipped with a mechanism or method capable of detecting releases from any portion of the tank and attaching piping such as:

- (A) monitoring of interstitial areas (at least monthly), or
- (B) tank tightness testing (at least semi-annually) and inventory controls (at least weekly), or
- (C) ground water monitoring (at least monthly) or
- (D) continuous automatic monitoring of product level and inventory reconciliation or
- (E) any other equivalent method approved in writing by the commission.

History: Rule 9-88, eff 30 Aug 88, § 1

24.0704 Installation standards for new above ground storage tanks.

The following standards are applicable to new above ground storage tanks and attached piping installed after the effective date of these regulations. New tanks must be:

- (1) equipped with the means to detect and prevent the overfilling of the tank before any discharge can occur; and
- (2) equipped with secondary containment adequate to contain the volume of the tank or in the case of multiple tanks in one containment area, adequate to contain the volume of the largest tank.

History: Rule 9-88, eff 30 Aug 88, § 1.

24.0705 Monitoring of tank integrity.

(a) The owners and operators of all existing underground storage tanks must maintain and operate a system of inventory controls which will indicate product losses by comparing volumetric measurements of the tank with product delivery and withdrawal records. Product levels must be reconciled at least weekly. Records of product level monitoring and the inventory control system shall be maintained for at least 3 years.

(b) The owners and operators of new underground storage tanks must monitor for releases for the tanks at least monthly. Records of this monitoring must be maintained for at least 3 years.

(c) All release detection equipment and tank monitoring equipment shall be maintained in accordance with manufacturer's specifications. This equipment shall be inspected at least monthly and calibrated as required. Records of inspections and calibrations must be maintained for at least one year.

(d) The operators of all existing underground storage tanks must test the integrity of each tank not later than one year after the effective date of this regulation and every 2 years thereafter using a leak detecting method capable of detecting a leak of more than 0.10 gallons per hour.

(e) The commission may require the owner and operator to conduct integrity tests of any tank at any time a leak is suspected.

(f) The results of all integrity tests must be submitted to the commission within 10 days of the receipt of the results by the operator. Records of each leak test shall be maintained until the next test results are available.

History: Rule 9-88, eff 30 Aug 88, § 1.

24.0706 Leak reporting and correction.

(a) The operator of any tank must immediately, within 24 hours, report to the commission any verified or suspected leak, spill, overfill, discharge or any other release from the tank or associated equipment.

(b) Any leak, spill, overfill, discharge or other release from any tank shall be stopped as soon as practicable. Expenses incurred by others to stop any discharge are the responsibility of the operator.

(c) Any tank from which a release has been detected shall:

- (1) be immediately removed from service until the tank is repaired or replaced; and
- (2) meet the installation standards for new underground storage tanks contained in 24.0703 or the installation standards for new above ground storage tanks contained in 24.0704 as appropriate before being returned to service.

(d) The owners and operators of any tank from which a release has been detected must immediately clean up all released material to background levels, levels required by other territorial or Federal

regulations or to a level approved in writing by the commission with is protective of human health and the environment. The commission will determine the appropriate clean up levels.

(e) In addition to the required cleanup in subsection (d) above, the commission may require the operator to conduct any investigations, monitoring, surveys, testing or other activities necessary to identify the extent of a release, the effectiveness of a clean up, the material released, the source of the leak or the extent of the danger to public health, safety, welfare or the environment.

History: Rule 9-88, eff 30 Aug 88, § 1.

24.0707 Permits required.

(a) Owners and operators of underground storage tanks installed prior to the effective date of these regulations shall submit an application for a permit from the commission within 30 days of the effective date.

(b) Prior to construction, installation, modification or repair or any under ground or above ground tank, owners and operators shall apply for and obtain a permit from the commission.

(c) Application for permits shall at a minimum include the size of the tank, tank material, description of the leak detection system, material to be stored, installation procedures, operating procedures and detailed plans and specifications of the tank, secondary containment, corrosion protection and nearby utilities.

(d) The permittee shall notify the commission of any change of ownership within 10 days of such change. The new owner and operator must apply for and obtain a permit from the commission prior to use or operation of the tank

(e) Failure to comply with the conditions of any permit issued by the commission shall be a violation of this chapter.

History: Rule 9-88, eff 30 Aug 88, § 1

24.0708 Financial responsibility.

The owners and operators of all under ground and above ground storage tanks are responsible for the costs of monitoring for releases, clean up and proper disposal of any soil or water contaminated by releases, tank repair and/or replacement, compensation of third parties for bodily injury or property damage and any other costs incurred from operating a storage tank.

History: Rule 9-88, eff 30 Aug 88, § 1

24.0709 Removing tanks from service.

(a) any tank removed from service prior to the effective date of these rules or any tank to be removed from service from more than 2 years shall be permanently closed.

(b) To permanently close a tank, owners and operators shall:

(1) notify the commission of the intent to permanently close the tank; and

(2) remove and properly dispose of all product and any sludges or other waste materials remaining in the tank; and

(3) if it is an underground storage tank, either;

(A) remove the tank from the ground, or

(B) completely fill the tank with a solid, inert material.

(c) Owners and operators of tanks to be removed from service for less than 2 years shall:

(1) continue to comply with all monitoring and leak detection requirements; and

(2) leave vent lines open and functioning and maintain all safety equipment.

(d) Owners and operators of any tank to be permanently or temporarily removed from service shall maintain all records necessary to verify compliance with these closure requirements.

History: Rule 9-88, eff 30 Aug 88, § 1

24.0710 Record keeping.

All records required in this chapter shall be maintained at the tank site. Upon request, these records shall be made immediately available to the commission's representative.

History: Rule 9-88, eff 30 Aug 88, § 1

24.0711 Enforcement.

Enforcement of this chapter shall be in accordance with the applicable provisions of the territorial Environmental Quality Act, 24.0101 through 24.0169 ASCA.

History: Rule 9-88, eff 30 Aug 88, § 1