Title 33
ENVIRONMENTAL QUALITY
Part XI. Underground Storage Tanks

Chapter 1. Program Applicability and Definitions

§103. Definitions

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

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~~*Best Available Technology (BAT)*—the most recent industry codes and standards that will ensure that the UST system operates properly through current and correct installation, assessment (of tank integrity, repair, or closure), corrosion protection, release detection, and corrective action practices. These industry codes and standards shall be used to comply with these regulations.~~

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

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Owner—

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

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

ii~~b~~. any legal owner of the tank;

iii~~c~~. any known operator of the tank;

iv~~d~~. any lessee;

v~~e~~. any lessor.

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

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

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Registered Tank—a UST for which an owner/operator has filed the required UST registration forms (UST-REG-01 and 02) with the department. ~~and for which all fees have been paid. Registration is deemed to have been made when the forms and the fees have been received by the department.~~

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Release—any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from a UST system ~~into groundwater, surface water, or surface or subsurface soils~~. Releases into the air will be governed by LAC 33:Part III and LAC 33:I.Chapter 39.

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

Response Action Contractor—a person who has been approved by the department and is carrying out any response action, ~~including~~ excluding a person retained or hired by such person to provide specialized services relating to a response action~~, and who shall provide no more than 40 percent of all response actions, based on costs, relating to a particular underground storage tank site. This 40 percent does not include those costs associated with reimbursement application preparation or laboratory analyses~~. When emergency conditions exist as a result of a release from a motor fuel underground storage tank, this term shall ~~also~~ include any person performing department-approved emergency response actions during the first 72 hours following the release.

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Technical Services—~~assessment field activities oversight;~~ activities performed by a *response action contractor*, including but not limited to, oversight of all assessment field activities; all reporting, planning, and development ~~designing, and operating~~ of corrective action plans and designing of ~~and~~ remedial ~~systems~~ activities; performance of groundwater monitoring and discharge monitoring; performance of operation and maintenance of remedial systems; and ~~specialized services~~ oversight of specialized services performed by a subcontractor~~; and other services that require geological and engineering expertise carried out in response to a discharge or release of motor fuel from UST systems into soils, groundwater, or surface water~~.

Temporary Closure—the temporary removal from service of a UST.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 27:520 (April 2001), amended by the Office of Environmental Assessment, LR 31:** (May 2005).

Chapter 3. Registration Requirements, Standards, and Fee Schedule

§301. Registration Requirements

A. Existing UST Systems

1. All owners of *existing UST systems* (as defined in LAC 33:XI.103) were required to register such systems by May 8, 1986, (USTs installed after that date were required to be registered within 30 days of bringing such tanks into use) on a form approved by the department. Tanks filled with a solid, inert material before January 1, 1974, are not required to be registered with the department. ~~No owner or operator shall allow a regulated substance to be placed into an existing UST system that has not been registered.~~

A.2. – B.1.d. …

2. All owners of new UST systems must ensure that the installer certifies on the registration form that the methods used to install the tanks and piping comply with the requirements of LAC

33:XI.303.A.4.a. Beginning January 20, 1992, registration forms shall include the name and department-issued certificate number of the individual exercising supervisory control over *installation-critical junctures* (as defined in LAC 33:XI.1303) of a UST system.

~~3. No owner or operator shall allow a regulated substance to be placed into a new UST system that has not been registered.~~

C. All UST ~~S~~systems owners or operators shall comply with the following requirements. ~~Beginning on the effective date of these regulations, any person who sells a tank intended to be used as a UST must notify the purchaser of that tank of the owner's registration obligations under this Section's requirements, specifically:~~ ~~as follows.~~

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

2. A~~a~~ny person who acquires a UST system shall submit to the Office of Environmental Services, Permits Division an amended registration form within 30 days after the date of acquisition~~;~~.

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

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

~~5. The current certificate of UST registration shall be made available at all times, in such a manner as to be visible to the person placing or dispensing a regulated substance into the UST.~~

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:727 (July 1992), LR 20:294 (March 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 28:475 (March 2002), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), amended by the Office of Environmental Assessment, LR 31:** (May 2005).

§303. Standards for UST Systems

A. ~~Best Available Technology (BAT) shall be used to comply with this Section. A list of BATs for UST systems may be obtained at the department's website or at www.epa.gov/swerust1/cmplastc/standard.htm, or by contacting the Office of Environmental Services, Permits Division or the Office of Environmental Compliance, Enforcement or Surveillance Division. Anyone wishing to employ a technology that is not included on the list may apply to the department to have the technology considered for BAT.~~ LAC 33:XI.599.Appendix A lists codes of practice developed by nationally-recognized associations or independent testing laboratories that shall be used to comply with these regulations.

~~A.~~B. Standards for New UST Systems. In order to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the UST system is used to store regulated substances, all owners and operators of new UST systems must meet the requirements of this Subsection. No portion of a new UST system shall be installed within 50 feet of an active or abandoned water well unless the entire system meets the requirements of LAC 33:XI.703.C.2.

1. Tanks. Each tank must be properly designed and constructed, and any portion underground that routinely contains product must be protected from corrosion in accordance with Subsection A of this Section and ~~a code of practice developed by a nationally-recognized association or independent testing laboratory~~ as ~~specified~~ described below:

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

NOTE: Repealed. ~~The following industry codes shall be used to comply with Subparagraph A.1.a of this Section: Underwriters Laboratories Standard 1316, "Standard for Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products"; Underwriter's Laboratories of Canada CAN4-S615-M83, "Standard for Reinforced Plastic Underground Tanks for Petroleum Products"; or American Society of Testing and Materials Standard D4021-86, "Standard Specification for Glass-Fiber-Reinforced Polyester Underground Petroleum Storage Tanks."~~

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

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

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

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

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

NOTE: Repealed. ~~The following codes and standards shall be used to comply with Subparagraph A.1.b of this Section: 1. Steel Tank Institute, "Specification for STI-P3 System of External Corrosion Protection of Underground Steel Storage Tanks"; 2. Underwriters Laboratories Standard 1746, "Corrosion Protection Systems for Underground Storage Tanks"; 3. Underwriters Laboratories of Canada CAN4-S603-M85, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids," and CAN4-G03.1-M85, "Standard for Galvanic Corrosion Protection Systems for Underground Tanks for Flammable and Combustible Liquids," and CAN4-S631-M84, "Isolating Bushings for Steel Underground Tanks Protected with Coatings and Galvanic Systems"; 4. National Association of Corrosion Engineers Standard RP-02-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and Underwriters Laboratories Standard 58, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids."~~

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

NOTE: Repealed. ~~The following industry codes shall be used to comply with Subparagraph A.1.c of this Section: Underwriters Laboratories Standard 1746, "Corrosion Protection Systems for Underground Storage Tanks," or the Association for Composite Tanks ACT-100, "Specification for the Fabrication of FRP Clad Underground Storage Tanks."~~

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

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

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

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

2. Piping. Piping that routinely contains regulated substances and is in contact with the ground or water must be properly designed, constructed, and protected from corrosion in accordance with

Subsection A of this Section and ~~a code of practice developed by a nationally recognized association or independent testing laboratory as specified below:~~ as described below:

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

NOTE: Repealed. ~~The following codes and standards shall be used to comply with Subparagraph A.2.a of this Section: 1. Underwriters Laboratories Subject 971, "UL Listed Non-Metal Pipe"; 2. Underwriters Laboratories Standard 567, "Pipe Connectors for Flammable and Combustible and LP Gas"; 3. Underwriters Laboratories of Canada Guide ULC-107, "Glass Fiber Reinforced Plastic Pipe and Fittings for Flammable Liquids"; and iv. Underwriters Laboratories of Canada Standard CAN 4-S633-M81, "Flexible Underground Hose Connectors."~~

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

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

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

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

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

NOTE: Repealed. ~~The following codes and standards shall be used to comply with Subparagraph A.2.b of this Section: 1. National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code"; 2. American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage Systems"; 3. American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems"; and 4. National Association of Corrosion Engineers Standard RP-01-69, "Control of External Corrosion on Submerged Metallic Piping Systems."~~

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

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

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

NOTE: Repealed. ~~National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code"; and National Association of Corrosion Engineers Standard RP-01-69, "Control of External Corrosion on Submerged Metallic Piping Systems," shall be used to comply with Subparagraph A.2.c of this Section.~~

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

3. Spill and Overfill Prevention Equipment

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

i. spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin); and

ii. overfill prevention equipment that will:

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

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

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

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

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

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

4. Installation Procedures~~, Certification of Installation and Verification of Installer Certification, and Notification~~

a. Installation. All tanks and piping must be installed in accordance with Subsection A of this Section and ~~a code of practice developed by a nationally recognized association or independent testing laboratory and~~ in accordance with the manufacturer's instructions.

~~[~~NOTE: Repealed. ~~Tank and piping system installation practices and procedures described in the following codes shall be used to comply with the requirements of Subparagraph A.4.a of this Section: 1. American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage System"; 2. Petroleum Equipment Institute Publication RP100, "Recommended Practices for Installation of Underground Liquid Storage Systems"; 3. American National Standards Institute Standard B31.3, "Petroleum Refinery UST Piping," and American National Standards Institute Standard B31.4, "Liquid Petroleum Transportation Piping System."]~~

b. Certification of Installation and Verification of Installer Certification

i. From the date of promulgation of these regulations until January 20, 1992, owners and operators must certify installations as follows. All owners and operators must ensure that one or more of the following methods of certification, testing, or inspection is used to demonstrate compliance with Subparagraph ~~A~~B.4.a of this Section by providing a certification of compliance on the UST registration form (UST-REG-02) in accordance with LAC 33:XI.301:

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

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

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

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

(e). the owner and operator have complied with another method for ensuring compliance with Subparagraph B~~A~~.4.a of this Section that is determined by the department to be no less protective of human health and the environment.

ii. Beginning January 20, 1992, all owners and operators must ensure that the individual exercising supervisory control over *installation-critical junctures* (as defined in LAC 33:XI.1303) of a~~n~~ UST system is certified in accordance with LAC 33:XI.Chapter 13. To demonstrate compliance with Subparagraph ~~A~~B.4.a of this Section, all owners and operators must provide a certification of compliance on the UST Registration of Technical Requirements Form (UST-REG-02) within 60 days of

the introduction of any regulated substance. Forms shall be filed with the Office of Environmental Services, Permits Division.

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

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

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

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

iv. including in the notification ~~It must also indicate~~ the methods to be used to comply with LAC 33:XI.Chapter 7.

~~B~~ C. Upgrading Existing UST Systems to New System Standards

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

a. new UST system performance standards under ~~LAC 33:XI.303.A~~ Subsection B of this Section; or

b. the upgrading requirements in Paragraphs ~~B.2-5~~ C.3-6 of this Section~~; or~~.

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

~~2~~3. Tank Upgrading Requirements. ~~Steel~~ Metal tanks must be upgraded in accordance with Subsection A of this Section and ~~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.~~

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

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

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

b. Cathodic Protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of ~~LAC 33:XI.303.A.~~Clauses B.1.b.ii, iii, and iv of this Section, and the integrity of the tank is ensured using one of the following methods.

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

ii. The tank has been installed for less than 10 years and is monitored monthly for releases in accordance with LAC 33:XI.701.A.4~~-7~~8.

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

iv. The tank is assessed for corrosion holes by a method that is determined by the department to prevent releases in a manner that is no less protective of human health and the environment than the methods specified in Clauses ~~B~~C.~~2~~3.b.i-iii of this Section.

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

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

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

ii. the cathodic protection system meets the requirements of ~~LAC 33:XI.303.A~~ Clauses B.1.b.ii, iii, and iv of this Section.

NOTE: Repealed. ~~The following codes and standards may be used to comply with Subparagraph B.2.c of this Section: 1. American Petroleum Institute Publication 1631, "Recommended Practice for the Interior Lining of Existing Steel Underground Storage Tanks"; 2. National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection"; 3. National Association of Corrosion Engineers Standard RP-02-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems"; and 4. American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems."~~

~~3~~4. Piping Upgrading Requirements. Metal piping that routinely contains regulated substances and is in contact with the ground or water must be cathodically protected ~~in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory~~ and must meet the requirements of ~~LAC 33:XI.303. A~~ Clauses B.2.b.ii, iii, and iv of this Section.

NOTE: Repealed. ~~The codes and standards listed in the note following LAC 33:XI.303.A.2.b shall be used to comply with this requirement.~~

~~4~~5. Spill and Overfill Prevention Equipment. To prevent spilling and overfilling associated with product transfer to the UST system, all existing UST systems must comply with the requirements for spill and overfill prevention equipment for new UST systems specified in ~~LAC 33:XI.303.A~~ Paragraph B.3 of this Section.

~~5~~6. Reporting Requirements

a. The owner and operator must notify the ~~Office of Environmental Services, Permits Division~~ Office of Environmental Compliance, Surveillance Division in writing at least 30 days before beginning a UST system upgrade.

b. An amended registration form (UST-REG-02) must be submitted to the Office of Environmental Services, Permits Division within 30 days after the UST system is upgraded. The owner and operator must certify compliance with ~~LAC 33:XI.303.B~~ Subsection C of this Section on the amended registration form (UST-REG-02). Beginning January 20, 1992, the amended registration forms (UST-REG-01 and 02) shall include the name and department-issued certificate number of the individual exercising supervisory control over those steps in the upgrade that involve *repair-critical junctures* or *installation-critical junctures* (as defined in LAC 33:XI.1303) of a~~n~~ UST system.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:728 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 28:475 (March 2002), amended by the Office of Environmental Assessment, LR 31:** (May 2005).

§305. Interim Prohibitions for Deferred UST Systems

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

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

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

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

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

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

D. ~~Best Available Technology (BAT) shall be used to comply with this Section. A list of BATs for UST systems may be obtained at the department's website or at www.epa.gov/swerust1/cmplastc/standard.htm, or by contacting the Office of Environmental Services, Permits Division or the Office of Environmental Compliance, Enforcement or Surveillance Division. Anyone wishing to employ a technology that is not included on the list may apply to the department to have the technology considered for BAT.~~ LAC 33:XI.599.Appendix A lists codes of practice developed by nationally-recognized associations or independent testing laboratories that shall be used to comply with these regulations.

~~[~~NOTE: Repealed. ~~The National Association of Corrosion Engineers Standard RP-02-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," shall be used as guidance for complying with Subsection B of this Section.]~~

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

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

Chapter 5. General Operating Requirements

§501. Spill and Overfill Control

A. ~~Best Available Technology (BAT) shall be used to comply with this Chapter. A list of BATs for UST systems may be obtained at the department's website or at www.epa.gov/swerust1/cmplastc/standard.htm, or by contacting the Office of Environmental Services, Permits Division or the Office of Environmental Compliance, Enforcement or Surveillance Division. Anyone wishing to employ a technology that is not included on the list may apply to the department to have the technology considered for BAT~~ LAC 33:XI.599.Appendix A lists codes of practice developed by nationally-recognized associations or independent testing laboratories that shall be used to comply with these regulations.

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

[NOTE: Repealed. The transfer procedures described in National Fire Protection Association Publication 385 shall be used to comply with Subsection A of this Section. Further guidance on spill and overfill prevention appears in American Petroleum Institute Publication 1621, "Recommended Practice for Bulk Liquid Stock Control at Retail Outlets," and National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code."]

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, LR 31:** (May 2005).

§503. Operation and Maintenance of Corrosion Protection

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

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

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

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

2.b. Inspection Criteria. The criteria used to determine whether cathodic protection is adequate as required by this Section must be in accordance with a code of practice developed by a nationally recognized association. LAC 33:XI.501.A.

NOTE: Repealed. National Association of Corrosion Engineers Standard RP-02-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," shall be used to comply with Paragraph B.2 of this Section.

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

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

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

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, LR 31:** (May 2005).

§505. Compatibility

A. …

NOTE: Repealed. ~~Owners and operators storing alcohol blends shall use the following codes to comply with the requirements of this Section: 1. American Petroleum Institute Publication 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations" and 2. American Petroleum Institute Publication 1627, "Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations".~~

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

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

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

§507. Repairs Allowed

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

~~A.~~1. Except in emergencies, the owner and operator shall notify the department's Office of Environmental Compliance, Surveillance Division in advance of the necessity for conducting a repair to a UST system.

~~B.~~2. Repairs to UST systems must be properly conducted in accordance with ~~a code of practice developed by a nationally recognized association or an independent testing laboratory.~~ LAC 33:XI.501.A. Beginning January 20, 1992, all owners and operators must ensure that the individual exercising supervisory control over *repair-critical junctures* (as defined in LAC 33:XI.1303) is certified in accordance with LAC 33:XI.Chapter 13.

NOTE: Repealed. ~~The following codes and standards shall be used to comply with Subsection B of this Section: National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code"; American Petroleum Institute Publication 2200, "Repairing Crude Oil, Liquified Petroleum Gas, and Product Pipelines"; American Petroleum Institute Publication 1631, "Recommended Practice for the Interior Lining of Existing Steel Underground Storage Tanks"; and National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection."~~

~~C.~~3. Repairs to fiberglass-reinforced plastic tanks may be made by the manufacturer's authorized representatives or in accordance with ~~a code of practice developed by a nationally recognized association or an independent testing laboratory.~~ LAC 33:XI.501.A.

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

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

~~1.~~a. the repaired tank is internally inspected in accordance with LAC 33:XI.501.A ~~a code of practice developed by a nationally recognized association or an independent testing laboratory~~; or

~~2.~~b. the repaired portion of the UST system is monitored monthly for releases in accordance with a method specified in LAC 33:XI.701.A.4-~~7~~8; or

~~3.~~c. another test method is used that has been given prior approval by the department after it determined the method to be no less protective of human health and the environment than those listed above.

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), amended by the Office of Environmental Assessment, LR 31:** (May 2005).

§509. Reporting and Recordkeeping

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

1. registration forms (UST-REG-01 and 02) for all UST systems (LAC 33:XI.301), including certification of installation and verification of installer certification for new UST systems, in accordance with LAC 33:XI.303.~~A~~B.4.b;

2. - 5. …

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

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

2. documentation of operation of corrosion protection equipment (LAC 33:XI.503.~~D~~A.4);

3. documentation of UST system repairs (LAC 33:XI.507.~~G~~A.7);

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

5. ~~a~~ copy~~y~~ies of the most current registration forms (UST-REG-01 and 02) filed with the department;

6. documentation of the type and ~~manufacturer~~ construction of the tank, piping, leak detection equipment, and spill and overfill protection equipment; and

7. documentation of permanent closure, where applicable.

C. Availability and Maintenance of Records. Owners and operators must either keep the records required at the UST site and immediately available for the department's inspection, or keep them at a readily available alternative site and provide them to the department for inspection ~~within 24 hours after a~~ upon request.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 18:728 (July 1992), amended by the Office of Environmental Assessment, LR 31:** (May 2005).

§599. Appendix A—Industry Codes and Standards

Appendix A—Industry Codes and Standards*

Publication Company	Codes and Standards
API Standards	
API—American Petroleum Institute, 1220 L Street, N.W., Washington, DC 20005	API Recommended Practice 1007, "Loading and Unloading of MC306/DOT 406 Cargo Tank Motor Vehicles"
	API Recommended Practice 1604, "Closure of Underground Petroleum Storage Tanks"
	API Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems"
	API Recommended Practice 1621, "Bulk Liquid Stock Control at Retail Outlets"
	API Recommended Practice 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations"
	API Recommended Practice 1627, "Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations"
	API Publication 1628, "A Guide to the Assessment and Remediation of Underground Petroleum Releases"
	API Publication 1629, "Guide for Assessing and Remediating Petroleum Hydrocarbons in Soils"
	API Recommended Practice 1631, "Interior Lining of Underground Storage Tanks"
	API Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems"
	API Recommended Practice 1635, "Management of Underground Petroleum Storage Systems at Marketing and Distribution Facilities" [*final edition, now out of print*]
	API Recommended Practice 2003, "Protection Against Ignitions Arising Out of Static, Lightning, and Stray Currents"
	API Publication 2005, "Service Station Safety"
	API Standard 2610, "Design, Construction, Operation, Maintenance, and Inspection of Terminal & Tank Facilities"
ASTM Standards	
ASTM (formerly American Society for Testing and Materials),	ASTM E 1430, "Standard Guide for Using Release Detection Devices with Underground

Appendix A—Industry Codes and Standards*	
Publication Company	**Codes and Standards**
100 Barr Harbor Drive, West, Conshohocken, PA 19428-2959	Storage Tanks”
	ASTM E 1526, “Standard Practice for Evaluating the Performance of Release Detection Systems for Underground Storage Tank Systems”
	ASTM E 1599, “Standard Guide for Corrective Action for Petroleum Releases”
	ASTM E 1739, “Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites”
	ASTM E 1912, “Standard Guide for Accelerated Site Characterization for Confirmed or Suspected Petroleum Releases”
	ASTM E 1943, “Standard Guide for Remediation of Ground Water by Natural Attenuation at Petroleum Release Sites”
	ASTM E 1990, “Standard Guide for Performing Evaluations of Underground Storage Tank Systems for Operational Conformance with 40 CFR, Part 280 Regulations”
FTPI Standards	
FTPI—Fiberglass Tank and Pipe Institute, 11150 S. Wilcrest Drive, Suite 101, Houston, TX 77099-4343	FPTPI Recommended Practice T-95-02, “Remanufacturing of Fiberglass Reinforced Underground Storage Tanks”
KWA Standards	
KWA—Ken Wilcox Associates, Inc., 1125 Valley Ridge Drive, Grain Valley, MO 64029	KWA, “Recommended Practice for Inspecting Buried Lined Steel Tanks Using a Video Camera”
NACE Standards	
NACE International (formerly the National Association of Corrosion Engineers), Box 218340, Houston, TX 77218-8340	NACE Standard RP 0169, “Recommended Practice: Control of External Corrosion on Underground or Submerged Metallic Piping Systems”
	NACE Standard RP 0177, “Recommended Practice: Mitigation of Alternating Current and Lightning Effects on Metallic Structures and Corrosion Control Systems”
	NACE Standard RP 0178, “Recommended Practice: Design, Fabrication, and Surface Finish of

Appendix A—Industry Codes and Standards*	
Publication Company	**Codes and Standards**
	Metal Tanks and Vessels to be Lined for Chemical Immersion Service”
	NACE Standard RP-0184, “Recommended Practice: Repair of Lining Systems”
	NACE Standard RP 0285, “Recommended Practice: Corrosion Control of Underground Storage Tank Systems by Cathodic Protection”
	NACE Standard RP0288, “Recommended Practice: Inspection of Linings on Steel and Concrete”
	NACE Test Method TM 0497, “Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems”
NFPA Standards	
NFPA—National Fire Protection Association, 1 Batterymarch Park, Box 9101, Quincy, MA 02269-9101	NFPA 30, “Flammable and Combustible Liquids Code”
	NFPA 30A, “Automotive and Marine Service Station Code”
	NFPA 326, “Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair”
	NFPA 329, “Recommended Practice for Handling Releases of Flammable and Combustible Liquids and Gases”
	NFPA 385, “Standard for Tank Vehicles for Flammable and Combustible Liquids”
NLPA Standards	
NLPA—National Leak Prevention Association, Box 1643, Boise, ID 83701	NLPA Standard 631, “Entry, Cleaning, Interior Inspection, Repair, and Lining of Underground Storage Tanks”
PEI Standards	
PEI—Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101-2380	PEI RP100, “Recommended Practices for Installation of Underground Liquid Storage Systems”
STI Standards	
STI—Steel Tank Institute, 570 Oakwood Road, Lake Zurich, IL 60047	STI R892, “Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems”
	STI-R922, “Specification for Permatank”

Appendix A—Industry Codes and Standards*	
Publication Company	**Codes and Standards**
	STI-R-972, "Recommended Practice for the Installation of Supplemental Anodes for STI-P3 USTs"
	STI-P3, "STI-P3 Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks"
	STI-F894, "ACT-100 Specification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks"
	STI-F961, "ACT-100-U Specification for External Corrosion Protection of Composite Steel Underground Storage Tanks"
UL Standards	
UL—Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, IL 60062-2096	UL 58, "Standard for Safety: Steel Underground Tanks for Flammable and Combustible Liquids"
	UL 971, "Standard for Safety: Non-Metallic Underground Piping for Flammable Liquids"
	UL 1316, "Standard for Safety: Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products"
	UL 1746, "Standard for Safety: External Corrosion Protection Systems for Steel Underground Storage Tanks"
* Industry codes and standards are copyrighted and are available only from the developing organizations. These codes and standards must be purchased directly from the developing organizations.	

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

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

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

§701. Methods of Release Detection

A. - A.1.f. …

g. Practices described in the American Petroleum Institute Publication 1621, "Recommended Practice for Bulk Liquid Stock Control at Retail Outlets," may be used, where applicable, as guidance in meeting the requirements of Paragraph A.1 of this Section.

NOTE: Repealed. ~~Practices described in the American Petroleum Institute Publication 1621, "Recommended Practice for Bulk Liquid Stock Control at Retail Outlets," may be used, where applicable, as guidance in meeting the requirements of Paragraph A.1 of this Section.~~

2. – 3. …

4. Automatic Tank Gauging (ATG).

a. Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements:

~~a~~i. the automatic product level monitor test must be capable of detecting a 0.2-gallon-per-hour leak rate from any portion of the tank that routinely contains product; and

~~b~~ii. inventory control (or another test of equivalent performance) must be conducted in accordance with the requirements of LAC 33:XI.701.A.1.

b. For ATG to be used as the sole method of release detection, the ATG equipment shall test the tank at least once per month in a manner that can detect a release of 0.2 gallon per hour from any portion of the UST system that routinely contains product with a probability of detection of at least 0.95 and a probability of false alarm of no greater than 0.05. The ATG system shall generate a hard copy of all monthly release detection data to include, at a minimum:

i. the time and the date of the test;

ii. the tank identification;

iii. the fuel volume in the tank at the time of the test; and

iv. a qualitative result either of “pass” or “fail.”

5.–5.c.ii.

iii. The slotted portion of the RDD must be designed to prevent migration of ~~natural~~ soils or the filter pack into the RDD and to allow entry of the regulated substance on the water table into the RDD under both high and low groundwater conditions.

5.c.iv. - 6. …

a. For double-walled UST systems, the sampling or testing method must be capable of detecting a release through the inner wall in any portion of the tank that routinely contains product. The provisions outlined in the Steel Tank Institute's "Standard for Dual Wall Underground Storage Tanks" may be used as guidance for aspects of the design and construction of underground steel double-walled tanks.

NOTE: Repealed. ~~The provisions outlined in the Steel Tank Institute's "Standard for Dual Wall Underground Storage Tanks" shall be used as guidance for aspects of the design and construction of underground steel double-walled tanks.~~

b. - c. …

7. Statistical Inventory Reconciliation (SIR)

a. The SIR method used must analyze inventory control records in a manner that can detect a release of 0.2 gallons per hour from any portion of the UST system that routinely contains product with a probability of detection of at least 0.95 and a probability of false alarm of no greater than 0.05.

b. The UST system owner or operator must receive a monthly report from the SIR provider/vendor that actually performs the SIR analysis within 15 days following the last day of the calendar month for which the analysis was performed. The SIR analysis report must include, at a minimum:

i. the name of the SIR provider/vender and the name and version of the SIR method used for analysis;

ii. the name of the company and individual who performed the analysis;

iii. the name and address of the facility at which the analysis was performed and a description of the UST system for which the analysis was performed;

iv. a quantitative statement, in gallons per hour, for each UST system monitored for the month analyzed, of the leak threshold, the minimum detectable leak rate, and the indicated leak rate; and

v. a quantitative statement of "pass," "fail," or "inconclusive" for each UST system monitored.

~~7.~~8. Other Methods. Any other type of release detection method, or combination of methods, can be used if it meets the following requirements ~~of Subparagraph A.7.a or b of this Section~~.

a. The release detection method can detect a 0.2-gallon-per-hour leak rate or a release of 150 gallons within a month with a probability of detection of at least 0.95 and a probability of false alarm of no greater than 0.05.

b. The release-detection method has been approved by the ~~department~~ Office of Environmental Compliance, Surveillance Division on the basis of a demonstration by the owner and operator that the method can detect a release as effectively as any of the methods allowed in Paragraphs A.3-~~7~~8 of this Section. In comparing methods, the ~~department~~ Office of Environmental Compliance, Surveillance Division 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 must comply with any conditions imposed on its use by the ~~department~~ Office of Environmental Compliance, Surveillance Division ~~on its use~~.

B. …

1. Automatic Line Leak Detectors. Methods that alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or by triggering an audible or visual alarm may be used only if they detect leaks of three gallons per hour at 10-pounds-per-square-inch line pressure within one hour. ~~An annual~~ A test of the operation of the leak detector ~~must~~ shall be conducted every 12 months in accordance with the manufacturer's requirements and also by simulating a release in order to determine if the system is fully operational.

2. …

3. Applicable Tank Methods. Any of the methods in ~~LAC 33:XI.701.~~Paragraphs A.5-~~7~~8 of this Section may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances.

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

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

§703. Requirements for Use of Release Detection Methods

A. - B. …

1. Tanks. Tanks must be monitored at least every 30 days for releases using one of the methods listed in LAC 33:XI.701.A.4-~~7~~8, except for the following.

a. UST systems that meet the performance standards in LAC 33:XI.303.~~A~~AB or ~~B~~BC, and the monthly inventory control requirements in LAC 33:XI.701.A.1 or 2, may use tank tightness testing (conducted in accordance with LAC 33:XI.701.A.3) at least every five years until December 22, 1998, or until 10 years after the tank is installed or upgraded under LAC 33:XI.303.~~B.2~~C.3, whichever is later.

b. UST systems that do not meet the performance standards in LAC 33:XI.303.~~A~~AB or ~~B~~BC may use monthly inventory controls (conducted in accordance with LAC 33:XI.701.A.1 or 2), and ~~annual~~ tank tightness testing every 12 months (conducted in accordance with LAC 33:XI.701.A.3) until December 22, 1998, when the tank must be upgraded under LAC 33:XI.303.~~B~~BC or permanently closed under LAC 33:XI.905.

1.c. - 2.a.i. …

ii. have ~~an annual~~ a line tightness test conducted every 12 months in accordance with LAC 33:XI.701.B.2, or have monthly monitoring conducted in accordance with LAC 33:XI.701.B.3.

2.b. - 2.b.iv. …

v. a method is used that allows compliance with Clauses B.2.b.ii-iv of this Section to be readily determined and verified.

C. - C.2. …

a. Secondary containment systems must be designed, constructed, and installed in accordance with LAC 33:V.4437 to:

i. - iii. …

NOTE: Repealed. ~~The provisions of LAC 33:V.4437, "Containment and Detection of Releases," shall be used to comply with these requirements.~~

b. - e.iii. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2559 (November 2000), amended by the Office of Environmental Assessment, LR 31:** (May 2005).

§705. Release Detection Recordkeeping

A. All UST system owners and operators must maintain records in accordance with LAC 33:XI.509 demonstrating compliance with all applicable requirements of LAC 33:XI.701-703. These records must include the following~~:~~.

~~A.~~1. All written performance claims pertaining to any release detection system used and documentation of the manner in which these claims have been justified or tested by the equipment manufacturer, ~~or~~ installer, or third party independent testing laboratory must be maintained throughout the operational life of the release detection system.

~~B.~~2. The results of any sampling, testing, or monitoring must be maintained for at least ~~one~~ three years, except that the results of tank tightness testing conducted in accordance with LAC 33:XI.701.A.3 must be retained until the next test is conducted.

~~C.~~3. Written documentation of all calibration, maintenance, and repair of release detection equipment used ~~permanently located~~ on-site must be maintained for at least ~~one~~ three years after the servicing work is completed. Any schedules of required calibration and maintenance provided by the manufacturer of the release detection equipment must be retained for five years from the date of installation.

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

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

§707. Reporting of Suspected Releases

A. All owners, operators, employees, agents, contractors, or assigns having knowledge of any of the conditions listed below shall notify the Office of Environmental Compliance in the manner provided in LAC 33:I.3923 within 24 hours after becoming aware of the occurrence or, if they have knowledge of an emergency condition, shall report it immediately in accordance with LAC 33:I.Chapter 39. ~~After discovery~~

~~of any of the following conditions, o~~Owners and operators of UST systems shall follow the procedures specified in LAC 33:XI.711 after discovery of any of the following conditions:

1. - 3.a. …

b. in the case of inventory control, the following ~~a second~~ month of data does not continue to indicate a loss~~.~~;

4. monitoring results from the SIR method allowed under LAC 33:XI.701.A.7 indicate:

a. a UST system analysis report result of "fail"; or

b. a UST system analysis result of "inconclusive." ~~that has not been investigated and quantified as a "pass" in the form of a replacement UST system analysis report meeting the requirements of LAC 33:XI.701.A.7.b.~~

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2559 (November 2000), LR 30:1677 (August 2004), amended by the Office of Environmental Assessment, LR 31:** (May 2005).

Chapter 9. Out-of-Service UST Systems and Closure

§901. Applicability to Previously Closed UST Systems

A. The owner and operator of a UST system permanently closed before ~~the effective date of these regulations~~ July 20, 1990, must assess the excavation zone and close the UST system in accordance with this Chapter if directed to do so by the department. The department shall direct that such closure be undertaken if releases from the UST may, in the judgment of the department, pose a current or potential threat to human health and the environment.

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

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

§903. Temporary Closure

A. - B. …

1. leave vent lines open and functioning; ~~and~~

2. cap and secure all other lines, pumps, manways, and ancillary equipment~~.~~; and

3. submit a completed copy of the registration form UST-REG-01 to the Office of Environmental Services, Permits Division indicating the dates the UST system was temporarily closed.

C. When a UST system is temporarily closed for more than ~~12~~ six months, owners and operators must permanently close the UST system if it does not meet either the performance standards in LAC 33:XI.303.~~A~~B for new UST systems or the upgrading requirements in LAC 33:XI.303.~~B.2-5~~C.3-6, except that the spill and overfill equipment requirements do not have to be met.

D. ~~Owners and operators must permanently close the substandard~~ When a UST systems ~~is~~ temporarily closed for more than 24 months, ~~at the end of this 12-month period~~ owners and operators shall complete a site assessment in accordance with LAC 33:XI.~~901 and 905-~~907~~, unless the department approves an extension of the 12-month temporary closure period. Owners and operators must complete a site assessment in accordance with LAC 33:XI.907 before they can apply for such an extension~~. The results of the assessment and documentation of compliance with the temporary closure requirements in Subsection A of this Section must be submitted in duplicate to the Office of Environmental Compliance, Surveillance Division within 60 days following the end of the 24-month temporary closure period.

~~D~~E. A tank tightness test in accordance with LAC 33:XI.701.A.3 must be conducted within five days after a UST system ~~which~~ that has been temporarily closed for three months or more is brought back into service.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, LR 31:** (May 2005).

§905. Permanent Closure and Changes-in-Service

A. At least 30 days before beginning either permanent closure or a change-in-service under Subsections B, ~~and~~ C, and D of this Section, owners and operators must notify the Office of Environmental Compliance, Surveillance Division of their intent to permanently close or make the change-in-service, unless such action is in response to corrective action.

1. Notification shall be made by:

a. completing the notification form UST-SURV-01; and

b. notifying the appropriate regional office of the Office of Environmental Compliance, Surveillance Division by mail or fax at least seven days prior to implementing the removal or change.

2. Beginning January 20, 1992, all owners and operators must ensure that an individual exercising supervisory control over *closure-critical junctures* (as defined in LAC 33:XI.1303) is certified in accordance with LAC 33:XI.Chapter 13. The assessment of the excavation zone required under LAC 33:XI.907 must be performed after the department is notified but before the permanent closure or change-in-service is completed.

B. To permanently close a ~~tank~~ UST, owners and operators must empty and clean ~~it~~ the tank and all associated piping by removing all liquids and accumulated sludges. All tanks taken out of service permanently must also be either removed from the ground or filled with an inert solid material.

C. Continued use of a UST system to store a nonregulated substance is considered a change-in-service. Before a change-in-service, owners and operators must empty and clean the tank by removing all liquid and accumulated sludge and conduct a site assessment in accordance with LAC 33:XI.907.

D. ~~The following c~~Cleaning and closure procedures found in LAC 33:XI.599.Appendix A shall be used to comply with this Section~~:~~.

~~1. American Petroleum Institute Recommended Practice 1604, "Removal and Disposal of Used Underground Petroleum Storage Tanks";~~

~~2. American Petroleum Institute Publication 2015, "Cleaning Petroleum Storage Tanks";~~

~~3. American Petroleum Institute Recommended Practice 1631, "Interior Lining of Underground Storage Tanks" (may be used as guidance for compliance with this Section); and~~

~~4. The National Institute for Occupational Safety and Health, "Criteria for a Recommended Standard ... Working in Confined Space" (may be used as guidance for conducting safe closure procedures at some hazardous substance tanks).~~

NOTE: Repealed. ~~The following cleaning and closure procedures shall be used to comply with this Section: 1. American Petroleum Institute Recommended Practice 1604, "Removal and Disposal of Used Underground Petroleum Storage Tanks"; 2. American Petroleum Institute Publication 2015, "Cleaning Petroleum Storage Tanks"; 3. American Petroleum Institute Recommended Practice 1631, "Interior Lining of Underground Storage Tanks" (may be used as guidance for compliance with this Section); and 4. The National Institute for Occupational Safety and Health, "Criteria for a Recommended Standard ... Working in Confined Space" (may be used as guidance for conducting safe closure procedures at some hazardous substance tanks).~~

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

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§907. Assessing the Site at Closure or Change-in-Service

A. Before permanent closure or a change-in-service is completed, owners and operators must measure for the presence of a release where contamination is most likely to be present at the UST site, utilizing the procedure approved by the department. In selecting sample types, sample locations, and measurement methods, owners and operators must consider the method of closure, the nature of the stored substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release. Results of this assessment must be submitted in duplicate to the Office of Environmental Compliance, Surveillance Division within 60 days following permanent closure or change in service. The assessment results shall include a site diagram indicating locations where samples were collected and a written statement specifying which USTs have been closed. ~~The requirements of this Section are satisfied if one of the external release detection methods allowed in LAC 33:XI.701.A.5 is operating in accordance with the requirements in LAC 33:XI.701.A at the time of closure and indicates that no release has occurred.~~

B. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 18:728 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2560 (November 2000), amended by the Office of Environmental Assessment, LR 31:** (May 2005).

Chapter 13. Certification Requirements for Persons Who Install, Repair, or Close Underground Storage Tank Systems

§1301. Applicability

A. The requirements of this Chapter apply to persons engaged in ~~UST system~~ critical junctures <u>of a UST system</u>. Certification is not required for those persons engaged in the process of relining an underground storage tank through the application of such materials as epoxy resins, nor does it include the process of conducting a tightness test to establish the integrity of the tank, or installing or initial testing of UST system cathodic protection systems.

B. After January 20, 1992, no person shall conduct ~~UST system~~ critical junctures <u>of a UST system</u> unless the person present at the site and exercising responsible supervisory control over the critical juncture is currently certified in accordance with this Chapter.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, LR 31:** (May 2005).

§1303. Definitions

A. The terms defined in this Section shall have the following meanings in this Chapter.

***

Closure-Critical Juncture—those steps in the UST system closure process that are crucial to the prevention or detection of releases from that system. These steps are:

a. the process of cleaning/vapor removal; ~~and~~

b. all subsurface sample collection events.; and
c. the removal or filling with inert material of the tank.

Critical Junctures—those steps identified in *installation-critical junctures*, *repair-critical junctures*, or *closure-critical junctures* of UST systems, as defined in this Section.

Individual Certification—certification in either installation/repair or closure of a UST system.

***

Installation-Critical Juncture—those steps during the installation of a UST system that are crucial to the prevention or detection of releases from that system. These steps are:

a. - f. …

***

Renewal Fee—biannual fee for installation/repair and/or closure certification.

***

Repair-Critical Juncture—those steps in the UST system repair or modification process that are crucial to the prevention of releases from that system. These include the following:

a. - e. …

***

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, LR 31:** (May 2005).

§1307. Certification Examinations

A. …

B. Source of Examination Questions. Questions used in the examination shall be derived from standards, instructions, and recommended practices as listed in LAC 33:XI.599.Appendix A on the department's website published by such authorities as the Petroleum Equipment Institute, American Petroleum Institute, Steel Tank Institute, National Association of Corrosion Engineers, Fiberglass Tank and Pipe Manufacturers Institute, National Fire Protection Association, Western Fire Chiefs Association, and Underwriters Laboratories. Additional questions may be derived from regulations, adopted by the department and from state and federal laws pertaining to UST system installation, repair, or closure.

C. Administration of Examinations

1. Examinations may shall be conducted by the following:

a. personnel of the department or persons designated by the department.;

b. personnel of approved colleges or universities within the state, selected and designated by the department; or

c. personnel of private testing organizations, selected by the department and compensated on a contract basis.

2. Beginning after July 20, 1991, the department or persons designated by the department shall conduct written examinations at such times and locations within the state as the department may designate in order to identify persons as being qualified to receive UST certification.

C.3. - E. …

F. Revision, Security, and Administration of Certification Examinations. ~~Acting on counsel of the UST Certification Board (LAC 33:XI.1313), t~~The department shall update examinations, preserve the security of examinations, and administer examinations.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, LR 31:** (May 2005).

§1311. Denial of Issuance or Renewal of a Certificate or Revocation of a Certificate

A. Should an applicant be denied issuance or renewal of a UST certificate or should a person's certificate be revoked, the reason or reasons for such denial or revocation shall be set forth in writing to the person by the administrative authority.

~~A~~B. Possible ~~R~~reasons for ~~D~~denial of ~~I~~issuance or ~~R~~renewal of a ~~C~~certificate or for ~~R~~revocation of a ~~C~~certificate include the following:

1. failure to achieve a passing grade on the written examination described in LAC 33:XI.1307;
2. failure to submit required documentation;
3. previous revocation of a certificate held by the applicant;
4. evidence of fraud or deceit with respect to ~~the certificate application~~ documentation required by and submitted to the department;
5. failure to present the identification card upon request of a department representative at a UST system installation, repair, or closure;
6. willful violation of the laws and regulations of Louisiana regarding UST system installation, repair, or closure; or
7. any other cause that, in the opinion of the administrative authority, constitutes adequate grounds for denial or revocation of a certificate.

~~B~~C. Appeal of Denial or Revocation. A person who has been denied issuance or renewal of a certificate or who has had a certificate revoked may appeal the action in accordance with R.S. 30:2024(A).

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, LR 31:** (May 2005).

§1313. UST Certification Board

A. Composition. The administrative authority shall appoint seven members of a body to be known as the UST Certification Board. Members of the board shall be as follows:

1. the administrative authority or his or her designee;
2. a representative of the Louisiana Oil Marketers' Association;
3. ~~a representative of the Bayou State Gasoline Retailers Association;~~
4. ~~a representative of the state fire marshal's office;~~
5. 3~~5~~. a representative of the Mid-Continent Oil and Gas Association; ~~and~~
6. 4~~6~~. two representatives from within the UST contractor community~~.~~; and
7. two representative from the Louisiana Association of Petroleum Equipment Contractors.

B. - F. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, LR 31:** (May 2005).