NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division

2015 Revisions to Underground Storage Tank Regulations
(LAC 33:XI.101, 103, 301, 303, 305, 307, 403, 501, 503, 505, 507, 509, 511, 513, 515, 599, 601, 603, 605, 607, 609, 611, 701, 703, 705, 707, 709, 711, 713, 715, 801, 803, 901, 903, 905, 907, 1101, 1103, 1105, 1107, 1111, 1113, 1115, 1117, 1119, 1121, 1123, 1125, 1129, 1131, 1133, 1135, 1137, 1139, 1201, 1203, 1205, 1303, 1305, 1307, 1309, and 1313) (UT018)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that the rulemaking procedures have been initiated to amend the Underground Storage Tank regulations, LAC 33:XI.101, 103, 301, 303, 305, 307, 403, 501, 503, 505, 507, 509, 511, 513, 515, 599, 601, 603, 605, 607, 609, 611, 701, 703, 705, 707, 709, 711, 713, 715, 801, 803, 901, 903, 905, 907, 1101, 1103, 1105, 1107, 1111, 1113, 1115, 1117, 1119, 1121, 1123, 1125, 1129, 1131, 1133, 1135, 1137, 1139, 1201, 1203, 1205, 1303, 1305, 1307, 1309, and 1313 (UT018).

This Rule will incorporate changes made to 40 CFR Parts 280 and 281 that were published in the Federal Register, Vol. 80, No. 135, pages 41566-41683. These federal revisions are titled Underground Storage Tank Regulations – Revisions to Existing Requirements and New Requirements for Secondary Containment and Operator Training; Final Rule.

The required changes to the existing rule will include: adding periodic operation and maintenance requirements for Underground Storage Tank (UST) systems; addressing UST systems that were previously deferred from certain regulations; adding new release prevention and detection technologies; updating codes of practice; and making editorial corrections and technical amendments.

October 2018, is the deadline for states to promulgate regulations that are similar to, but no less stringent than, the final federal UST regulations. After promulgation, Louisiana is required to reapply for state program approval from the EPA.

The federally required changes will protect human health and the environment by requiring UST system components to work more efficientlyand also help detect releases quicker. In addition to the federally required changes, regulatory clarifications and editorial corrections are needed in order to clarify the intent and increase the enforceability of the Louisiana UST regulations. The basis and rationale for the Rule are to mirror the federal regulations and to clarify the intent and increase the enforceability of the Louisiana UST regulations. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by UT018. Such comments must be received no later than August 1, 2018, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigation Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS095. These proposed regulations are available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on July 25, 2018, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson
General Counsel

Title 33
ENVIRONMENTAL QUALITY
Part XI. Underground Storage Tank

Chapter 1. Program Applicability and Definitions

§101. Applicability

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

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 LAC 33:XI as follows:

a. airport hydrant fuel distribution systems and UST systems with field constructed tanks shall meet the requirements of LAC 33:XI.Chapter 8;

b. UST systems that store fuel solely for use by emergency power generators installed before August 9, 2009, shall meet the requirements of LAC 33:XI.701-705 on or before [three years after date of promulgation];

c. UST systems that store fuel solely for use by emergency power generators installed on or after August 9, 2009, are subject to all requirements of LAC 33:XI, including the interstitial monitoring release detection requirements of LAC 33:XI.701-705.

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

1. — 4. …

5. Any UST system that contains or has never contained more than a *de minimis* concentration, as determined by the department, of regulated substances is excluded from the requirements of these regulations.

6. …

C. ~~Deferrals~~Partial Exclusions

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

~~2~~1. The following categories of ~~deferred~~partially–excluded tanks are exempted from ~~the specified Chapters and Sections of these regulations.~~all of the requirements of LAC 33:XI except for LAC 33:XI.305 and LAC 33:XI.715:

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

~~i~~a. wastewater treatment tank systems not covered under Paragraph B.2 of this Section;

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

~~iii~~c. any UST system that is part of an emergency generator system at nuclear power generation facilities ~~regulated~~licensed by the Nuclear Regulatory Commission and subject to Nuclear Regulatory Commission requirements regarding design and quality criteria, including but not limited to ~~under~~ 10 CFR 50~~, Appendix A~~; and

d. aboveground tanks associated with:

i~~v~~. airport hydrant fuel distribution systems regulated under LAC 33:XI.Chapter 8; and

~~v~~ii. UST systems with field-constructed tanks regulated under LAC 33:XI.Chapter 8.

~~b. LAC 33:XI.701-705 does not apply to any UST system that stores fuel solely for use by emergency power generator UST systems installed prior to August 20, 2009. Emergency power generator UST systems installed or replaced on or after August 20, 2009, are subject to all requirements of LAC 33:XI, including the interstitial monitoring release detection requirements of LAC 33:XI.701-705.~~

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:1467 (August 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 35:1492 (August 2009), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§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.

* * *

*Airport Hydrant Distribution System (*also called *airport hydrant system*)—a 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.

* * *

Cathodic Protection Tester—a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such a person ~~must~~shall have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and tank systems.

* * *

Change-in-Service—the continued use of a UST system to store a nonregulated substance.

* * *

Containment Sump—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 sumps may be single walled or secondarily contained and located at the top of the 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).

Corrosion Expert—a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired through a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person ~~must~~shall be accredited or certified as being qualified by the National Association of Corrosion

Engineers or be a registered professional engineer who has provided evidence to the satisfaction of the administrative authority documenting certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.

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

* * *

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

Dispenser System—the dispenser and equipment necessary to connect the dispenser to the UST system.

* * *

Field-Constructed Tank—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 that is primarily fabricated in the field is considered field-constructed. Tank-within-a-tank technology tanks are not considered field-constructed tanks.

* * *

Install or *Installation*—the process of placing a UST system in the ground and preparing it to be put into service. Adding new piping where none existed before at an existing site is considered a renovation and is regulated as an installation.

* * *

Motor Fuels—all grades of gasoline including but not limited to gasohol, ~~N~~number 1 diesel, ~~N~~number 2 diesel, kerosene, and all aviation fuels. ~~Liquid petroleum (LP) gas~~

~~shall not be included in this definition of motor fuels.~~ This term shall include new and used motor oil that is used for lubricating engines of motor vehicles. ~~If, however, used oil is determined to be a hazardous waste by the United States Environmental Protection Agency, used oil shall no longer be included in this term.~~ Motor fuels may include, as determined by the secretary, any product, petroleum or petroleum blend, biofuel or any new fuel that may emerge for the propulsion of motor vehicles. However, liquid petroleum (LP) gas, compressed natural gas (CNG), and liquefied natural gas (LNG) shall not be included in this definition of motor fuels.

* * *

Operator—any person in control of, or having responsibility for, the daily operation of the UST system regardless if the UST system is active or temporarily closed.

* * *

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~~a solid, inert material, the process of properly labeling a tank, and the process of collecting subsurface samples.

* * *

Registered Tank—a UST system for which an owner/operator has filed the required UST registration forms (UST-REG-01 and 02) with the department. After [date of promulgation], a UST system for which the owner/operator has filed the required registration form (UST-REG) with the department.

Registration Certificate—an annual certificate provided to the UST system owner by the department after all current annual fees, all unpaid annual fees, and any late payment fees for the UST system are paid. The current registration certificate also serves as documentation of financial assurance for UST owners that elect the Louisiana motor fuels underground storage tank trust fund as their mechanism for meeting the UST financial assurance requirements of LAC 33:XI.1107.

Regulated Substance—

a. any substance defined in ~~S~~section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (but not including any substance regulated as a hazardous waste under the department's ~~H~~hazardous ~~W~~waste ~~R~~regulations); ~~and~~

b. petroleum, including crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (60~~°~~ degrees Fahrenheit and 14.7 pounds per square inch absolute). The term *regulated substance* includes, but is not limited to, petroleum and petroleum-based substances ~~comprising~~ comprised of a complex blend of hydrocarbons ~~derived from crude oil through processes of separation, conversion, upgrading, and finishing~~, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils~~.~~; and

c. any motor fuels as determined by the secretary.

* * *

Release Detection—determining whether a release of a regulated substance has occurred from a 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.

Renovation—to make nonrepair changes to a UST system, such as replacing existing piping with new piping, installing new piping and additional dispensers at an existing site, and installing new containment sumps at an existing site. *Renovations* are regulated as installations.

Repair—to restore to proper operating conditions a tank, pipe, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, release detection equipment, or ~~component of a~~ other UST system component that has caused or threatens to cause a release of product from the UST system or has failed to function properly.

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

* * *

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

* * *

Temporary Closure—the temporary removal from service of a UST (i.e., ceased dispensing product from a UST system). A compartment tank is not considered to be in temporary closure as long as any compartment of the tank is currently active.

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

* * *

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

a. — c. …

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

~~i.~~ which are regulated under 49 U.S.C. chapter 601; ~~the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671 et seq.); or~~

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

e. intrastate pipeline facilities regulated under state laws as provided in 49 U.S.C chapter 601, and which are determined by the secretary of transportation to be connected to a pipeline, or to be operated or intended to be capable of operating at pipeline

pressure or as an integral part of a pipeline; ~~comparable to the provisions of the laws referred to in Clauses d.i and ii of this definition;~~

f. — j. …

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 27:520 (April 2001), amended by the Office of Environmental Assessment, LR 31:1065 (May 2005), LR 31:1577 (July 2005), repromulgated LR 31:2002 (August 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 34:2115 (October 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

Chapter 3. Registration Requirements, Standards, and Fee Schedule

§301. Registration Requirements

A. — A.2. …

3. All existing UST systems previously registered with the department shall be considered to be in compliance with this requirement if the information on file with the department is current and accurate. Maintaining current and accurate information with the department includes notifying the Office of Environmental Assessment of changes in ownership, or of changes in UST system descriptions resulting from upgrading, by filing an amended registration form within 30 days of the change in ownership or in description of the UST system. After [date of promulgation], existing UST systems shall comply with the registration requirements outlined in LAC 33:XI.301.C.

B. New UST Systems. Beginning July 20, 1990, through [date of promulgation],~~Upon the effective date of these regulations~~, all owners of new *UST systems* (as defined in LAC 33:XI.103) ~~must~~shall, at least 30 days before bringing such tanks into use,

register them on an ~~U~~underground ~~S~~storage ~~T~~tank ~~R~~registration ~~F~~form (UST-REG-01). Registration forms shall be filed with the Office of ~~Environmental Assessment~~Management and Finance. The following registration requirements apply to new UST systems.

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

a. — d. …

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

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

1. All owners of *UST systems* (as defined in LAC 33:XI.103) installed after [date of promulgation], shall register them using the underground storage tank registration and technical requirements form (UST-REG) prior to placing a regulated substance into the UST. To demonstrate compliance with the requirements outlined in LAC 33:XI.301.B.1, all owners shall certify in the space provided on the UST-REG form and submit the form to the Office of Management and Finance prior to allowing a regulated substance to be placed into the UST system. The form shall be complete and accurate and filled out in its entirety. In addition to the requirements outlined in LAC 33:XI.301.B.1, the following requirements shall also be met.

a. The UST-REG form shall include the name and department-issued certificate number of the individual(s) exercising supervisory control over all *installation-critical junctures* (as defined in LAC 33:XI.1303) of the UST system.

b. If multiple certified installers exercised supervisory control of installation-critical junctures of an installation, a written statement signed by each installer explaining which certified worker was responsible for which installation-critical juncture shall accompany the UST-REG form.

c. A to-scale site diagram showing all tanks, product piping, vent piping, and dispenser locations of all UST systems installed or renovated after [date of promulgation], shall be submitted to the department with the UST-REG form.

2. All UST owners and operators shall submit a current and accurate updated UST-REG form to the department within 30 days of any changes of any of the items reflected on their most current registration forms. Owners who own multiple places of operation shall submit a separate form for each place of operation. Updated forms submitted to the department shall be filled out in their entirety with the exception of the certified worker section if the update does not involve a certified worker requirement.

3. All UST owners and operators shall submit an updated UST-REG form to the department within 60 days of the first compliance evaluation inspection after [date of promulgation], or before [three years after date of promulgation], whichever comes first. The updated form shall be complete and accurate, and filled out in its entirety with the exception of the certified worker section if the update does not involve a certified worker requirement.

~~1~~4. Any person who sells a UST system shall so notify the Office of Environmental Assessment in writing within 30 days after the date of the transaction. A person

selling a UST ~~must~~shall also notify the person acquiring a regulated UST system of the owner's registration obligations under this Section.

~~2~~5. Any person who acquires a UST system shall submit to the Office of ~~Environmental Assessment~~Management and Finance an amended ~~registration form~~underground storage tank registration and technical requirements form (UST-REG) within 30 days after the date of acquisition.

6. Any person who acquires a UST system shall submit to the Office of Management and Finance all current and unpaid annual fees along with any late payment fees for the UST system prior to receiving a current registration certificate from the department.

~~3~~7. A current copy of the registration form ~~must~~shall be kept on-site or at the nearest staffed facility.

8. A current copy of the registration certificate shall be kept on-site or at the nearest staffed facility.

~~4~~9. No owner or operator shall allow a regulated substance to be placed into a ~~new~~UST system that has not been registered with the department.

10. No person shall place a regulated substance into a UST system that has not been registered with the department.

11. No owner or operator shall allow a regulated substance to be placed into a UST system that does not have a current registration certificate.

12. No person shall place a regulated substance into a UST system that does not have a current registration certificate.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:727 (July 1992), LR

20:294 (March 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 28:475 (March 2002), amended by the Office of Environmental Assessment, LR 31:1066 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2520 (October 2005), repromulgated LR 32:393 (March 2006), amended LR 32:1852 (October 2006), LR 33:2171 (October 2007), LR 34:2116 (October 2008), amended by the Office of the Secretary, Legal Division, LR 38:2760 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2143 (November 2017), LR 44:

§303. Standards for UST Systems

A. …

B. New UST Systems Near Active or Abandoned Water Wells. In order to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the UST system is used to store regulated substances, all ~~new~~UST systems installed between December 22, 1988, and December 20, 2008, within 50 feet of an active or abandoned water well ~~must~~shall meet the requirements of LAC 33:XI.703.C.~~2.~~

C. Standards for UST Systems Installed ~~A~~after December 20, 2008. In order to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the UST system is used to store regulated substances, all UST systems installed after December 20, 2008, ~~located more than 50 feet from an active or abandoned water well~~ shall have secondary containment in accordance with Subsection D of this Section and use interstitial monitoring for tanks and piping in accordance with LAC 33:XI.701.A.6 and 701.B.4.

1. …

2. The department may grant an extension to these dates only in the event that the UST or UST system installation is delayed due to adverse weather conditions or other unforeseen, unavoidable circumstances. A written contract alone does not qualify as an unforeseen, unavoidable circumstance. In order to obtain an extension, the UST owner ~~must~~shall

submit a written request to the Office of Environmental Assessment, describing the circumstances that have caused the installation delay.

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

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

a. — b.iv. …

c. the tank is constructed of ~~a metal-fiberglass-reinforced-plastic composite~~steel and clad or jacketed with a noncorrodible material; or

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

d.i. — f.i. …

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

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

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

b. — f.i. …

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

g. if 25 percent or more of the piping to any one UST is replaced after December 20, 2008, ~~it~~the entire piping run shall comply with Clause D.2.f.i or ii of this Section~~.~~;

h. ~~If~~ if a new ~~motor fuel~~ dispenser is installed at an existing UST facility and new piping is added to the UST system to connect the new dispenser to the existing system after December 20, 2008, then the new piping shall comply with Clause D.2.f.i or ii of this Section~~.~~;

i. ~~Suction~~suction piping that meets the requirements of ~~LAC 33:XI.703.B.2.b.i-v~~ LAC 33:XI.703.B.2.a.ii.(a)–(e) and suction piping that manifolds two or more tanks together are not required to meet the secondary containment requirements ~~outlined in this Paragraph.~~ of LAC 33:XI.303.D.2.f; and

j reuse of existing single-walled piping is prohibited when replacement underground storage tanks are installed.

3. Spill and Overfill Prevention Equipment

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

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

~~Section and may result in issuance of an enforcement action to the UST owner and/or operator and the bulk fuel distributor, common carrier, or transporter~~; and

ii. — ii.(b). …

(c). restrict flow 30 minutes prior to overfilling, or alert the transfer 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. — b.ii. …

c. Flow restrictors used in vent lines shall not be used to comply with LAC 33:XI.303.D.3.a.ii when overfill prevention is installed or replaced after [date of promulgation]. If removal is required, the entire ball float assembly shall be removed from the tank.

d. Spill and overfill prevention equipment shall be periodically tested or inspected in accordance with LAC 33:XI.511.

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

a. ~~are~~is required under the following conditions:

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

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

iii. …

b. shall ~~have~~be liquid-tight on its sides, ~~and~~ bottom~~s~~, and at any penetrations, and be maintained free of storm water and debris. Regulated substances spilled into any under-dispenser containment sump shall be immediately removed upon discovery to the maximum extent practicable.

5. — 5.a.iii …

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

6. Installation Procedures

a. Installation. ~~All tanks and piping~~The UST system, spill and overfill prevention devices, product pumping equipment, and emergency shutoff valves (e.g., shear or impact valves), shall ~~must~~ be installed in accordance with Subsection A of this Section and in accordance with the manufacturer's instructions.

b. Certification of Installation and Verification of Installer Certification

i. From ~~the date of promulgation of these regulations until~~July 20, 1990, through January 20, 1992, UST owners ~~and operators must certify~~shall have certified installations as follows. All UST owners ~~and operators must ensure~~shall have ensured that one or more of the following methods of certification, testing, or inspection ~~is~~was used to demonstrate compliance with Subparagraph D.6.a of this Section by providing a certification of compliance on the UST registration form (UST-REG-02) in accordance with LAC 33:XI.301:

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

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

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

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

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

ii. Beginning January 20, 1992 through [date of promulgation], all UST owners ~~and operators must ensure~~shall have ensured that the individual exercising supervisory control over *installation critical-junctures* (as defined in LAC 33:XI.1303) of a UST system is certified in accordance with LAC 33:XI.Chapter 13. To demonstrate compliance with Subparagraph D.6.a of this Section, all UST owners ~~and operators must provide~~shall have provided a certification of compliance on the UST ~~R~~registration of ~~T~~technical ~~R~~requirements ~~F~~form (UST-REG-02) within 60 days of the introduction of any regulated substance. Forms shall ~~be~~have been filed with the ~~Office of Environmental Assessment~~department.

iii. After [date of promulgation], all UST owners shall ensure that the individual exercising supervisory control over *installation-critical junctures* (as defined

in LAC 33:XI.1303) of a UST system is certified in accordance with LAC 33:XI.Chapter 13. To demonstrate compliance with Subparagraph a of this Paragraph, all UST owners shall provide a certification of compliance on the UST-REG form prior to introduction of any regulated substance into the UST system. Forms shall be submitted to the Office of Management and Finance.

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

i. ~~completing the~~submitting a completed ~~I~~installation, ~~R~~renovation, repair, and ~~U~~upgrade ~~N~~notification ~~F~~form (UST-ENF-04);

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

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

~~iv~~iii. including in the notification the methods to be used to comply with LAC 33:XI.Chapters 3 and 7.

d. The UST owner and/or certified worker responsible for the installation-critical junctures shall notify the appropriate regional office of the Office of Environmental Assessment by phone, mail, email, fax, or online (when available) seven days prior to commencing the installation and before commencing any *installation-critical juncture* (as defined in LAC 33:XI.1303).

E. Upgrading Existing UST Systems to New System Standards

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

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

b. the upgrading requirements in Paragraphs ~~E.~~3-~~6~~7 of this ~~Section~~Subsection.

2. ~~After December 22, 1998, all~~All existing UST systems not meeting the requirements of Paragraph E.1 of this Section ~~must~~shall comply with closure requirements under LAC 33:XI.Chapter 9, including applicable requirements for corrective action under LAC 33:XI.715. This does not apply to previously deferred UST systems described in LAC 33:XI.Chapter 8 and where an upgrade is determined to be appropriate by the department.

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

a. Internal Lining. A tank ~~may be~~ upgraded by internal lining ~~if~~shall meet the following:

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

ii. within 10 years after lining, and every ~~five~~5 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 the original design specifications and cannot be repaired in accordance with a code of practice developed by a nationally recognized organization or

independent testing laboratory, then the lined tank shall be permanently closed in accordance with LAC 33:XI.Chapter 9.

iii. After [date of promulgation], an internally lined tank cannot be upgraded with an impressed current system.

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

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

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

iii. The tank ~~has~~had been installed for less than 10 years and ~~is~~was 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~~shall have been conducted before the cathodic protection system ~~is~~was installed. The second tightness test ~~must be~~shall have been conducted between three and six months after the first operation of the cathodic protection system.

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

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

vi. After [date of promulgation], a tank tightness test, performed in accordance with LAC 33:XI.701.A.3, shall be conducted at least once every 12 months for the life of the tank on all tanks that were over 10 years old when the cathodic protection system was installed, unless the current owner has documentation to prove that a tank integrity assessment was conducted prior to the installation of the cathodic protection system (regardless of who owned the tank at the time), or unless an internal lining was installed at the same time as the cathodic protection system.

c. Internal Lining Combined with Cathodic Protection. ~~A tank may be~~Tanks upgraded by both internal lining and cathodic protection ~~if~~installed at the same time shall meet the following:

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

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

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

5. Spill and Overfill Prevention Equipment. To prevent spilling and overfilling associated with product transfer to the UST system, all existing UST systems

~~must~~shall comply with the requirements for spill and overfill prevention equipment for new UST systems specified in Paragraph D.3 of this Section.

6. Emergency Shutoff Valves (Shear or Impact). Emergency shutoff valves at existing facilities must be installed in accordance with Subsection A of this Section and in accordance with the manufacturer's instructions.

~~6~~7. Reporting Requirements

a. The owner and operator ~~must~~shall notify the Office of Environmental Assessment in writing at least 30 days before beginning a UST system upgrade~~.~~ by submitting a completed UST-ENF-04 form.

b. The UST owner and/or certified worker responsible for the upgrade shall notify the appropriate regional office of the Office of Environmental Assessment by phone, mail, email, fax, or online (when available) seven days prior to commencing any *installation-critical junctures* and *repair-critical junctures* (as defined in LAC 33:XI.1303).

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

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:728 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 28:475 (March 2002), amended by the Office of Environmental Assessment, LR 31:1066 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2520 (October 2005), LR 33:2171 (October 2007), LR 34:2116 (October 2008), LR 35:1493 (August 2009), amended by the Office of the Secretary, Legal Division, LR 38:2761 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2143 (November 2017), LR 44:

§305. ~~Interim Prohibitions for Deferred~~Installation Requirements for Partially~~–~~Deferred UST Systems

A. The requirements in this Section apply to ~~all~~ UST systems ~~deferred~~partially excluded under LAC 33:XI.101.C.1.a, b, and c.

B. ~~No person may~~Owners and operators shall install a UST system listed in LAC 33:XI.101.C.1.a, b, or c for the purpose of storing regulated substances ~~unless the UST system~~ (whether of single or double-wall construction) that meets the following requirements.

1. — 3. …

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

D. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), amended by the Office of Environmental Assessment, LR 31:1069 (May 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§307. Fee Schedule

A. — B.1. …

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

3. The owner of ~~record of~~ the UST system ~~on the date of invoicing by the department~~ is responsible for payment of the annual ~~monitoring and maintenance fees.~~fee, any late payment fees, and all outstanding fees and late payment fees.

4. Fees are assessed according to the following schedule.

~~Fee Number~~	~~Annual Registration Fee~~	~~Amount~~
~~001~~	~~All registered UST systems~~	~~$60~~
	~~Annual Maintenance and Monitoring Fees~~	
~~002~~	~~UST systems containing any substance defined in Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (but not including any substance regulated as a hazardous waste under the department's Hazardous Waste Regulations, LAC 33:V.Subpart 1)~~	~~$726~~
~~003~~	~~UST systems at federal facilities (all categories except USTs defined in Fee Number 002, which shall be assessed the higher fee)~~	~~$174~~

~~004~~	~~UST systems containing petroleum products not meeting the definition of motor fuels~~	~~$174~~
~~005~~	~~UST systems containing new or used motor oil (except USTs identified in LAC 33:XI.1101.C and D)~~	~~$303~~

Fee Number	Annual Fees	Amount
1	**Annual Registration Fee**	
	All registered UST systems	$60
2	**Annual Maintenance and Monitoring Fees**	
a	UST systems at federal facilities (all categories except USTs defined in Fee Number 2.b., which shall be assessed the higher fee)	$174
b	UST systems containing any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (but not including any substance regulated as a hazardous waste under the department's Hazardous Waste Regulations, LAC 33:V.Subpart 1)	$726
c	UST systems containing petroleum products not meeting the definition of motor fuels	$174
3	**Motor Fuels Underground Storage Tank Trust Fund Fee**	
	UST systems containing new or used motor oil (except USTs identified in LAC 33:XI.1101.C and D)	$303

C. Amended Registration Fees. The fee for amending or modifying a registration for change of ownership shall be $60.

D. — E.3.c. …

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001, 2014, 2195, and 2195.3 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2400 (December 1999), LR 29:690 (May 2003), LR 29:2052 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 35:2181 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:950 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

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

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

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

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

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

3. failure to conduct ~~establishment of~~ release detection ~~methods or installation of release detection equipment~~ in accordance with LAC 33:XI.~~Chapter 7~~703.A.1;

4. failure to install ~~installation of~~ corrosion protection equipment for tanks and product piping in accordance with LAC 33:XI.Chapter 3;

5. ~~compliance with LAC 33:XI.301.C.4~~allowing a regulated substance to be placed into an unregistered UST in accordance with LAC 33:XI.301.C.9 or 10;~~ or~~

6. allowing a regulated substance to be placed into a UST that does not have a current registration certificate in accordance with LAC 33:XI.301.C.11 or 12;

~~6~~7. upon evidence of a below-surface release from an UST system,~~ initiation by the owner/operator of release investigation and confirmation steps in accordance with LAC 33:XI.711, or compliance with the release response and corrective action requirements in LAC 33:XI.715.~~ failure to conduct a system test within the time frame established in LAC 33:XI.711.A.1, failure to take initial response actions required by LAC 33:XI.715.B.2 and 3, or failure to conduct the initial abatement measures required by LAC 33:XI.715.C.1.a-d and g; or

8. whenever failed tank or failed piping has not been repaired, replaced, upgraded, or permanently closed, or temporarily closed in accordance with LAC 33:XI.711.A.1.

B. — B.1. …

2. failure to properly operate and/or maintain spill and overfill equipment in accordance with LAC 33:XI.Chapter 3 and 503.D, or corrosion protection equipment in

accordance with LAC 33:XI.Chapters 3 and 5. Failure to provide records, within 10 days of request by the department, showing the type of spill, overfill, or corrosion protection equipment installed and the proper operation and/or maintenance of spill, overfill, or corrosion protection equipment shall be considered a failure to properly operate and/or maintain the spill, overfill, or corrosion protection equipment;

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

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

5. failure to conduct periodic testing of spill prevention equipment and containment sumps used for interstitial monitoring of piping and failure to conduct periodic inspection of overfill equipment in accordance with LAC 33:XI.511, and failure to repair or replace failed equipment in accordance with LAC 33:XI.511.D.2 and 3. Failure to provide records, within 10 days of request by the department, showing proper testing and/or inspection of spill prevention equipment, containment sumps used for interstitial monitoring of piping, and overfill equipment shall be considered failure to properly conduct periodic testing and/or inspecting the equipment;

6. failure to conduct periodic operation and maintenance walkthrough inspections in accordance with LAC 33:XI.513, and failure to repair or replace failed equipment in accordance with LAC 33:XI.513.C.2 and 3. Failure to provide records, within 10 days of request by the department, showing that the periodic operation and maintenance walkthrough inspections were conducted in accordance with LAC 33:XI.513 shall be considered failure to conduct periodic operation and maintenance walkthrough inspections;

7. storing a regulated substance containing greater than 10 percent ethanol or greater than 20 percent biodiesel without demonstrating UST system compatibility in accordance with LAC 33:XI.505.C; or

8. upon evidence of a release or a suspected release from a UST system, except for the notification requirements of LAC 33:XI.713 and 715, failure to initiate by the UST owner the release investigation and confirmation steps in accordance with LAC 33:XI.711, cleanup of spills and overfills as required by LAC 33:XI.713, or compliance with the release response and corrective action requirements of LAC 33:XI.715.

C. — D. …

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1867 (September 2007), amended LR 34:2119 (October 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

Chapter 5. General Operating Requirements

§501. Spill and Overfill Control

A. …

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

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

D. Overfill prevention devices must be inspected by removal in accordance with LAC 33:XI.511.A.3 and 511.A.1.b.ii within seven days of any tank overfill event.

E. Tank overfills (when tank is more than 90 or 95 percent full depending on the type of overfill equipment installed) must not occur as a result of tank or piping manifolds. Manifolded UST systems that cause overfills must be immediately taken out of service and repaired, replaced, permanently closed, or placed in temporary closure following the procedures outlined in LAC 33:XI.711.A.1.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, LR 31:1069 (May 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§503. Operation and Maintenance of Corrosion Protection

A. All owners and operators of metal UST systems with corrosion protection ~~must~~shall comply with the following requirements to ensure that releases due to corrosion are prevented ~~for as long as~~until the UST system is ~~used to store regulated substances~~permanently closed or undergoes a change-in-service in accordance with LAC 33:XI.905.

1. All corrosion protection systems ~~must~~shall 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 soil, backfill,~~ground~~ or water.

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

a. Frequency. All cathodic protection systems ~~must~~shall be tested within six months after installation and at least once every 36 months~~three years~~ thereafter, or according to another timeframe established by the department.

b. Inspection Criteria. The criteria used to determine whether cathodic protection is adequate as required by this Section ~~must~~shall be in accordance with the guidelines established by the department and any applicable industry code or recommended practice listed in LAC 33:XI.501.A.

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

B. For UST systems using cathodic protection, records of the operation of the cathodic protection ~~must~~shall be maintained (in accordance with LAC 33:XI.509) to demonstrate

compliance with the performance standards in this Section. These records ~~must~~shall provide the following:

1. — 2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, LR 31:1069 (May 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§505. Compatibility

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

B. …

C. Owners and operators shall notify the department using the UST-REG form within 30 days of [date of promulgation], if currently storing or at least 30 days prior to switching to a regulated substance containing greater than 10 percent ethanol, greater than 20 percent biodiesel, or any other regulated substance identified by the department. In addition, owners and operators of 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 prevention equipment, and overfill prevention 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; or

b equipment or component manufacturer approval. The manufacturer's approval shall be in writing, indicating an affirmative statement of compatibility, specifying the range of biofuel blends the equipment or component is compatible with, and be from the equipment 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 Paragraph 1 of this Subsection.

D. Owners and operators shall maintain records in accordance with LAC 33:XI.509.B documenting compliance with Paragraph C of this Section for as long as the UST system is used to store the regulated substance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, LR 31:1070 (May 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§507. Repairs Allowed

A. Owners and operators of UST systems ~~must~~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 ~~must~~shall meet the following requirements.

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

a. submit a completed installation, renovation, repair, and upgrade notification form (UST-ENF-04) 30 days prior to conducting a repair to a UST system;

b. if the repair is an emergency repair, the UST owner or operator shall submit a completed UST-ENF-04 form within 30 days after completion of the repair detailing the nature of the repair;

c. the UST owner shall submit an amended UST-REG form within 30 days after completion of the repair if any changes of any of the items reflected on the previously submitted forms has changed due to the repair;

d. the UST owner, operator, and/or certified worker responsible for the repairs shall notify the appropriate regional office of the Office of Environmental Assessment by phone, mail, email, fax, or online (when available) seven days prior to commencing any *repair-critical junctures* (as defined in LAC 33:XI.1303).

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

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

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

5. 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, in accordance with LAC 33:XI.501.A, or according to requirements established by the

department within 30 days following the repair. For all other repairs to ~~Repaired~~ tanks and piping, tanks and piping ~~must~~shall be tightness tested in accordance with LAC 33:XI.701.A.3 and B.2 or another test method 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. The tightness testing shall be conducted within 30 days after the date that the repair is completed.~~, except under the following circumstances:~~

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

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

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

a. Repairs to containment sumps shall be made in accordance with the containment sump manufacturer requirements, the containment sump repair equipment manufacturer requirements, or in accordance with LAC 33:XI.501.A.

b. Containment sump repair equipment used to repair a containment sump must be compatible with the product stored in the UST system.

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

7. ….

8. Within 30 days following any repair to spill or overfill prevention equipment, the repaired spill or overfill equipment shall be tested or inspected, as appropriate, in accordance with LAC 33:XI.511 to ensure that it is operating properly.

a. Repairs to spill prevention equipment shall be made in accordance with spill prevention manufacturer requirements, spill prevention equipment repair manufacturer requirements, or in accordance with LAC 33:XI.501.A.

b. Spill prevention repair equipment used to repair spill prevention equipment must be compatible with the product stored in the UST system.

9. If a tank is repaired by addition of an internal liner, the lining shall be inspected within 10 years of installation and every five years thereafter in accordance with LAC 33:XI.303.E.3.a. If the internal lining is no longer performing in accordance with the 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 LAC 33:XI.Chapter 9.

B. Owners and operators of UST systems ~~must~~shall maintain records, in accordance with LAC 33:XI.509.B, of each repair ~~for the remaining operating life of~~until the UST system ~~that demonstrate compliance with the requirements of this Section~~is permanently closed or undergoes a change-in-service in accordance with LAC 33:XI.Chapter 9.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), amended by the Office of Environmental Assessment, LR 31:1070 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2172 (October 2007), LR 34:2119 (October 2008), amended by the Office of the Secretary, Legal Division, LR 38:2761 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2144 (November 2017), LR 44:

§509. Reporting and Recordkeeping

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

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

b. notification when any person assumes ownership of a UST system (LAC 33:XI.301.C.5);

2. — 3. …

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

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

6. results of the temporary closure site investigation (LAC 33:XI.903.E);

7. notification within 30 days of [date of promulgation], and within 30 days prior to UST systems storing or switching to certain regulated substances (LAC 33:XI505.C); and

8. notification before and/or after UST system repairs (LAC 33:XI.507.A.1).

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

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

b. a corrosion expert's design documentation for all field-installed corrosion protection systems (LAC 33:XI.303.D.1.b.ii and D.2.b.ii);

2. — 3. …

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

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

b. a copy of the current registration certificate (LAC 33:XI.301.C.7 and 8);

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

7. documentation of permanent closure, where applicable~~.~~;

8. documentation of compatibility for the UST system (LAC 33:XI.505.D);

9. documentation of compliance with spill prevention equipment testing, overfill prevention equipment inspections, and containment sumps used for interstitial monitoring of piping testing (LAC 33:XI.511.C);

10. documentation of periodic walkthrough inspections (LAC 33:XI.513.B);

11. documentation of shear valve inspection and testing (LAC 33:XI.515.C); and

12. documentation of operator training (LAC 33:XI.611).

C. Availability and Maintenance of Records. Owners and operators ~~must~~shall either keep the records required at the UST site and immediately available for the department's

inspection, or keep them at a readily available alternative site and provide them to the department for inspection upon request.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 18:728 (July 1992), amended by the Office of Environmental Assessment, LR 31:1070 (May 2005), repromulgated by the Office of the Secretary, Legal Affairs Division, LR 32:393 (March 2006), amended LR 34:2119 (October 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§511. 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 the following requirements to ensure the equipment is operating properly and it will prevent releases to the environment.

1. Spill prevention equipment (e.g., a catch basin, spill bucket, or other spill containment device) shall prevent releases to the environment by meeting one of the following requirements.

a. The equipment is double–walled and the integrity of both walls is periodically monitored at a frequency no less than the frequency of the walkthrough inspections described in LAC 33:XI.513. Owners and operators shall begin meeting Subparagraph b of this Paragraph and conduct a test within 30 days of discontinuing periodic monitoring of the equipment.

b. The spill prevention equipment is 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 (owners and operators may use this option only if the manufacturer has developed requirements);

ii. in accordance with LAC 33:XI.501.A; or

iii. requirements developed by the department to be no less protective of human health and the environment than the requirements listed in Clauses i and ii of this Subparagraph.

2. Containment sumps used for interstitial monitoring of piping shall prevent releases to the environment by meeting one of the following requirements.

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 LAC 33:XI.513. Owners and operators shall begin meeting Subparagraph b of this Paragraph and conduct a test within 30 days of discontinuing periodic monitoring of the equipment.

b. The containment sump used for interstitial monitoring of piping is 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 criteria in Clauses 1.b.i–iii of this Subsection.

3. Overfill prevention equipment shall be inspected at least once every three years. At a minimum, the inspection shall ensure that the overfill prevention is set to activate at the correct level specified in LAC 33:XI.303.D.3.a.ii and will activate when regulated substance

reached that level. Inspections shall be conducted in accordance with one of the criteria in Paragraph A.1.b.i — iii of this Section.

B. Owners and operators shall begin meeting the following requirements.

1. For UST systems in use on or before [date of promulgation] the initial spill prevention equipment test, containment sump test, and overfill prevention equipment inspection shall be conducted no later than [three years after date of promulgation].

2. For UST systems brought into use after [date of promulgation], these requirements apply at installation.

C. Owners and operators shall maintain records for spill prevention equipment, containment sumps used for interstitial monitoring of piping, and overfill prevention equipment in accordance with LAC 33:XI.509.B as follows:

1. all records of testing or inspection shall be maintained for three years; and/or

2. for spill prevention equipment and containment sumps 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.

D. Owners and operators shall comply with the following requirements whenever a test of spill prevention equipment or containment sumps used for interstitial monitoring of piping or an inspection of overfill prevention equipment fails.

1. Failed equipment shall be repaired or replaced within 30 days of failing the test or inspection unless an alternative timeframe is granted, in writing, by the department.

2. Repairs to failed equipment shall be conducted in accordance with LAC 33:XI.507.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§513. Periodic Operation and Maintenance Walkthrough Inspections

A. To properly operate and maintain UST systems, not later than [three years after date of promulgation], 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 30 days may be checked prior to each delivery):

i. for spill prevention equipment:

(a). visually check for damage;

(b). remove liquid and debris;

(c). check for and remove obstructions in the fill pipe;

(d). check the fill cap to make sure it is secured on the fill pipe; and

(e). for double–walled spill prevention equipment with interstitial monitoring, check for a leak in the interstitial area; and

ii.(a). for release detection equipment–check to make sure the release detection equipment is operating with no alarms or unusual operating conditions present; and

(b). ensure records of release detection testing are reviewed and current; and

b. every 12 months:

i. for any containment sump installed after December 20, 2008, and any containment sump used for interstitial monitoring of piping:

(a). visually check for damage to the sump and equipment within the sump;

(b). visually check for leaks to the containment area;

(c). visually check for releases to the environment;

(d). remove liquid and debris from containment sumps; and

(e). for double–walled sumps with interstitial monitoring, check for a leak in the interstitial area;

ii. for containment sumps installed before December 20, 2008, that are not used for interstitial monitoring of piping:

(a). visually check for damage to equipment within the sump;

(b). visually check for releases in the containment sump and to the environment;

(c). visually check for the presence of cathodic protection if the sump contains water that is in contact with metal components that routinely contain product; and

(d). remove any debris within the sump;

iii. for submersible turbine pump and under–dispenser areas that do not have containment sumps:

(a). visually check for damage to the equipment within the area;

(b). visually check for releases to the environment;

(c). visually check for the presence of cathodic protection if any metal components that routinely contain product are in contact with soil, backfill, or water; and

(d). remove any debris;

iv. for hand–held release detection equipment–check devices (e.g., tank gauge sticks or groundwater bailers) for operability and serviceability;

2. conduct operation and maintenance walkthrough inspections in accordance with LAC 33:XI.501.A that checks equipment comparable to Paragraph 1 of this Subsection; or

3. conduct operation and maintenance walkthrough inspections in accordance with requirements developed by the department that checks equipment comparable to Paragraph 1 of this Subsection.

B. Owners and operators shall maintain records in accordance with LAC 33:XI.509.B of operation and maintenance walkthrough inspections for three years. Records shall include:

1. a list of the areas checked;

2. whether each area checked was acceptable or needed action taken;

3. a description of actions taken to correct an issue; and

4. delivery records if spill prevention equipment is checked less frequently than every 30 days due to infrequent deliveries.

C. Owners and operators shall comply with the following requirements whenever an inspection of spill prevention equipment and containment sumps used for interstitial monitoring fails and requires a repair.

1. Failed equipment that requires a repair shall be repaired or replaced within 30 days of failing the inspection, unless an alternative timeframe is granted in writing by the department.

2. Repairs to failed equipment shall be conducted in accordance with LAC 33:XI.507.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§515. Periodic Testing of Shear Valves

A. Owners and operators of UST systems with shear valves shall meet the following requirements to ensure the equipment is operating properly and will prevent releases to the environment.

1. Shear valves (e.g., impact valves, emergency shutoff valves, and crash valves) shall be inspected and tested at least once every 12 months to ensure the equipment is properly anchored in accordance with the manufacturer requirements and tripped to ensure that product flow will be stopped in accordance with one of the following:

a. requirements developed by the manufacturer (owners and operators may use this option only if the manufacturer has developed requirements);

b. in accordance with LAC 33:XI.501.A; or

c. requirements developed by the department to be no less protective of human health and the environment than the requirements listed in Clauses a and b of this Subparagraph.

B. Owners and operators shall meet the following requirements for:

1. UST systems in use on or before [date of promulgation], the shear valve test shall be conducted not later than [three years after date of promulgation]; or

2. UST systems brought into use after [date of promulgation], these requirements apply at installation.

C. Owners and operators shall maintain shear valve inspection and test records, in accordance with LAC 33:XI.509.B for three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§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,~~

Appendix A—Industry Codes and Standards*	
Publication Company	**Codes and Standards**
	"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,

Appendix A—Industry Codes and Standards*	
Publication Company	**Codes and Standards**
	"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	

Appendix A—Industry Codes and Standards*	
Publication Company	**Codes and Standards**
ASTM (formerly American Society for Testing and Materials), 100 Barr Harbor Drive, West, Conshohocken, PA 19428-2959	ASTM E 1430, "Standard Guide for Using Release Detection Devices with Underground 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"

Appendix A—Industry Codes and Standards*	
Publication Company	**Codes and Standards**
	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

Appendix A – Industry Codes and Standards*	
Publication Company	**Codes and Standards**
	on Metallic Structures and Corrosion Control Systems"
	NACE Standard RP-0178, "Recommended Practice: Design, Fabrication, and Surface Finish of 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

Appendix A—Industry Codes and Standards*	
Publication Company	**Codes and Standards**
	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	

Appendix A – Industry Codes and Standards*	
Publication Company	**Codes and 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"
	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

Appendix A – Industry Codes and Standards*	
Publication Company	**Codes and Standards**
	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	

~~Appendix A—Industry Codes and Standards*~~	
~~Publication Company~~	~~Codes and Standards~~
~~organizations.~~	

A. API Standards

American Petroleum Institute 1220 L Street, N.W., Washington, DC 20005-4070	
Applicable Regulations**	**Codes and Standards**
LAC 33:XI.501.B	API Recommended Practice 1007, "Loading and Unloading of MC306/DOT 406 Cargo Tank Motor Vehicles"
LAC 33:XI.905.D	API Recommended Practice 1604, "Closure of Underground Petroleum Storage Tanks"
LAC 33:XI.303.D.6.a	API Publication 1615, "Installation of Underground Petroleum Storage Systems"
LAC 33:XI.501.B	The transfer procedures described in API Recommended Practice 1621, "Bulk Liquid Stock Control at Retail Outlets"****
LAC 33:XI.505.B	API Recommended Practice 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations"
LAC 33:XI.303.E.3	API Publication 1631, "Recommended Practice for the Interior Lining of Existing Steel Underground Storage Tanks"***
LAC 33:XI.303.E.3.a.ii LAC 33:XI.507.A.2 LAC 33:XI.905.D	API Recommended Practice 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks"

American Petroleum Institute 1220 L Street, N.W., Washington, DC 20005-4070	
Applicable Regulations**	**Codes and Standards**
LAC 33:XI.303.D.2.b LAC 33:XI.303.E.3 LAC 33:XI.303.E.4 LAC 33:XI.305.B LAC 33:XI.305.C	API Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems"
LAC 33:XI.905.D	API Standard 2015, "Safe Entry and Cleaning of Petroleum Storage Tanks, Planning and Managing Tank Entry From Decommissioning Through Recommissioning"
LAC 33:XI.905.D	API Recommended Practice 2016, "Guidelines and Procedures for Entering and Cleaning Petroleum Storage Tanks"
LAC 33:XI.507.A.2	API Recommended Practice RP 2200, "Repairing Crude Oil, Liquified Petroleum Gas, and Product Pipelines"

B. ASTM Standards

ASTM International 100 Barr Harbor Drive, West, Conshohocken, PA 19428-2959	
Applicable Regulations**	**Codes and Standards**
LAC 33:XI.803.B	ASTM Standard G158, "Standard Guide for Three Methods of Assessing Buried Steel Tanks"

C. FTPI Standards

Fiberglass Tank and Pipe Institute **8252 S. Harvard Avenue, Suite 102, Tulsa, OK 74137**	
Applicable Regulations**	**Codes and Standards**
LAC 33:XI.507.A.2	FTPI RP T-95-01, "Remanufacturing of Fiberglass Reinforced Plastic (FRP) Underground Storage Tanks"
LAC 33:XI.507.A.5	FTPI RP 2007-2, "Field Test Protocol for Testing the Annular Space of Installed Underground Fiberglass Double and Triple-Wall Tanks with Dry Annular Space"

D. KWA Standards

Ken Wilcox Associates, Inc. **1125 Valley Ridge Drive, Grain Valley, MO 64029**	
Applicable Regulations**	**Codes and Standards**
LAC 33:XI.303.E.3.a.ii	KWA Recommended Practice, "Recommended Practice for Inspecting Buried Lined Steel Tanks Using a Video Camera"

E. NIOSH Standards

National Institute for Occupational Safety and Health **1600 Clifton Road, Atlanta, GA 30329**	
Applicable Regulations**	**Codes and Standards**
LAC 33:XI.905.D	NIOSH Publication 80-106, "Criteria for a Recommended Standard for Working in Confined Spaces"

F. NACE Standards

NACE International **15835 Park Ten Place, Houston, TX 77084**	
Applicable Regulations**	**Codes and Standards**
LAC 33:XI.303.D.2.b LAC 33:XI.303.E.4 LAC 33:XI.305.B LAC 33:XI.305.C LAC 33:XI.503.A.2 LAC 33:XI.803.B	NACE International Standard Practice SP 0169, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems"
LAC 33:XI.303.D.1.b LAC 33:XI.303.D.2.b LAC 33:XI.303.E.4 LAC 33:XI.305.B LAC 33:XI.305.C LAC 33:XI.503.A.2 LAC 33:XI.507.A.2 LAC 33:XI.803.B	NACE International Standard Practice SP 0285, "External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection"
LAC 33:XI.303.E.3	National Association of Corrosion Engineers Standard RP-02-85, “Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems”***
LAC 33:XI.503.A.2	NACE International Test Method TM0101, "Measurement Techniques Related to Criteria for Cathodic Protection of Underground Storage Tank Systems"

NACE International 15835 Park Ten Place, Houston, TX 77084	
Applicable Regulations**	**Codes and Standards**
LAC 33:XI.503.A.2	NACE International Test Method TM0497, "Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems"

G. NFPA Standards

National Fire Protection Association 1 Batterymarch Park, Quincy, MA 02169-7471	
Applicable Regulations**	**Codes and Standards**
LAC 33:XI.303.D.6.a LAC 33:XI.507.A.2	NFPA Standard 30, "Flammable and Combustible Liquids Code"
LAC 33:XI.303.D.6.a	NFPA Standard 30A, "Code for Motor Fuel Dispensing Facilities and Repair Garages"
LAC 33:XI.507.A.2 LAC 33:XI.905.D	NFPA Standard 326, "Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair"
LAC 33:XI.501.B	The transfer procedures described in NFPA Standard 385, "Standard for Tank Vehicles for Flammable and Combustible Liquids"

H. NLPA Standards

National Leak Prevention Association **Box 1643, Boise, ID 83701**	
Applicable Regulations**	**Codes and Standards**
LAC 33:XI.303.E.3	NLPA Standard 631, "Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection"***
LAC 33:XI.507.A.2	NLPA Standard 631, Chapter A, "Entry, Cleaning, Interior Inspection, Repair, and Lining of Underground Storage Tanks"
LAC 33:XI.303.E.3.a.ii	NLPA Standard 631, Chapter B, "Future Internal Inspection Requirements for Lined Tanks"
LAC 33:XI.803.B	NLPA Standard 631, Chapter C, "Internal Inspection of Steel Tanks for Retrofit of Cathodic Protection"

I. PEI Standards

Petroleum Equipment Institute **Box 2380, Tulsa, OK 74101-2380**	
Applicable Regulations**	**Codes and Standards**
LAC 33:XI.303.D.6.a	PEI Recommended Practice RP100, "Recommended Practices for Installation of Underground Liquid Storage Systems"
LAC 33:XI.513.A.2	PEI Recommended Practice RP900, "Recommended Practices for the Inspection and Maintenance of UST Systems"

Petroleum Equipment Institute **Box 2380, Tulsa, OK 74101-2380**	
Applicable Regulations**	**Codes and Standards**
LAC 33:XI.507.A.5 LAC 33:XI.511.A.1.b LAC 33:XI.511.A.2.b LAC 33:XI.511.A.3 LAC 33:XI.515.A.1 LAC 33:XI.703.A.2.d	PEI Recommended Practice RP1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities"

J. STI Standards

Steel Tank Institute **944 Sonata Court, Lake Zurich, IL 60047**	
Applicable Regulations**	**Codes and Standards**
LAC 33:XI.303.D.2.b LAC 33:XI.303.E.4 LAC 33:XI.305.B LAC 33:XI.305.C	STI Recommended Practice R892, "Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems"
LAC 33:XI.303.D.1.c	STI Specification F922, "Steel Tank Institute Specification for Permatank®"
LAC 33:XI.507.A.2	STI Recommended Practice R972 "Recommended Practice for the Addition of Supplemental Anodes to STI-P3® Tanks"
LAC 33:XI.303.D.1.b	Steel Tank Institute, "STI-P3® Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks"
LAC 33:XI.303.D.1.b	STI Standard F841, "Standard for Dual Wall Underground Steel Storage Tanks"

Steel Tank Institute 944 Sonata Court, Lake Zurich, IL 60047	
Applicable Regulations**	**Codes and Standards**
LAC 33:XI.303.D.1.c	STI ACT-100® Specification F894, "Specification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks"
LAC 33:XI.303.D.1.c	STI ACT-100U® Specification F961, "Specification for External Corrosion Protection of Composite Steel Underground Storage Tanks"
LAC 33:XI.503.A.2	STI Recommended Practice R051, "Cathodic Protection Testing Procedures for STI-P3® USTs"
LAC 33:XI.507.A.5	STI Recommended Practice R012, "Recommended Practice for Interstitial Tightness Testing of Existing Underground Double Wall Steel Tanks"

K. UL Standards

Underwriters Laboratories Inc. 333 Pfingsten Road, Northbrook, IL 60062	
Applicable Regulations**	**Codes and Standards**
LAC 33:XI.303.D.1.b	UL Standard 58, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids"
LAC 33:XI.303.D.2.a	UL Standard 971, " Non-Metallic Underground Piping for Flammable Liquids"

LAC 33:XI.303.D.1.a	UL Standard 1316, "Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures"
LAC 33:XI.303.D.1.b LAC 33:XI.303.D.1.c	UL Standard 1746, "External Corrosion Protection Systems for Steel Underground Storage Tanks"
LAC 33:XI.303.D.2.b LAC 33:XI.303.E.4	UL Standard 971A, "Outline of Investigation for Metallic Underground Fuel Pipe"

L. UL of Canada Standards

Underwriters Laboratories Inc. **333 Pfingsten Road, Northbrook, IL 60062-2096**	
Applicable Regulations**	**Codes and Standards**
LAC 33:XI.303.D.1.a	UL of Canada Standard S615, "Standard for Reinforced Plastic for Flammable and Combustible Liquids"
LAC 33:XI.303.D.1.b	UL of Canada Standard S603, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids"
LAC 33:XI.303.D.1.b	UL of Canada Standard S603.1, "Standard for External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids"
LAC 33:XI.303.D.1.b	UL of Canada Standard S631, "Standard for Isolating Bushings for Steel Underground Tanks Protected with External Corrosion Protection Systems"

Underwriters Laboratories Inc. 333 Pfingsten Road, Northbrook, IL 60062-2096	
Applicable Regulations**	**Codes and Standards**
LAC 33:XI.303.D.2.a	UL of Canada Standard S660, "Standard for Nonmetallic Underground Piping for Flammable and Combustible Liquids"

Section 599, Appendix A—Industry Codes and Standards: Footnotes

*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.

**UST owners shall comply with the version of the code of practice that is in place at the time the UST system work is performed.

***Historical code of practice listed as an option for complying with LAC 33:XI.303.E.3 by December 22, 1998.

****Contains further guidance on spill and overfill prevention.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:1070 (May 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

Chapter 6. Training Requirements for Underground Storage Tank System Operators

§601. Purpose

A. …

B. The requirements outlined in this Chapter apply to UST systems regulated under this Part, except those excluded by regulation in LAC 33:XI.101.B and C.~~and those deferred by regulation in LAC 33:XI.101.C.2.a.i—v.~~

C. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 36:313 (February 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§603. Underground Storage Tank Operator Classes

A. There shall be three classes of UST operators, identified as ~~C~~class A, ~~C~~class B, and ~~C~~class C.

1. Designation. Owners of UST systems described in LAC 33:XI.601.B ~~must~~shall designate for each UST system or group of UST systems at a facility, at least one named individual for each class of operators.

a. — b. …

c. Class A and B UST operators are not required to be on-site during hours of operation if a class C UST operator is present during hours of operation.

d. Class A and B UST operators are required for all temporarily closed UST facilities.

~~c~~e. During hours of operation, UST facilities ~~must~~shall have at least one certified UST operator (either a ~~C~~class A, ~~C~~class B, or ~~C~~class C UST operator) present at the UST facility, except when a UST facility is unmanned. A UST facility is considered unmanned when there is no attendant present at the facility who could respond to alarms or emergencies caused by spills or overfills from the UST system. Examples of UST facilities that may be un-manned at times include, but are not limited to~~,~~;

i. card lock or card access fueling stations with no attendant present at the time of operation~~,~~;

ii. telecommunication towers or utility transfer stations serviced by emergency generator USTs;~~, and~~

iii. unattended UST systems located at industrial facilities; and

iv. temporarily closed UST facilities.

A.2. — B.1.a. …

b. Qualifications and Training. Class A UST operators ~~must~~shall be trained in and have a general knowledge of the requirements of these regulations, including, but not limited to~~,~~:

i. the UST registration~~,~~;

ii. system components~~,~~;

iii. product and equipment compatibility and demonstration~~,~~;

iv. spill and overfill prevention~~,~~;

v.(a). corrosion protection; and

(b). release detection requirements~~,~~; and

(c). the UST recordkeeping and notification requirements~~,~~;

vi. release and suspected release reporting and response requirements~~,~~;

vii. temporary and permanent closure requirements~~,~~;

viii. operator training requirements~~,~~; and

ix. financial responsibility requirements.

2. — 2.a. …

b. Qualifications. Class B UST operators:

i. ~~must~~shall be capable of monitoring, maintaining, and ensuring compliance with all:

(a). the release detection and prevention methods and equipment requirements~~,~~;

(b). the release detection and prevention recordkeeping and reporting requirements~~,~~; and

(c). the release detection equipment performance standards~~,~~; and

ii. ~~must~~shall be capable of ensuring that ~~C~~class C UST operators;

(a). are trained in facility-specific emergency procedures and notification requirements~~,~~; and

(b).that these procedures and requirements are posted for the use of ~~C~~class C UST operators.

c. Training. Class B UST operators ~~must~~shall be trained in and have knowledge of the following:

i. UST system components;

ii. operation and maintenance;

iii. spill and overfill prevention;

iv. release detection and related reporting;

v. corrosion protection;

vi. emergency response procedures;

vii. product and equipment compatibility and demonstration;

viii. reporting, recordkeeping, testing, and inspections; and

ix. training requirements for class C UST operators.

~~i. UST system components, including the materials and compatibility of such components;~~

~~ii. methods of release detection and release prevention; and~~

~~iii. the operation and maintenance requirements that apply to:~~

~~(a). spill and overfill prevention;~~

~~(b). release detection and corrosion protection;~~

~~(c). emergency response procedures;~~

~~(d). product compatibility;~~

~~(e). reporting and recordkeeping; and~~

~~(f). Class C UST operator training.~~

3. — 3.a. …

b. Training. Class C UST operators ~~must~~shall be trained in emergency response procedures, which ~~must~~shall include the operation of emergency shut-off equipment, initial response procedures to alarms and releases, and required notifications to emergency responders and to the designated ~~C~~class A and ~~C~~class B operators of a UST system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 36:313 (February 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§605. Acceptable UST Operator Training and Certification Processes

A. Training. Operator training ~~must~~shall evaluate operator fulfillment of the training requirements described for each class of operator in LAC 33:XI.603. The following is a list of acceptable approaches to meet the operator training requirements.

1. Acceptable Training for Class A and Class B UST Operators. Class A and ~~C~~class B UST operators ~~must~~shall complete a UST operator training seminar that includes the information listed in LAC 33:XI.603.B.1 or 2, respectively, and that has received approval by the department. This program may include in-class or hands-on training performed, contracted for,

or approved by the department, and ~~must~~shall include an evaluation of operator knowledge through testing, practical demonstration, or other tools deemed acceptable by the department.

2. Acceptable Training for Class C UST Operators

a. Class A or ~~C~~class B UST operators ~~must~~shall ensure that the UST facility's ~~C~~class C UST operators complete training in emergency procedures that includes the information listed in LAC 33:XI.603.B.3. Class C UST operator training programs may include in-class, hands-on, on-line, or any other training format deemed acceptable by the ~~C~~class A or ~~C~~class B UST operator.

b. UST owners and ~~C~~class B UST operators ~~must~~shall ensure that site-specific notices that include site-specific emergency procedures, the location of emergency shut-off devices, and appropriate emergency contact telephone numbers are posted in a prominent area at the UST facility that is easily visible to the ~~C~~class C UST operator.

B. — B.1. …

2. Class C UST Operators. Certified ~~C~~class A or ~~C~~class B UST operators for a UST facility ~~must~~shall submit, to the department or a department-approved contractor, a list of all ~~C~~class C UST operators at that facility who have been trained, and the department or department-approved contractor will provide each such ~~C~~class C UST operator with written verification of successful training completion in the form of a training certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 36:314 (February 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§607. Underground Storage Tank Operator Training Deadlines

A. On or after February 20, 2010, owners of UST systems ~~must~~shall designate their ~~C~~class A and ~~C~~class B UST operators and provide these designations to department personnel or to department-contracted inspectors during department or contract inspections.

B. ~~In order to ensure that all~~All ~~C~~class A and ~~C~~class B UST operators shall have completed an acceptable operator training course as specified in LAC 33:XI.605 by August 8, 2012.~~, the following training schedule for Class A and Class B UST operators who have not been previously certified must be followed.~~

~~1. All Class A and Class B UST operators for facilities inspected between February 20, 2010 and November 8, 2011, must complete an acceptable operator training course as specified in LAC 33:XI.605 within nine months of the inspection date.~~

~~2. All Class A and Class B UST operators, including those Class A and Class B UST operators who have not been given departmental notice during inspections of their need to receive qualifying training, must complete an acceptable operator training course as specified in LAC 33:XI.605 no later than August 8, 2012.~~

C. All ~~C~~class C UST operators ~~must~~shall have completed an acceptable operator training course as specified in LAC 33:XI.605~~.A.2~~ by August 8, 2012.

D. After August 8, 2012, UST owners ~~must~~shall require that all newly-designated ~~C~~class A or ~~C~~class B UST operators complete an acceptable operator training course as specified in LAC 33:XI.605 within 30 days after assuming operation and maintenance responsibilities at the UST system.

E. After August 8, 2012, UST owners ~~must~~shall require that all newly-designated ~~C~~class C UST operators complete an acceptable operator training course as specified in LAC

33:XI.605 before assuming unsupervised responsibility for responding to emergencies at UST system facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 36:315 (February 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§609. Underground Storage Tank Operator Training Frequency

A. Certified ~~C~~class A and ~~C~~class B UST operators ~~must~~shall be re-trained in accordance with LAC 33:XI.603 and 605 within three years of their last training date.

1. — 2. …

B. Certified ~~C~~class C UST operators may only work at UST facilities owned by the UST owners that provided their initial training without having to be re-trained. Class C UST operators ~~must~~shall be re-trained prior to assuming responsibility at a facility owned by a different UST owner that did not provide the initial training.

C. When issues of noncompliance are noted at a facility, ~~C~~class A and/or ~~C~~class B UST operators, as determined by the department for that UST facility, ~~must~~shall attend either a department-sponsored compliance class that addresses the noted noncompliant areas or an acceptable operator training course as specified in LAC 33:XI.605, as determined by the department, within the time frame given in the notification by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 36:315 (February 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§611. Documentation of Underground Storage Tank Operator Training

A. Owners and operators ~~must~~shall maintain the following records demonstrating compliance with UST operator training requirements for operators associated with the facility:

1. — 2. …

B. Owners and operators ~~must~~shall either keep the required training records at the UST site and immediately available for the department's inspection, or at a readily available alternative location and provide them to the department for inspection upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 36:315 (February 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

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

§701. Methods of Release Detection

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

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

a. Inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tank ~~must~~shall be recorded each operating day.

b. The equipment used ~~must~~shall be capable of measuring the level of product over the full range of the tank's height to the nearest 1/8 of an inch.

c. Inputs of regulated substances ~~must~~shall be reconciled with delivery receipts measuring the tank inventory volume before and after delivery.

d. Deliveries ~~must~~shall be made through a drop tube that extends to within 1 foot of the tank bottom.

e. Product dispensing ~~must~~shall be metered and recorded within the local standards for meter calibration or an accuracy of 6 cubic inches for every 5 gallons of product withdrawn.

f. Measurements of any water level in the bottom of the tank ~~must~~shall be made to the nearest 1/8 of an inch at least once a month.

g. …

2. Manual Tank Gauging. ~~Only tanks~~Tanks having a nominal capacity of 550 gallons or less and tanks having a nominal capacity of 551 to 1,000 gallons that meet the tank diameter criteria in the table in Subparagraph 2.d of this Subsection may use manual tank gauging as the sole method of release detection. ~~Tanks of~~ All other tanks with a nominal capacity of 551-2,000 gallons ~~nominal capacity~~ may use this method in place of the manual inventory control described in ~~LAC 33:XI.701.A.1~~Paragraph 1 of this Subsection. Tanks having a nominal capacity of greater than 2,000 gallons may not use this method to meet the requirements of this Subsection. Manual tank gauging ~~must~~shall meet the following requirements.

a. Tank liquid levels ~~must~~shall be measured at the beginning and ending of a period ~~of at least 36 hours~~using the appropriate minimum duration of the test provided in the table in Paragraph 2.d of this Section, during which no liquid is added to or removed from the tank. For the purposes of ~~LAC 33:XI.701.A.2.d~~Subparagraph d of this Paragraph, this constitutes one test.

b. Liquid level measurements ~~must~~shall be based on an average of two consecutive stick readings at both the beginning and ending of the period.

c. The equipment used ~~must~~shall be capable of measuring the level of product over the full range of the tank's height to the nearest 1/8 of an inch.

d. A leak shall be suspected and subject to the requirements of LAC 33:XI.707-713 if the variation between beginning and ending measurements exceeds the weekly or monthly standards in the following table.

~~**Nominal Tank Capacity**~~	~~**Weekly Standard (One Test)**~~	~~**Monthly Standard (Average of 4 Tests)**~~
~~550 gallons or less~~	~~10 gallons~~	~~5 gallons~~
~~551 - 1000 gallons~~	~~13 gallons~~	~~7 gallons~~
~~1001 - 2000 gallons~~	~~26 gallons~~	~~13 gallons~~

Nominal Tank Capacity	Minimum Duration of Test	Weekly Standard (One Test)	Monthly Standard (Average of 4 Tests)
550 gallons or less	36 hours	10 gallons	5 gallons
551 - 1000 gallons (when tank diameter is 64 inches)	44 hours	9 gallons	4 gallons
551 – 1000 gallons (when tank diameter is 48 inches)	58 hours	12 gallons	6 gallons
551 – 1000 gallons (also requires periodic tank tightness testing)	36 hours	13 gallons	7 gallons
1001 – 2000 gallons (also requires periodic tank tightness testing)	36 hours	26 gallons	13 gallons

3. Tank Tightness Testing. Tank tightness testing (or another test of equivalent performance) ~~must~~shall be capable of detecting a 0.1-gallon-per-hour leak rate from

any portion of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table.

4. Automatic Tank Gauging (ATG)

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

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

ii. the automatic tank gauging equipment shall meet the inventory control requirements of Subparagraphs 1.b and 1.f of this Subsection (or another test of equivalent performance) ~~must be conducted in accordance with the requirements of LAC 33:XI.701.A.1.~~; and

iii. the test shall be performed with the system operating in one of the following modes:

(a). in-tank static testing conducted at least once every 30 days; 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 at least once every 30 days.

~~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. External Release Detection Devices

a. General. External release detection devices (RDDs) consist of slotted (screened) piping installed within the excavation zone to permit either the testing or monitoring of vapors or the testing or monitoring for liquids on the water table. All RDDs ~~must~~shall meet the following requirements.

i. All RDDs ~~must~~shall have a 4-inch inside diameter and be constructed of either polyvinyl chloride (PVC), polytetrafluoroethylene (PTFE), or stainless steel, and ~~must~~shall be chemically compatible with the stored product. The screened interval ~~must~~shall be commercially fabricated, slotted, or continuously wound. Screen size ~~must~~shall be 0.01 inches. No solvents, glues, epoxies, thermal processes, or rivets shall be used.

ii. The screened interval ~~must~~shall extend from 1 foot beneath the ground surface through the entire excavation zone.

iii. Each RDD ~~must~~shall be sealed from the ground surface to a depth of 1 foot and provided with a locking cap. Each RDD ~~must~~shall be installed in such a fashion as to preclude the introduction of surface contaminants into the RDD.

iv. No RDD shall be installed within or penetrate native soils unless the hydraulic conductivity of the native soil is no less than 0.01 centimeters per second.

v. If only one UST system is located within the excavation zone, at least two RDDs ~~must~~shall be installed. For excavation zones containing between two and four UST systems, at least four RDDs ~~must~~shall be installed. If more than four UST systems are situated within a common excavation zone, additional RDDs shall be installed as appropriate to ensure adequate coverage for release detection. If, prior to the implementation of these regulations, fewer RDDs than required in this Clause were installed at a specific location, the owner or operator may request a variance by demonstrating to the satisfaction of the administrative authority that the excavation zone in question can be adequately monitored.

vi. A UST owner or operator may request a variance to the RDD construction requirements outlined above by demonstrating to the department that the proposed deviations will allow the excavation zone to be adequately monitored.

b. Vapor Monitoring. Testing or monitoring for vapors within the soil gas of the excavation zone ~~must~~shall meet the following requirements.

i. The materials used as backfill ~~must~~shall be sufficiently porous (e.g., gravel, sand, crushed rock) to readily allow diffusion of vapors from releases into the excavation area.

ii. The stored regulated substance, or a tracer compound placed in the tank system, ~~must~~shall be sufficiently volatile (e.g., gasoline) to result in a vapor level detectable by the monitoring devices located in the excavation zone in the event of a release from the tank.

iii. The measurement of vapors by the monitoring devices ~~must~~shall not be rendered inoperative by the groundwater, rainfall, or soil moisture, or other known interferences, so that a release could go undetected for more than 30 days.

iv. The level of background contamination in the excavation zone ~~must~~ shall not interfere with the method used to detect releases from the tank.

v. The vapor monitors ~~must~~shall be designed and operated to detect any significant increase in concentration above background of the regulated substance stored in the tank system, a component or components of that substance, or a tracer compound placed in the tank system.

vi. In the UST excavation zone, the site ~~must~~shall be assessed to ensure compliance with the requirements in Clauses A.5.b.i-iv of this Section and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains product.

vii. Monitoring wells ~~must~~shall be clearly marked and secured to avoid unauthorized access and tampering.

c. Liquid Monitoring. Testing or monitoring for liquids on the water table ~~must~~ shall meet the following requirements.

i. The regulated substance stored ~~must~~shall be immiscible in water and have a specific gravity of less than one.

ii. When an RDD is installed in the tank hold backfill, there shall be water present in the RDD during measurement at least once every 30 days in order to use liquid monitoring. When an RDD is installed in native soil, the d~~D~~istance to the water table ~~must~~shall never be more than 20 feet from the ground surface and shall be present in the RDD

during measurement at least once every 30 days, and the hydraulic conductivity of the soil(s) between the UST system and the RDD~~s must~~shall not be 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) in order to use liquid monitoring.

iii. The slotted portion of the RDD ~~must~~shall be designed to prevent migration of 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.

iv. The continuous monitoring devices or manual methods used ~~must~~shall be capable of detecting the presence of at least 1/8 of an inch of free product on top of the water within the RDD.

v. Within and immediately below the excavation zone of the UST system, the site ~~must~~shall be assessed to ensure compliance with the requirements in Clauses A.5.c.i-iii of this Section and to establish the number and positioning of devices that will detect releases from any portion of the tank that routinely contains product.

vi. RDD ~~must~~shall be clearly marked and secured to avoid unauthorized access and tampering.

6. …

a. For double-walled UST systems, the sampling or testing method used ~~must~~shall be capable of detecting a ~~release~~leak through the inner wall in any portion of the tank that routinely contains product. Interstitial monitoring of double-walled or jacketed tanks shall be conducted either continuously by means of an automatic leak sensing device that signals to the operator the presence of any ~~regulated substance~~liquid in the interstitial space, or manually

every 30 days by means of a procedure capable of detecting the presence of any ~~regulated substance~~liquid in the interstitial space.

b. For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used ~~must~~shall be capable of detecting a release between the UST system and the secondary barrier, and the following criteria ~~must~~shall be met.

i. The secondary barrier around or beneath the UST system consists of artificially constructed material that is sufficiently thick and impermeable (at least 10^{-6} centimeters per second for the regulated substance stored) to direct a ~~release~~leak to the monitoring point and permit its detection.

ii. The barrier is compatible with the regulated substance stored so that a ~~release~~ leak from the UST system will not cause deterioration of the barrier that would allow a release to pass through undetected.

iii. — vi. …

c. Tanks with internally fitted liners ~~must~~shall be equipped with an automated device that can detect a ~~release~~leak between the inner wall of the tank and the liner, and the liner ~~must~~shall be compatible with the substance stored.

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.~~Release detection methods based on the application of statistical principles to inventory data similar to those described in LAC 33:XI.701.A.1 shall meet the following requirements:

i. report a quantitative result with a calculated leak rate;

ii. be capable of detecting a leak rate of 0.2 gallons per hour or a release of 150 gallons within 30 days; and

iii. use a threshold that does not exceed one-half the minimum detectable leak rate.

b. The UST system owner or operator ~~must~~shall receive a ~~monthly~~ report from the SIR provider/vendor/software that ~~actually~~ performs the SIR analysis within the 30–day monitoring period~~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.~~

8. Other Methods. Any other type of release detection method, or combination of methods, can be used if it meets the following requirements.

a. The release detection method can detect a 0.2-gallon-per-hour leak rate or a release of 150 gallons within ~~a month~~30 days 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~~release detection method has been approved by the Office of Environmental Assessment 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.~~3-8 of this ~~Section~~Subsection. In comparing methods, the Office of Environmental Assessment 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~~shall comply with any conditions imposed on its use by the Office of Environmental Assessment.

B. Piping. Each method of release detection for piping used to meet the requirements of LAC 33:XI.703.B ~~must~~shall be used in accordance with the following.

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 3 gallons per hour at 10~~-pounds-per-square-inch~~pounds per square inch line pressure within ~~one~~1 hour. A test of the operation of the leak detector shall be conducted at least once 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.~~following:

a. in accordance with the manufacturer’s requirements;

b. by simulating a release in order to determine if the system can detect leaks of 3 gallons–per–hour at 10 pounds per square inch line pressure within 1 hour and is fully operational; and

c. tested to ensure that the submersible pump does not run continuously during normal facility operation.

2. Line Tightness Testing. Periodic testing of piping is acceptable only if such testing can detect a 0.1~~ gallon per hour~~gallons per hour leak rate at 1.5 times normal operating pressure.

3. Applicable Tank Methods. Any of the methods in Paragraphs A.4-8 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. Line tightness testing conducted at normal operating pressure with an ATG and pressurized line leak detectors, or with statistical inventory reconciliation must meet a 0.08 gallon–per–hour leak rate in order to qualify as an annual line tightness test.

4. Interstitial Monitoring. Interstitial monitoring of double-walled or jacketed piping shall be conducted either continuously by means of an automatic leak sensing device that signals to the operator the presence of any ~~regulated substance~~liquid in the interstitial space or sump, or manually every 30 days by means of a procedure capable of detecting the presence of any ~~regulated substance~~liquid in the interstitial space or sump.

a. The interstitial space or sump shall be maintained free of water, debris, or anything that could interfere with leak detection capabilities.

b. Subparagraph ~~D.4.~~a of this Paragraph~~Section does not apply~~applies only to containment sumps that ~~were installed prior to December 20, 2008, and that do not utilize~~are used for interstitial monitoring ~~as a~~of piping~~.release detection method.~~

c. Sump sensors that are used for interstitial monitoring of piping shall be installed at the lowest part of the containment sump and in a vertical position, unless otherwise specified by the sensor manufacturer.

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 31:1072 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2172 (October 2007), LR 34:2120 (October 2008), amended by the Office of the Secretary, Legal Division, LR 38:2762 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2144 (November 2017), LR 44:

§703. Requirements for Use of Release Detection Methods

A. Requirements for All UST Systems

1. Owners and operators of all ~~new and existing~~ UST systems ~~must~~shall use a method, or combination of the methods, of release detection described in LAC 33:XI.701.

2. The method of release detection used ~~must~~shall also meet the following requirements.

a. The release detection method used ~~must~~shall be capable of detecting a release from any portion of the tank and the connected underground piping that routinely contains product.

b. The release detection system ~~must~~shall be installed~~,~~ and calibrated~~, operated, and maintained~~ in accordance with the manufacturer's instructions~~, including routine maintenance and service checks for operability or running condition~~.

c. The release detection system ~~must~~shall meet the performance requirements in LAC 33:XI.701.A, ~~or~~ B, or LAC 33:XI.Chapter 8, as applicable, with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer, or in accordance with the third party evaluations, unless otherwise approved by the department. In addition, methods listed in LAC 33:XI.701.A.2, 3, 4, 7, and 8, LAC 33:XI.701.B.1 and 2, and LAC 33:XI.33.Chapter 8 ~~used after the date shown in the following table corresponding with the specified method, except for methods permanently installed before that date and in compliance with LAC 33:XI.701, must~~shall be capable of detecting the leak rate or quantity specified for that method in ~~LAC 33:XI.701.A.2, 3, and 4 or B.1 and 2 (as shown in the table below)~~the corresponding Section of LAC 33:XI.701 or LAC 33:XI.Chapter 8 with a probability of detection ~~(Pd)~~ of at least 0.95 and a probability of false alarm ~~(Pfa)~~ of no greater than 0.05.

~~**Method**~~	~~**Section**~~	~~**Date after Which Pd/Pfa Must Be Demonstrated**~~
~~Manual Tank Gauging~~	~~LAC 33:XI.701.A.2~~	~~December 22, 1990~~
~~Tank Tightness Testing~~	~~LAC 33:XI.701.A.3~~	~~December 22, 1990~~
~~Automatic Tank Gauging~~	~~LAC 33:XI.701.A.4~~	~~December 22, 1990~~
~~Automatic Line Leak Detectors~~	~~LAC 33:XI.701.B.1~~	~~September 22, 1991~~
~~Line Tightness Testing~~	~~LAC 33:XI.701.B.2~~	~~December 22, 1990~~

d. The release detection system shall be operated and maintained in accordance with the manufacturer's instructions. Beginning [three years after date of

promulgation], the release detection method used shall be operated and maintained, and electronic components shall be tested for proper operation, in accordance with manufacturer's instructions, a code of practice developed by a nationally recognized organization or independent testing laboratory listed in LAC 33:XI.599, or requirements developed by the department that are no less protective of human health and the environment than the two options listed above.

i. A test of the proper operation shall be performed at least once every 12 months and, at a minimum, as applicable to the facility, cover the components and criteria listed in LAC 33:XI.703.A.2.d.ii.(a).–(e).

ii. The equipment listed below that fails testing shall be repaired or replaced within 30 days of the failed test date:

(a). automatic tank gauge and other controllers:

(i). test alarm;

(ii). verify configuration; and

(iii). test battery backup;

(b). probes and sensors:

(i). inspect for residual buildup;

(ii). ensure floats move freely;

(iii). ensure shaft is not damaged;

(iv). ensure cables are free of kinks and breaks; and

(v). test alarm operability and communication with the controller;

(c). automatic line leak detector: test operation to meet criteria in LAC 33:XI.701.B.1;

(d). vacuum pumps and pressure gauges: ensure proper communication with sensors and controller; and/or

(e). hand-held electronic sampling equipment associated with groundwater and vapor monitoring: ensure proper operation.

3. When a release detection method operated in accordance with the performance standards in LAC 33:XI.701.A, ~~and~~ B, or LAC 33:XI.Chapter 8 indicates that a release may have occurred, owners and operators ~~must~~shall notify the Office of Environmental ~~Compliance~~Assessment in accordance with LAC 33:XI.707~~-713~~. If more than one method of release detection is conducted on a UST system, and, if any one of these release detection methods indicates that the release may have occurred which cannot be overruled by one of the other methods currently in use, a suspected release shall be reported in accordance with LAC 33:XI.707.

~~4. Owners and operators of all UST systems must comply with the release detection requirements of LAC 33:XI.701-705 by December 22 of the year listed in the following table.~~

Schedule for Phase-In of Release Detection					
Year System Was Installed	Year When Release Detection Is Required **(By December 22 of the year indicated)**				
	1989	**1990**	**1991**	**1992**	**1993**
Before 1965 or date unknown	RD	P			

~~Schedule for Phase-In of Release Detection~~					
~~Year System Was Installed~~	~~Year When Release Detection Is Required (By December 22 of the year indicated)~~				
	~~1989~~	~~1990~~	~~1991~~	~~1992~~	~~1993~~
~~1965-69~~		~~P/RD~~			
~~1970-74~~		~~P~~	~~RD~~		
~~1975-79~~		~~P~~		~~RD~~	
~~1980-88~~		~~P~~			~~RD~~
~~New Tanks~~	~~Immediately upon installation.~~				
~~P = Must begin release detection for all pressurized piping in accordance with LAC 33:XI.703.B.2.a.~~					
~~RD = Must begin release detection for tanks and suction piping in accordance with LAC 33:XI.703.B.1, 2.b, and C.~~					

4. The release detection method used shall provide a conclusive result at least once every 30 days. When an inconclusive result is received, the UST owner or operator shall either run another release detection test, where applicable, or conduct an alternate method of release detection in order to obtain a conclusive result for the 30 day monitoring period. If no alternate method of release detection is available, the UST owner or operator may conduct a tank and/or line tightness test in accordance with LAC 33:XI.701.A.3 and/or B.2 within seven days of the end of the 30 day monitoring period in order to satisfy this requirement.

5. Any ~~existing~~ UST system that cannot apply a method of release detection that complies with the requirements of LAC 33:XI.701-705 ~~must~~shall complete the closure procedures in LAC 33:XI.Chapter 9 ~~by the date on which release detection is required for that UST system under Paragraph A.4 of this Section~~. For previously deferred UST systems described in LAC 33:XI.101 and LAC 33:XI.Chapter 8, this requirement is applicable after the effective dates described in LAC 33:XI.101.A.1.b and LAC 33:XI.801.A.

B. Additional Requirements for Petroleum and Motor Fuel UST Systems. In addition to the requirements specified in LAC 33:XI.703.A, owners and operators of petroleum and motor fuel UST systems ~~must~~shall provide release detection for tanks and piping as follows.

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

a. Tanks installed on or before December 20, 2008, shall be monitored for releases at least once every 30 days using one of the methods listed in LAC 33:XI.701.A.3–8, except for the following:

~~a~~i. UST systems that meet the performance standards in LAC 33:XI.303.D or E, 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~~5 years until ~~December 22, 1998, or until~~ 10 years after the tank ~~is~~was installed ~~or upgraded in accordance with LAC 33:XI.303.E.3, whichever is later~~. Inventory control and manual tank gauging, conducted in accordance with LAC 33:XI.701.A.1 or 2, in conjunction with tank tightness testing are no longer allowed as release detection methods after December 20, 2018.

~~b. UST systems that do not meet the performance standards in LAC 33:XI.303.D or E may use monthly inventory controls (conducted in accordance with LAC 33:XI.701.A.1 or 2), and 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 in accordance with LAC 33:XI.303.E or permanently closed in accordance with LAC 33:XI.905.~~

~~c~~ii. Tanks with a capacity of 550 gallons or less and tanks with a capacity of 551 to 1000 gallons that meet the tank diameter criteria in LAC 33:XI.701.A.2 may use ~~weekly~~manual tank gauging (conducted in accordance with LAC 33:XI.701.A.2).

b. Tanks installed after December 20, 2008, or after the date of the extension granted under LAC 33:XI.303.C.2, shall be monitored for releases at least once every 30 days in accordance with LAC 33:XI.701.A.6.

2. Piping. Underground piping that routinely contains regulated substances ~~must~~shall be monitored for releases in a manner that meets one of the following requirements.

a. Piping installed on or before December 20, 2008, shall meet one of the following.

~~a~~i. Pressurized Piping. Underground piping that conveys regulated substances under pressure ~~must~~shall:

~~i~~(a). be equipped with an automatic line leak detector in accordance with LAC 33:XI.701.B.1; and

~~ii~~(b). have 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.

~~b~~ii. Suction Piping. Underground piping that conveys regulated substances under suction ~~must~~shall either have a line tightness test conducted at least every three years and in accordance with LAC 33:XI.701.B.2, or use a monthly monitoring method conducted in accordance with LAC 33:XI.701.B.3. No release detection is required for suction piping designed and constructed to meet the following standards:

~~i~~(a). the below-grade piping operates at less than atmospheric pressure;

~~ii~~(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;

~~iii~~(c). only one check valve is included in each suction line;

~~iv~~(d). the check valve is located directly below and as close as practical to the suction pump; and

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

b. Piping installed or replaced after December 20, 2008, or after the extension granted under LAC 33:XI.303.C.1 and 2, shall meet one of the following.

i. Pressurized piping shall be monitored for releases at least once every 30 days in accordance with LAC 33:XI.701.B.4 and be equipped with an automatic line leak detector in accordance with LAC 33:XI.701.B.1.

ii. Suction piping shall be monitored for releases at least once every 30 days in accordance with LAC 33:XI.701.B.4. No release detection is required for suction piping that meets the requirements of Subclauses a.ii.(a).–(e). of this Paragraph.

C. Additional Requirements for Hazardous Substance UST Systems. In addition to the requirements of LAC 33:XI.703.A, owners and operators of hazardous substance UST systems ~~must~~shall provide containment~~release detection~~ that meets the following requirements and monitor the tanks for systems using LAC 33:XI.701.A.6 and the piping for systems using 701.B.4 at least once every 30 days.

~~1. Release detection at existing UST systems must meet the requirements for petroleum UST systems specified in LAC 33:XI.703.B. By December 22, 1998, all existing hazardous substance UST systems must meet the release detection requirements for new systems specified in Paragraph C.2 of this Section.~~

~~2. Release detection at new hazardous substance UST systems must meet the following requirements.~~

~~a~~1. Secondary containment systems ~~must~~shall be designed, constructed, and installed in accordance with LAC 33:V.4437 to:

~~i~~a. contain regulated substances ~~released~~leaked from the ~~tank system~~ primary containment until they are detected and removed;

~~ii~~b. prevent the release of regulated substances to the environment at any time during the operational life of the UST system; and

~~iii~~c. be checked for evidence of a release at least once every 30 days.

~~b~~2. Double-walled tanks ~~must~~shall be designed, constructed, and installed to:

~~i~~a. contain a release from any portion of the inner tank within the outer wall; and

~~ii~~b. detect the failure of the inner wall.

~~e~~3. External liners (including vaults) ~~must~~shall be designed, constructed, and installed to:

~~i~~a. contain 100 percent of the capacity of the largest tank within the boundary of the external liner;

~~ii~~b. prevent precipitation or groundwater intrusion from interfering with the ability to contain or detect a release of regulated substances; and

~~iii~~c. surround the tank completely (i.e., the liner ~~must~~shall be capable of preventing lateral as well as vertical migration of regulated substances).

~~d~~4. Underground piping ~~must~~shall be equipped with secondary containment that satisfies the requirements of ~~Subparagraph C.2.a of~~ this Section (e.g., trench liners, jacketing of double-walled pipe). In addition, underground piping that conveys regulated substances under pressure ~~must~~shall be equipped with an automatic line leak detector, in accordance with LAC 33:XI.701.B.1.

~~e~~5. For hazardous substance UST systems installed on or before [date of promulgation], o~~O~~ther methods of release detection may be used if the owners and operators:

~~i~~a. demonstrate to the department's satisfaction that the alternate method can detect a release of the stored substance as effectively as any of the methods allowed in LAC 33:XI.701.A.2-7 can detect a release of petroleum;

~~ii~~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; and

~~iii~~c. obtain approval from the Office of Environmental Assessment to use the alternate release detection method before the installation and operation of the new 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 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 31:1073 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2172 (October 2007), LR 34:1400 (July 2008), LR 34:2120 (October 2008), amended by the Office of the Secretary, Legal Division, LR 38:2762 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2144 (November 2017), LR 44:

§705. Release Detection Recordkeeping

A. All UST system owners and operators ~~must~~shall maintain records in accordance with LAC 33:XI.509 demonstrating compliance with all applicable requirements of LAC 33:XI.701-703 and LAC 33:XI.803.D. These records ~~must~~shall include the following.

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, installer, or third–party independent testing laboratory must be maintained throughout the operational life of the release detection system. Beginning no later than [three years after date of promulgation], records of the site assessments required under LAC 33:XI.701.A.5.b.vi and LAC 33:XI.701.A.5.c.v shall be maintained as long as the methods are used. Records of site assessments developed after [date of promulgation], 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.

a. The department may waive the site assessment requirement for UST systems that were conducting vapor or groundwater monitoring prior to [date of promulgation], if the applicable requirements of LAC 33:XI.701.A.5.a, b, and c were verified during a compliance evaluation inspection. In these cases, the department will provide a written waiver to the facility that shall be maintained for as long as the methods are used.

2. The results of any sampling, testing, or monitoring ~~must~~shall be maintained for at least three years, except that the results of tank tightness testing conducted in accordance with LAC 33:XI.701.A.3 when used in combination with inventory control and manual tank gauging as a release detection method shall~~must~~ be retained until the next test is conducted~~.~~, and shall contain, at a minimum, the following information.

a. Inventory Control

i. Inventory control records shall include:

(a). the tank identifier;

(b). the month and year of the report;

(c). the date of the monthly water check and the measured water level in inches;

(d). the daily start stick inventory in inches and gallons, gallons delivered, gallons pumped, end stick inventory in inches and gallons, the over and short measurements, and the initials of the person conducting the measurements;

(e). the total gallons pumped for the month;

(f). cumulative over and short calculation for the month;

(g). the monthly leak check amount;

(h). the monthly leak check amount plus 130; and

(i). the monthly leak check result of pass/fail or yes/no.

b. Manual Tank Gauging

i. Manual tank gauging records shall include:

(a). the tank identifier;

(b). the month, day and time of the initial test;

(c). the first, second and average initial readings;

(d). the initial test gallons;

(e). the month, day and time of the end test;

(f). the first, second and average end readings;

(g). the end test gallons;

(h). the change in tank volume calculated weekly and monthly; and

(i). whether the tank test passes or not weekly and monthly.

c. Tank Tightness Testing. Tank tightness test reports shall include the date of the test, the tank identifier, a qualitative result statement, a calculated leak rate, and any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used. Raw data generated for each tank tightness test shall be provided to the department upon request.

d. Automatic Tank Gauging (ATG)

i. ATG test reports shall include:

(a). the time, date, or period covered for the test;

(b). the tank and/or piping identifier;

(c). a qualitative result of pass, fail, inconclusive, or alarm code where applicable;

(d). a quantitative result with a calculated leak rate; and

(e). any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used.

e. Vapor Monitoring with RDD

i. Vapor monitoring RDD records shall include:

(a). the date the analysis was conducted;

(b). the well identifiers;

(c). the concentration measured in each well in parts per million;

(d). a statement or signifier if any of the measured concentrations represents a suspected release (any significant increase in concentration above background); and

(e). any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used.

f. Liquid Monitoring with RDD

i. Liquid monitoring RDD records shall include:

(a). the date the wells are checked;

(b). the well identifiers;

(c). the amount of product measured in each well;

(d). the depth to the water surface in each well; and

(e). any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used.

g. Tank Interstitial Monitoring (IM)

i. Tank IM records shall include:

(a). the date of the test;

(b). the tank identifier;

(c). a qualitative result statement (i.e., pass or fail, liquid, product or water detected, sensor normal message, dry space, alarm code when applicable, etc.);

(d). a qualitative result (when applicable); and

(e). any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used.

h. Statistical Inventory Reconciliation (SIR)

i. SIR records shall include:

(a). the month and year of the test;

(b). the name of the SIR provider/vendor/software and the name and version of the SIR method used for analysis;

(c). the name and address of the facility;

(d). a description of the UST system;

(e). a quantitative result of the leak threshold, the minimum detectable leak rate, and the calculated leak rate for each UST system monitored;

(f). a qualitative statement of pass, fail, or inconclusive for each UST system monitored; and

(g). any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used. (Monthly raw data shall be provided to the department upon request.)

i. Other Method. Any specific records required by the department upon approval of the method, any records needed to demonstrate that the method meets the performance requirements outlined in ALC 33:XI.701.A.8.a, and any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used.

j. Line Leak Detector (LLD)

i. LLD test results shall include:

(a). the date of the test;

(b). the LLD identifier;

(c). a qualitative result statement;

(d). a calculated leak rate;

(e). a qualitative statement regarding whether the submersible turbine pump is running continuously or not;

(f). any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used; and

(g). raw data generated for each line LLD test shall be provided to the department upon request.

k. Line Tightness Test (LTT)

i. LTT results shall include:

(a). the date of the test;

(b). the line identifier;

(c). a qualitative result statement;

(d). a calculated leak rate;

(e). any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used; and

(f). raw data generated for each LTT shall be provided to the department upon request.

l. Piping Interstitial Monitoring (IM)

i. Piping IM records shall include:

(a). the date of the test;

(b). the line identifier;

(c). a qualitative statement (i.e., pass or fail, liquid, product or water detected, sensor normal message, dry space, alarm code when applicable, etc.);

(d). a qualitative result, when applicable; and

(e). any other information needed to verify compliance with LAC 33:XI.703.A.2.c as applicable to the equipment and method used.

3. Written documentation of all calibration, maintenance, and repair of release detection equipment used on-site ~~must~~shall be maintained for at least 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~~shall be retained for five years from the date of installation.

4. The results of annual operation tests conducted in accordance with LAC 33:XI.703.A.2.d shall be maintained for at least three years. At a minimum, the results shall list each component tested, the date each component was tested, indicate whether each component

tested meets the criteria in LAC 33:XI.703.A.2.d or needs to have action taken, and a description of any actions taken to correct an issue.

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 31:1073 (May 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§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~~Assessment 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. 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. Released~~released~~ regulated substances are discovered at the UST site or in the surrounding area (such as the presence of free product or vapors in soils, UST system backfill, basements, sewer and utility lines, or nearby surface water)~~;~~.

2. Unusual~~unusual~~ operating conditions are observed (such as the erratic behavior of product-dispensing equipment caused by line leak detector restricting product flow, the sudden loss of product from the UST system, ~~or~~ an unexplained presence of water in the tank, or liquid (e.g., product or water) in the interstitial space of secondarily contained systems), unless:~~system equipment is found to be defective but not leaking, and is immediately repaired or replaced;~~

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

b. any defective equipment or component is immediately repaired or replaced;

c. for secondarily contained systems conducting interstitial monitoring:

i. except as provided for in LAC 33:XI.701.A.6.b.iv, any water in the interstitial space not used as part of the interstitial monitoring method (e.g., brine filled) is immediately removed; or

ii. if it is verified within 24 hours that the water is from surface water intrusion (e.g., the water intrusion occurred during a heavy rain event). Water shall be removed prior to the next scheduled release detection monitoring event (within 30 days or less).

3. Monitoring~~monitoring~~ results, including investigation of alarms from a release detection method required under LAC 33:XI.703.B and C and LAC 33:XI.803.D indicate that a release may have occurred, unless:

a. the monitoring device is found to be defective and is immediately repaired, recalibrated, or replaced, and additional monitoring conducted within 24 hours does not confirm the initial result; ~~or~~

b. the leak is contained in the secondary containment and:

i. any product resulting from dispenser leaks or spills that is contained in secondary containment sumps is immediately removed upon discovery;

ii. except as provided for in LAC 33:XI.701.A.6.b.iv, any water in the interstitial space not used as part of the interstitial monitoring method (e.g., brine filled) is immediately removed;

iii. any defective equipment or component is immediately repaired or replaced; or

iv. it is verified within 24 hours that the liquid is from surface water intrusion (e.g., the water intrusion happened during a heavy rain event). Water shall be removed prior to the next scheduled release detection monitoring event (within 30 days or less);

~~b~~c. in the case of inventory control, described in LAC 33:XI.701.A.1, a second month of data does not confirm the initial result; or~~the following month of data does not continue to indicate a loss;~~

d. the alarm was investigated and determined to be a nonrelease event (e.g., from a power surge or caused by filling a tank during release detection testing).

~~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 report result of "inconclusive."~~

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 31:1073 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 34:74 (January 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§709. Investigation Due to Off-Site Impacts

A. When the department requires it, owners and operators of UST systems ~~must~~shall follow the procedures in LAC 33:XI.711 to determine if the UST system is the source of off-site impacts. These impacts include the discovery of regulated substances in an off-site location (such as the presence of free product or vapors in soils, basements, sewer and utility lines, or nearby surface and drinking waters).

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 the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§711. Release Investigation and Confirmation Steps

A. Unless corrective action is initiated in accordance with LAC 33:XI.715, owners and operators ~~must~~shall immediately investigate and confirm all suspected releases of regulated substances requiring reporting under LAC 33:XI.707 ~~within seven days~~, using either the following steps or another procedure approved in writing by the department, within the timeframe specified in the following steps.

1. System Test~~.~~

a. Within seven days after obtaining knowledge of any of the conditions listed in LAC 33:XI.707 that a release is suspected or requires reporting, or another reasonable period of time determined by the department in writing, ~~O~~owners and operators ~~must~~shall conduct tests ~~(~~according to the requirements for tightness testing in LAC 33:XI.701.A.3 and B.2, or as appropriate, secondary containment testing described in LAC 33:XI.507.A.5~~) that determine whether a leak exists in the portion of the tank that routinely contains product or the attached delivery piping or both. They must then proceed as follows~~.

i. The test shall determine whether:

(a). a leak exists in that portion of the tank that routinely contains product or the attached delivery piping or both; or

(b). a breach of either wall of the secondary containment has occurred.

ii. If the system test confirms a leak into the interstice or a release:

a. ~~O~~owners and operators ~~must~~shall repair, replace, ~~or~~ upgrade, or permanently close the UST system. In addition, owners and operators shall ~~and~~ begin corrective action in accordance with LAC 33:XI.715 if the test results for the system, tank, or delivery piping indicate that a ~~leak~~release exists. Failed UST systems may be placed into temporary closure if all of the following conditions are met:

(a). failed tanks or their associated piping shall be in the same tank hold as other active or temporarily closed tanks;

(b). site check and/or corrective actions as described in LAC 33:XI.711.A.2 and/or 715.C.1.e shall be conducted;

(c). all product has been removed from the tank and the tank has been cleaned of any residual product and bottom sludge;

(d). the affected tank fill ports are padlocked;

(e). all product piping is disconnected from the tank; and

(f). the tank is prohibited from delivery (red tagged) by the department until the failed tank or piping is repaired, replaced, or permanently closed.

~~b~~ iii. Further investigation is not required if the test results for the system, tank, and delivery piping do not indicate that a ~~leak~~release exists and if environmental contamination is not the basis for suspecting a release.

~~c~~ iv. Owners and operators ~~must~~shall either conduct a site check as described in Subsection ~~B~~2 of this Section or begin corrective action in accordance with LAC 33:XI.715 if the test results for the system, tank, and delivery piping do not indicate that a ~~leak~~release exists, but environmental contamination is the basis for suspecting a release.

2. Site Check. Owners and operators ~~must~~shall measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, sample locations, and measurement methods, owners and operators ~~must~~shall consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth of groundwater, and other factors appropriate for identifying the presence and source of the release. Within 20 days after the suspected release notification, or another reasonable period of time determined by the department in writing, owners and operators shall submit a report to the Office of Environmental Assessment summarizing the results of the site check and any resulting information or data. They ~~must~~shall then proceed as follows.

a. If the test results for the excavation zone or the UST site indicate that a release has occurred, owners and operators ~~must~~shall begin corrective action in accordance with LAC 33:XI.715.

b. If the test results for the excavation zone or the UST site do not indicate that a release has occurred, further investigation is not required.

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 the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§713. Reporting and Cleanup of Spills and Overfills

A. Owners and operators of UST systems ~~must~~shall immediately stop ongoing aboveground releases to the environment and shall contain and immediately clean up all spills and overfills. Owners and operators of UST systems shall report and begin corrective action in accordance with LAC 33:XI.715 in the following cases.

1. Any spill or overfill of petroleum or motor fuel that has resulted in a release to the environment that exceeds 25 gallons, that causes a sheen on nearby surface water, or results in an *emergency condition*, as defined in LAC 33:I.3905, ~~must~~shall be reported in accordance with LAC 33:I.Chapter 39 immediately, but in no case later than one hour, regardless of the amount released.

2. Any spill or overfill of a hazardous substance that has resulted in a release to the environment that equals or exceeds the reportable quantity for that substance in LAC 33:I.3931 or results in an *emergency condition*, as defined in LAC 33:I.3905, ~~must~~shall be reported in accordance with LAC 33:I.Chapter 39 immediately, but in no case later than one hour, regardless of the amount released. A release of a hazardous substance equal to or in excess of its reportable quantity ~~must~~shall also be reported immediately (rather than within 24 hours) to the National Response Center, under sections~~Sections~~ 102 and 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and to appropriate authorities under title~~Title~~ III of the Superfund Amendments and Reauthorization Act of 1986 (40 CFR 355.40).

B. Follow-up written reports ~~must~~shall be submitted within seven calendar days, as required by LAC 33:I.3925. The written report ~~must~~shall satisfy the requirements of LAC 33:I.3925.B and C.

C. Owners and operators of UST systems ~~must~~shall contain and immediately clean up a spill or overfill of petroleum or motor fuel that is less than 25 gallons and a spill or overfill of a hazardous substance that is less than the reportable quantity. If cleanup cannot be accomplished within 24 hours, owners and operators ~~must~~shall immediately notify the ~~Office of Environmental Compliance~~department in the manner provided in LAC 33:I.3923 and begin corrective action in accordance with LAC 33:XI.715.

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 the Secretary, LR 19:1022 (August 1993), 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 the Secretary, Legal Affairs Division, LR 36:1241 (June 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§715. Release Response and Corrective Action for UST Systems Containing Petroleum, Motor Fuel, or Hazardous Substances

A. Applicability. Owners and operators of petroleum, motor fuel, or hazardous substance UST systems ~~must~~shall, in response to a confirmed release from the UST system, comply with the requirements of this Section except for USTs excluded under LAC 33:XI.101.B and UST systems subject to the department's Hazardous Waste Regulations. Investigations and corrective actions required by this Section ~~must~~shall comply with LAC 33:I.Chapter 13, Risk Evaluation/Corrective Action Program.

B. Initial Response. When a release is confirmed in accordance with LAC 33:XI.711 or after a release from the UST system is identified in any other manner, owners and operators ~~must~~shall take the following initial response actions within 24 hours of the release.

1. Report the release to the ~~Office of Environmental Compliance~~department in accordance with LAC 33:I.3923.

B.2. — C. …

1. Unless directed to do otherwise by the department, owners and operators ~~must~~shall perform the following abatement measures.

a. — c. …

d. Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement, or corrective action activities. If these remedies include treatment or disposal of soils, the owner and operator ~~must~~shall comply with applicable state and local regulations and requirements.

e. Measure for the presence of a release where contamination is most likely to be present at the UST site, unless the presence and source of the release have been confirmed in accordance with the site check required by LAC 33:XI.711.A.2 or the closure site assessment required by LAC 33:XI.907.A. In selecting sample types, sample locations, and measurement methods, the owner and operator ~~must~~ shall consider the nature of the stored substance, the type of backfill, depth to groundwater, and other factors as appropriate for identifying the presence and source of the release.

f. …

g. If the UST system will not be permanently closed, the requirements outlined in LAC 33:XI.711.A.1 shall still be met.

2. Within 20 days after release confirmation or another reasonable period of time determined by the department in writing, owners and operators ~~must~~shall submit a report to the Office of Environmental Assessment summarizing the initial abatement steps taken under Paragraph C.1 of this Section and any resulting information or data.

D. Initial Site Characterization

1. Unless directed to do otherwise by the department, owners and operators ~~must~~shall assemble information about the site and the nature of the release, including information gained while confirming the release or completing the initial response and abatement measures described in ~~LAC 33:XI.715.~~Subsection A-C of this Section. This information ~~must~~shall include, but is not necessarily limited to the following:

a. — c. …

d. results of the free product investigations required under LAC 33:XI.715.C.1.f, to be used by owners and operators to determine whether free product ~~must~~shall be recovered under ~~LAC 33:XI.715.~~Subsection E of this Section; and

e. …

2. Within 60 days of release confirmation or another reasonable period of time determined by the department in writing, owners and operators ~~must~~shall submit the information collected in compliance with Paragraph ~~D.~~1 of this ~~Section~~Subsection to the Office of Environmental Assessment in a manner that demonstrates its applicability and technical adequacy, or in a format and according to the schedule required by the department.

E. Free Product Removal. At sites where investigations under Subparagraph C.1.f of this Section indicate the presence of free product, owners and operators ~~must~~shall remove free product to the maximum extent practicable as determined by the Office of Environmental

Assessment, while continuing, as necessary, any actions initiated under Subsections B-D of this Section, or preparing for actions required under Subsections F-G of this Section. To meet the requirements of this Subsection, owners and operators ~~must~~shall take the following actions.

1. — 4.g. …

F. Investigations for Soil and Groundwater Cleanup

1. To determine the full extent and location of soils contaminated by the release and the presence and concentrations of dissolved product contamination in the groundwater, owners and operators ~~must~~shall conduct investigations of the release, the release site, and the surrounding area possibly affected by the release under any of the following conditions:

a. — d. …

2. Owners and operators ~~must~~shall submit the information collected under Paragraph ~~F.~~1 of this Subsection as soon as practicable or in accordance with a schedule established by the department.

G. Corrective Action Plan

1. At any point after reviewing the information submitted in compliance with Subsections B-D of this Section, the department may require owners and operators to submit additional information or to develop and submit a corrective action plan and schedule for responding to contaminated soils and groundwater. If a plan is required, owners and operators ~~must~~shall submit the plan according to a schedule and format established by the department. Alternatively, owners and operators, after fulfilling the requirements of Subsections B-D of this Section, may choose to submit a corrective action plan and schedule for responding to contaminated soil and groundwater. In either case, owners and operators are responsible for

submitting a plan that provides for adequate protection of human health and the environment as determined by the department, and ~~must~~shall modify their plans as necessary to meet this standard.

2. — 2.g. …

3. Upon approval of the corrective action plan and schedule or as directed by the department, owners and operators ~~must~~shall implement the plan, including modifications to the plan made by the department. They ~~must~~shall monitor, evaluate, and report the results of implementing the plan in accordance with the approved schedule in a format established by the department.

4. — 4.c. …

H. Public Participation

1. For each confirmed release that requires a corrective action plan, the responsible owner or operator ~~must~~shall provide notice to the public by means designed to reach those members of the public directly affected by the release and the planned corrective action. This notice may include, but is not limited to, public notice in local newspapers, block advertisements, public service announcements, letters to individual households, or personal contacts.

2. The department ~~must~~shall ensure that site release information and decisions concerning the corrective action plan are made available to the public for inspection upon request.

3. …

4. The department ~~must~~shall give public notice that complies with Paragraph ~~H.~~1 of this Subsection if implementation of an approved corrective action plan does not achieve

the established cleanup criteria in the plan, and the department is considering termination of that plan.

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 the Secretary, LR 24:2253 (December 1998), 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 the Secretary, Legal Affairs Division, LR 33:2172 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2762 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2144 (November 2017), LR 44:

Chapter 8. UST Systems with Field-Constructed Tanks and Airport Hydrant Fuel Distribution Systems

§801. General Requirements

A. Implementation of Requirements

1. Owners and operators shall comply with the requirements of this Chapter for UST systems with field-constructed tanks and airport hydrant systems as follows.

a. For UST systems installed on or before [date of promulgation], the requirements are effective according the following schedule:

i. upgrading UST systems, general operating requirements, and operator training on or before [three years after date of promulgation];

ii. release detection on or before [three years after date of promulgation]; and

iii. release reporting, response investigation, closure, financial responsibility and notification, except as provided in Subsection B of this Section, on or before [date of promulgation].

b. For UST systems installed after [date of promulgation], the requirements apply at installation.

B. Not later than [three years after date of promulgation], all owners of previously deferred UST systems shall submit a one-time notice of tank existence to the department, using the UST-REG form. Owners and operators of UST systems in use as of [date of promulgation], shall demonstrate financial responsibility at the time of submission of the notification form.

C. Except as provided in LAC 33:XI.803, owners and operators shall comply with the requirements of LAC 33:XI *Underground Storage Tanks*.

D. In addition to the codes of practice listed in LAC 33:XI.599, owners and operators may use the military construction criteria, (e.g., United Facilities Criteria (UFC) 3-460-01, *Petroleum Fuel Facilities)* when designing, constructing, and installing airport hydrant systems and UST systems with field-constructed tanks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§803. Additions, Exceptions, and Alternatives for UST Systems with Field-Constructed Tanks and Airport Hydrant Systems

A. Exceptions 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. 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 requirements when installed or replaced.

B. Upgrade Requirements. Not later than [three years after date of promulgation], airport hydrant systems and UST systems with field-constructed tanks where installation commenced on or before [date of promulgation] shall meet the following requirements or be permanently closed in accordance with LAC 33:XI.Chapter 9.

1. Corrosion Protection

a. UST system components that routinely contain regulated substances and that are in contact with soil, backfill, or water shall meet one of the following:

i. except as provided in Paragraph A of this Section, the new UST system performance standards for tanks in LAC 33:XI.303.D.a and for piping in LAC 33:XI.303.D.2; or

ii. be constructed of metal and cathodically protected according to a code of practice developed by a nationally recognized organization or independent testing laboratory and meet the following;

(a). cathodic protection shall meet the requirements of LAC 33:XI.303.D.1.b.ii, iii, and iv for tanks and LAC 33:XI.303.D.2.b.ii, iii, and iv for piping; and

(b). tanks greater than 10 years old without cathodic protection shall be assessed to ensure that the tank is structurally 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.

2. Spill and Overfill Prevention Equipment. To prevent spilling and overfilling associated with product transfers to the UST system, all UST systems with field-

constructed tanks and airport hydrant systems shall comply with the new UST system spill and overfill prevention equipment requirements specified in LAC 33:XI.303.D.3.

C. Walkthrough Inspections

1. In addition to the walkthrough inspection requirements in LAC 33:XI.513, 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 1910) is not required or at least once every 12 months if confined space entry is required and keep documentation of the inspection according to LAC 33:XI.513.B:

a. hydrant pits–visually check for any damage, remove any liquid or debris, and check for any leaks;

b. hydrant piping vaults–check for any piping leaks.

D. Release Detection

1. Owners and operators of UST systems with field-constructed tanks and airport hydrant systems shall begin meeting the release detection requirements described in this Chapter not later than [three years after date of promulgation].

a. Methods of Release Detection for Field-Constructed Tanks

i. Owners and operators of field-constructed tanks with a capacity of less than or equal to 50,000 gallons shall meet the requirements in LAC 33:XI.701-705 (except 701.A.5.b and 701.A.5.c 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;

(b). use an automatic tank gauging system to perform release detection at least once every 30 days that can detect a leak rate less than or equal to one gallon per hour. The method shall be combined with a tank tightness test that can detect a 0.2 gallon per hour leak rate performed at least once every three years;

(c). use an automatic tank gauging system to perform release detection at least once 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 once every two years;

(d). perform vapor monitoring conducted in accordance with LAC 33:XI.701.A.5.b for a tracer compound placed in the tank system capable of detecting a 0.1 gallon per hour leak rate at least once every two years;

(e). perform inventory control conducted in accordance with *Department of Defense Directive 4140.25; ATA Airport Fuel Facility Operations and Maintenance Guidance Manual*; or equivalent procedures at least once 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 once every two years; or

(ii). perform vapor monitoring or groundwater monitoring conducted in accordance with LAC 33:XI.701.A.5.b and c, respectively, for the stored regulated substance at least once every 30 days;

(f). another method approved by the department may be used if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in Subparagraphs D.1.a.i.(a).–D.1.a.i.(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.

b. 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 LAC 33:XI.Chapter 7. 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 of LAC 33:XI.Chapter 7 (except LAC 33:XI.701.A.5.b and c shall be combined with inventory control as stated below) or use one or a combination of the following alternative methods of release detection:

i. perform semiannual (once every six months) or annual (once every 12 months) line tightness testing that meets the following requirements:

(a). line tightness test at or above the piping operating pressure in accordance with the following table;

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

(b). piping segment volumes greater than 100,000 gallons not capable of meeting the maximum 3 gallons per hour leak rate for the semiannual test may be tested at a leak rate up to 6 gallons per hour according to the following schedule:

(i). first test, not later than [three years after date of promulgation], may use up to a 6 gph leak rate;

(ii). second test, between [three years after date of promulgation], and [six years after date of promulgation], may use up to a 6 gph leak rate;

(iii). third test, between [six years after promulgation], and [seven years after date of promulgation], shall use 3 gph leak rate;

(iv). subsequent tests, after [seven years after date of promulgation], begin using semiannual or annual line tightness testing according to the maximum leak rate per test section volume table above;

ii. perform vapor monitoring conducted in accordance with LAC 33:XI.701.A.5.b for a tracer compound placed in the tank system capable of detecting a 0.1 gallon per hour leak rate at least once every two years;

iii. perform inventory control conducted in accordance with *Department of Defense Directive 4140.25; ATA Fuel Facility Operations and Maintenance Guidance Manual*, or equivalent procedures at least once every 30 days that can detect a leak equal to or less than 0.5 percent of flow-through, and perform:

(a). a line tightness test conducted in accordance with Paragraph D 2.a of this Section using the leak rates for the semiannual test at least once every two years; or

(b). vapor monitoring or groundwater monitoring conducted in accordance with LAC 33:XI.701.A.5.b and c, respectively, for the stored regulated substance at least once every 30 days;

iv. another method approved by the department may be used if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in Paragraphs D.1.b.i–D.1.b.iii 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.

c. Recordkeeping for Release Detection. Owners and operators shall maintain release detection records according to the recordkeeping requirements in LAC 33:XI.705.

E. Applicability of Closure Requirements for Previously Closed UST Systems. When directed by the department, the owner and operator of a UST system with field-constructed tanks or airport hydrant systems permanently closed before [date of promulgation], shall assess the excavation zone and close the UST system in accordance with LAC 33:XI.905 and 907 if releases from the UST system may, in the judgement 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 the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

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 July 20, 1990, ~~must~~shall 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 31:1073 (May 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§903. Temporary Closure

A. When a UST system is temporarily closed, owners and operators ~~must~~shall continue operation and maintenance of corrosion protection in accordance with LAC 33:XI.303 and 503, regardless of the amount of product stored in the UST system. The requirements of this Section apply to all tanks, piping, metal flexible hoses, and submersible turbine pumps.~~and any release detection in accordance with LAC 33:XI.701-705. If a release is suspected or confirmed, the owner and operator must comply with LAC 33:XI.707-715. However, release detection is not required as long as the UST system is empty. As defined in LAC 33:XI.103, the *UST system* is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (1 inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remains in the system.~~

1. Impressed current systems on temporarily closed UST systems shall be operated continuously to provide corrosion protection to the metal components of external portions of the UST system that are in contact with soil, backfill, or water, and shall be tested every three years in order to determine whether cathodic protection is adequate, in accordance with LAC 33:XI.503.A.2.

a. If an impressed current system has been inoperative for more than six months or if the impressed current system has not been repaired within nine months after failing a corrosion protection test, the UST owner shall either:

i. have the corrosion protection system repaired, retested, and recommissioned under the supervision of a corrosion expert within 90 days; or

ii permanently close the UST system in accordance with LAC 33:XI.905 and 907.

2. Impressed current system rectifiers on temporarily closed UST systems shall be checked every 60 days to ensure that the equipment is operating properly, in accordance with LAC 33:XI.503.A.3.

3. Galvanic systems (e.g., anodes) on temporarily closed UST systems shall be tested every three years, in accordance with LAC 33:XI.503.A.2.

a. If the galvanic system is not tested within one year of the test due date, or if a galvanic system is not repaired within one year of failing a corrosion protection test, the UST system shall be permanently closed in accordance with LAC 33:XI.905 and 907.

4. The internal liners of internally lined underground storage tanks that are in temporary closure shall be inspected within 10 years after lining, and every five years thereafter, in accordance with LAC 33:XI.303.E.3.a.

a. If the internal liner is no longer performing in accordance with the original design specifications and cannot be repaired in accordance with a code of practice developed by a nationally–recognized organization or independent testing laboratory, or if the internal liner is not inspected within one year of the inspection due date, then the lined tank shall be permanently closed in accordance with LAC 33:XI.905 and 907.

5. Records of corrosion protection operation and maintenance shall be maintained in accordance with LAC 33:XI.503.B and 509.B.2.

B. When a UST system is temporarily closed, owners and operators shall maintain release detection in accordance with LAC 33:XI.701-705 and LAC 33:XI.Chapter 8. If a release is suspected or confirmed, the UST owner or operator shall comply with LAC 33:XI.707-715. Release detection and the release detection operation and maintenance testing and inspections listed in LAC 33:XI.511, 513, and 703.A.2.d are not required as long as the UST system is empty. A UST system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (1 inch) of product or 0.3 percent by weight of the total capacity of the UST system, whichever is less, remains in the UST system. In addition, spill and overfill operation and maintenance testing and inspections listed in LAC 33:XI.511 is not required.

~~B~~C. When a UST system is temporarily closed for three months or more, owners and operators ~~must~~shall also comply with the following requirements:

1. leave vent lines open and functioning;

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~~UST-REG form to the ~~Office of Environmental Compliance~~department, indicating the ~~dates~~date that the UST system was temporarily closed.

~~C~~D. When a UST system is temporarily closed for more than six months, owners and operators ~~must~~shall permanently close the UST system if it does not meet either the performance standards in LAC 33:XI.303.B, C, or D for new UST systems or the upgrading requirements in LAC 33:XI.303.E.3-~~6~~7, except that the spill and overfill equipment requirements do not have to be met.

~~D~~E. When ~~a~~all of the UST systems located in the same tank hold at a facility are ~~is~~ temporarily closed for more than 24 months, owners and operators shall complete a site assessment in accordance with the guidelines established by the department and LAC 33:XI.907. The results of the assessment and documentation of compliance with the temporary closure requirements in Subsection A of this Section ~~must~~shall be submitted in duplicate to the Office of Environmental Assessment within 60 days following the end of the 24-month temporary closure period.

1. The department may waive the site assessment requirement if the UST system is placed into service after receiving notification from the department to conduct the site assessment if the UST system passes tank and line tightness testing.

2. The 24–month site assessment is not required if a temporarily closed UST system contains product and release detection, in accordance with LAC 33:XI.701-705 and LAC 33:XI.Chapter 8, is conducted on the tank during the entire period that the UST system is temporarily closed. If release detection ceases, the 24-month site assessment shall be conducted within two years of cessation of release detection.

3. The department may grant a two year extension to the temporary closure site assessment requirement upon receiving a written request from the UST owner or operator. The written request shall provide justification for the extension and documentation that all corrosion protection equipment is operated and maintained in accordance with Subsection A of this Section. If the UST system is returned to service prior to the end of the two year extension period, a 24-month temporary closure site assessment is not required.

4. Upon permanent closure of a UST system, the 24-month temporary closure site assessment may be used to satisfy the UST closure sampling requirements specified

in LAC 33:XI.907 at the discretion of the department, provided that the UST system remained empty of regulated substances from the time of the temporary closure site assessment until the time of permanent closure.

~~E~~F. A tank tightness test conducted in accordance with LAC 33:XI.701.A.3, a line tightness test conducted in accordance with LAC 33:XI.701.B.2, and a line leak detector test conducted in accordance with LAC 33:XI.701.B.1 shall ~~must~~ be conducted within five days after a UST system that has been temporarily closed for three months or more is brought back into service.

G. Within 30 days after a UST system is placed back into service, an updated UST-REG form shall be submitted to the department identifying the date that the UST system was placed back into service.

H. Release detection operation and maintenance testing and inspections listed in LAC 33:XI.511, 513, and 703.A.2.d are due within 30 days of placing the UST system back into service, or within the required timeframe of the last test conducted as required by LAC 33:XI.511, 513, and 701.A.2.d, whichever is later.

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 31:1074 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2520 (October 2005), LR 33:2173 (October 2007), LR 34:2120 (October 2008), amended by the Office of the Secretary, Legal Division, LR 38:2762 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2144 (November 2017), LR 44:

§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, C, and D of this Section, owners and operators ~~must~~shall notify the Office

of Environmental Assessment of their intent to permanently close or make the change-in-service, unless such action is in response to corrective action.

1. UST owner shall submit a completed UST-SURV-01 form.~~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 Assessment by mail or fax at least seven days prior to implementing the removal or change.~~

2. UST owner and/or certified worker(s) responsible for the closure critical junctures shall notify the appropriate regional office of the Office of Environmental Assessment by phone, mail, email, fax, or online (when available) at least seven days prior to implementing the permanent closure or change-in-service and prior to commencing any *closure-critical junctures*, as defined in LAC 33:XI.1303.

~~2~~3. Beginning January 20, 1992, all owners and operators ~~must~~shall 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~~shall be performed after the department is notified but before the permanent closure or change-in-service is completed.

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

rendered inoperable, or closed in a manner approved by the department. Single-walled piping that was attached to a tank that is undergoing permanent closure or a change-in-service cannot be reused to convey regulated substances.

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~~shall 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. …

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 26:2560 (November 2000), amended by the Office of Environmental Assessment, LR 31:1074 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2173 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2763 (November 2012), repromulgated LR 39:85 (January 2013), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2145 (November 2017), LR 44:

§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~~shall measure for the presence of a release where contamination is most likely to be present at the UST site, in accordance with the guidelines established by the department. ~~utilizing the procedure approved by the department.~~ In selecting sample types, sample locations, and measurement methods, owners and operators ~~must~~shall 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. Within 60 days following permanent closure or change-in-service, the UST owner shall submit the following to the Office of Environmental Assessment: ~~Results of this assessment must be submitted in duplicate to the Office of~~

~~Environmental Assessment 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.~~

1. a completed underground storage tank closure/assessment form (UST-SURV-02); and

2. results of the closure assessment (e.g., closure assessment report).

a. The assessment results (e.g., closure assessment report) shall include a site diagram indicating locations where samples were collected, laboratory analytical results table, laboratory analytical report and chain of custody, manifests, and conveyance notice if applicable, in accordance with the guidelines established by the department.

B. If contaminated soils, contaminated groundwater, or free product as a liquid or vapor is discovered through the methods described in Subsection A of this Section, or in any other manner, owners and operators ~~must~~shall begin corrective action in accordance with LAC 33:XI.715.

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 31:1074 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2173 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2763 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2145 (November 2017), LR 44:

Chapter 11. Financial Responsibility

§1101. Applicability

A. This Chapter applies to owners and operators of all petroleum or motor fuel underground storage tank (UST) systems except as otherwise provided in this Section.

B. Owners and operators of petroleum or motor fuel UST systems are subject to these requirements ~~if the petroleum UST systems are in operation on or after the date for compliance established in~~ in accordance with LAC 33:XI.1103.

C. …

D. The requirements of this Chapter do not apply to owners and operators of any UST system described in LAC 33:XI.101.B and 101.C.1.a, b, and c.~~, C.1 or C.2.a.~~

E. If the owner and operator of a petroleum or motor fuel 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 LAC 33:XI.1103.~~

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 the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§1103. Compliance Dates

A. Owners of petroleum or motor fuel underground storage tanks ~~are required to~~shall comply with the applicable requirements of this Chapter. Previously deferred UST systems shall comply with the requirements of this Chapter according to the schedule in LAC 33:XI.801.~~by the following dates:~~

~~1. all petroleum marketing firms owning 1,000 or more USTs and all other UST owners that report a tangible net worth of $20 million or more to the U.S. Securities and Exchange Commission (SEC), Dun and Bradstreet, the Energy Information Administration, or the Rural Electrification Administration—January 24, 1989;~~

~~2. all petroleum marketing firms owning 100-999 USTs—October 26, 1989;~~

~~3. all petroleum marketing firms owning 13-99 USTs at more than one facility—April 26, 1991; and~~

~~4. all petroleum UST owners not described in Paragraphs 1, 2, or 3 of this Section, including all local government entities—December 31, 1993.~~

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 18:729 (July 1992), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§1105. Definition of Terms

A. When used in this Chapter, the following terms shall have the meanings given below.

Accidental Release—any sudden or nonsudden release of petroleum <u>arising</u> from <u>operating</u> an underground storage tank that results in a need for corrective action and/or compensation for bodily injury or property damage neither expected nor intended by the tank owner or operator.

* * *

Financial Reporting Year—the latest consecutive 12-month period for which any of the following reports used to support a financial test is prepared:

a. a 10-K report submitted to the SEC;

b. an annual report of tangible net worth submitted to Dun and Bradstreet; or

c. annual reports submitted to the Energy Information Administration or the Rural ~~Electrification Administration~~Utilities Service. Financial reporting year may thus comprise a fiscal or a calendar year period.

* * *

Petroleum Marketing Firms—~~all firms owning petroleum marketing facilities. Firms owning other types of facilities with USTs as well as petroleum marketing facilities are considered to be petroleum marketing firms.~~Repealed.

* * *

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 the Secretary, Legal Affairs and Criminal Investigations Division LR 44:

§1107. Amount and Scope of Required Financial Responsibility

A. Owners or operators of petroleum or motor fuel underground storage tanks ~~must~~shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks in at least the following per-occurrence amounts:

1. for owners or operators of petroleum or motor fuel underground storage tanks that are located at petroleum marketing facilities, or that handle an average of more than 10,000 gallons of petroleum or motor fuel per month based on annual throughput for the previous calendar year, $1,000,000~~million~~; and

2. for all other owners or operators of petroleum or motor fuel underground storage tanks, $500,000.

B. Owners or operators of petroleum or motor fuel underground storage tanks ~~must~~shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum or motor fuel underground storage tanks in at least the following annual aggregate amounts:

1. for owners or operators of one to 100 petroleum or motor fuel underground storage tanks, $1,000,000 ~~million~~; and

2. for owners or operators of 101 or more petroleum or motor fuel underground storage tanks, $2,000,000 ~~million~~.

C. For the purposes of Subsections B and F of this Section only, a *petroleum* or *motor fuel underground storage tank* means a single containment unit and does not mean combinations of single containment units.

D. Except as provided in Subsection E of this Section, the amount of assurance provided by each mechanism or combination of mechanisms ~~must~~shall be in the full amount specified in Subsections A and B of this Section if the owner or operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for:

1. — 3. …

E. If an owner or operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for different petroleum or motor fuel underground storage tanks, the annual aggregate required shall be based on the number of tanks covered by each such separate mechanism or combination of mechanisms.

F. Owners or operators shall review the amount of aggregate assurance provided whenever additional petroleum or motor fuel underground storage tanks are acquired or installed.

If the number of petroleum or motor fuel underground storage tanks for which assurance ~~must~~shall be provided exceeds 100, the owner or operator shall demonstrate financial responsibility in the amount of at least $2,000,000 ~~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, the owner or operator shall demonstrate financial responsibility in the amount of at least $2,000,000 ~~million~~ of annual aggregate assurance by the first-occurring effective date anniversary of any one of the mechanisms combined (other than a financial test or guarantee) to provide assurance.

G. — H. …

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 the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§1111. Financial Test of Self-Insurance

A. An owner or operator, and/or guarantor, may satisfy the requirements of LAC 33:XI.1107 by passing a financial test as specified in this Section. To pass the financial test of self-insurance, the owner or operator, and/or guarantor ~~must~~shall meet the criteria of Subsection B or C of this Section based on year-end financial statements for the latest completed fiscal year.

B. The owner or operator, and/or guarantor, ~~must~~shall meet the requirements of Paragraph ~~B.~~1of this Subsection ~~or B.2~~ below.

~~1. The owner or operator must be an eligible participant in the Underground Motor Fuel Storage Tank Trust (see LAC 33:XI.1121) and have a tangible net worth of at least $90,000.~~

~~2~~1. The owner or operator, and/or guarantor, ~~must~~shall meet the following requirements.

a. The owner or operator, and/or guarantor, ~~must~~shall have a tangible net worth of at least 10 times:

i. the total of the applicable aggregate amount required by LAC 33:XI.1107, based on the number of underground storage tanks for which a financial test is used to demonstrate financial responsibility to the administrative authority under this Section;

ii. the sum of the corrective action cost estimates, the current closure and post-closure care cost estimates, and the amount of liability coverage for which a financial test is used to demonstrate financial responsibility under LAC 33:V.3322, 3707, 3711, 3715, 4403, 4407, and 4411; and

iii. the sum of current plugging and abandonment cost estimates for which a financial test is used to demonstrate financial responsibility to EPA under 40 CFR 144.63.

b. The owner or operator, and/or guarantor, ~~must~~shall have a tangible net worth of at least $10 million.

c. The owner or operator, and/or guarantor, ~~must~~shall have a letter signed by the chief financial officer worded as specified in Subsection D of this Section.

d. The owner or operator, and/or guarantor, ~~must~~shall either:

i. file financial statements annually with the U.S. Securities and Exchange Commission, the Energy Information Administration, or the Rural ~~Electrification Administration~~Utilities Service; or

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

e. 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. The owner or operator, and/or guarantor ~~must~~shall meet the following requirements.

1. The owner or operator, and/or guarantor ~~must~~shall meet the financial test requirements of LAC 33:V.3715.F.1, substituting the appropriate amounts specified in LAC 33:XI.1107.B.1 ~~and 2~~ for the "amount of liability coverage" each time specified in that Section.

2. The fiscal year-end financial statements of the owner or operator, and/or guarantor, ~~must~~shall be examined by an independent certified public accountant and be accompanied by the accountant's report of the examination.

3. …

4. The owner or operator, and/or guarantor, ~~must~~shall have a letter signed by the chief financial officer, worded as specified in Subsection D of this Section.

5. If the financial statements of the owner or operator, and/or guarantor, are not submitted annually to the U.S. Securities and Exchange Commission, the Energy Information Administration, or the Rural ~~Electrification Administration~~Utilities Service, the owner or operator, and/or guarantor, ~~must~~shall obtain a special report by an independent certified public accountant stating that:

a. — b. ….

D. To demonstrate that it meets the financial test under Subsection B or C of this Section, the chief financial officer of the owner or operator, or guarantor, ~~must~~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 follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted. To prepare this letter, the owner or operator ~~must~~shall use the form required by the department. This form may be obtained from the Office of Environmental Assessment.

LETTER FROM CHIEF FINANCIAL OFFICER

I am the chief financial officer of [insert: name and address of the owner or operator, or guarantor]. This letter is in support of the use of [insert: "the financial test of self-insurance," and/or "guarantee"] to demonstrate financial responsibility for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage"] caused by [insert: "sudden accidental releases" ~~and/~~or "nonsudden accidental releases" or “accidental releases”] in the amount of at least [insert: dollar amount] per occurrence and [insert: dollar amount] annual aggregate arising from operating (an) underground storage tank(s).

Underground tanks at the following facilities are assured by this financial test by this [insert: "owner or operator," and/or "guarantor"]: [List for each facility: the name and address of the facility where tanks assured by this financial test are located. If separate mechanisms or combinations of mechanisms, other than the combination of this letter and the owner's or operator's status as an eligible participant in the Underground Motor Fuels Storage Tank Trust, are being used to assure any of the tanks at any one facility, list each tank assured by this

financial test by the tank identification number provided in the registration submitted pursuant to LAC 33:XI.301.]

A [insert: "financial test," and/or "guarantee"] is also used by this [insert: "owner or operator," or "guarantor"] to demonstrate evidence of financial responsibility in the following amounts under the following regulations:

Regulations	**Amount**
Closure (LAC 33:V.3707 and 4403)	$_____
Post-Closure Care (LAC 33:V.3711 and 4407)	$_____
Liability Coverage (LAC 33:V.3715 and 4411)	$_____
Corrective Action (LAC 33:V.3322)	$_____
Plugging and Abandonment (40 CFR 144.63)	$_____
Closure	$_____
Post-Closure Care	$_____
Liability Coverage	$_____
Corrective Action	$_____
Plugging and Abandonment	$_____
Total	$_____

This [insert: "owner or operator," or "guarantor"] has not received an adverse opinion, a disclaimer of opinion, or a "going concern" qualification from an independent auditor on his financial statements for the latest completed fiscal year.

[Fill in the information for Alternative I if the criteria of LAC 33:XI.1111.B.1 are being used to demonstrate compliance with the financial test requirements. Fill in the information for

Alternative II if the criteria of LAC 33:XI.1111.B.~~2~~1 are being used to demonstrate compliance with the financial test requirements. Fill in the information for Alternative ~~III~~II if the criteria of LAC 33:XI.1111.C are being used to demonstrate compliance with the financial test requirements.]

~~Alternative I~~

~~1. Amount of annual UST aggregate coverage being assured by a financial test, and/or guarantee~~	~~$_____~~
~~2. Amount of corrective action, closure and post-closure care costs, liability coverage, and plugging and abandonment costs covered by a financial test, and/or guarantee~~	~~$_____~~
~~3. Sum of lines 1 and 2~~	~~$_____~~
~~4. Total tangible assets~~	~~$_____~~
~~5. Total liabilities [if any of the amount reported on line 3 is included in total liabilities, you may deduct that amount from this line and add that amount to line 6]~~	~~$_____~~
~~6. Tangible net worth [subtract line 5 from line 4]~~	~~$_____~~
	~~Yes No~~
~~7. Is line 6 at least $90,000?~~	~~___ ___~~
~~8. Is line 6 at least 3 times line 3?~~	~~___ ___~~
~~9. Have financial statements for the latest fiscal year been filed with the Securities and Exchange Commission?~~	~~___ ___~~
~~10. Have financial statements for the latest fiscal year been filed with the Energy Information Administration?~~	~~___ ___~~

~~11. Have financial statements for the latest fiscal year been filed with the Rural Electrification Administration?~~ ____ ____

~~12. Has financial information been provided to Dun and Bradstreet, and has Dun and Bradstreet provided a financial strength rating of 4A or 5A? [Answer "Yes" only if both criteria have been met.]~~ ____ ____

Alternative ~~H~~I

1. Amount of annual UST aggregate coverage being assured by a financial test, and/or guarantee $_____

2. Amount of corrective action, closure and post-closure care costs, liability coverage, and plugging and abandonment costs covered by a financial test, and/or guarantee $_____

3. Sum of lines 1 and 2 $_____

4. Total tangible assets $_____

5. Total liabilities [if any of the amount reported on line 3 is included in total liabilities, you may deduct that amount from this line and add that amount to line 6] $_____

6. Tangible net worth [subtract line 5 from line 4] $_____

	Yes	No
7. Is line 6 at least $10 million?	____	____
8. Is line 6 at least 10 times line 3?	____	____
9. Have financial statements for the latest fiscal year been	____	____

filed with the Securities and Exchange Commission?

10. Have financial statements for the latest fiscal year been filed with the Energy Information Administration? ____ ____

11. Have financial statements for the latest fiscal year been filed with the Rural ~~Electrification Administration~~Utilities Service? ____ ____

12. Has financial information been provided to Dun and Bradstreet, and has Dun and Bradstreet provided a financial strength rating of 4A or 5A? [Answer "Yes" only if both criteria have been met.] ____ ____

Alternative ~~III~~II

1. Amount of annual UST aggregate coverage being assured by a financial test, and/or guarantee $_____

2. Amount of corrective action, closure and post-closure care costs, liability coverage, and plugging and abandonment costs covered by a financial test, and/or guarantee $_____

3. Sum of lines 1 and 2 $_____

4. Total tangible assets $_____

5. Total liabilities [if any of the amount reported on line 3 is included in total liabilities, you may deduct that amount from this line and add that amount to line 6] $_____

6. Tangible net worth [subtract line 5 from line 4] $_____

7. Total assets in the U.S. [required only if less than 90 percent of assets are located in the U.S.]

	Yes	No
~~7. Is line 6 at least $10 million?~~	____	____
8. Is line 6 at least $10 million?	____	____
9. Is line 6 at least 6 times line 3?	____	____
10. Are at least 90 percent of assets located in the U.S.? [If "No," complete line 11.]	____	____
11. Is line 7 at least 6 times line 3?	____	____

Fill in either lines 12-15 or lines 16-18:]

12. Current assets	$_____
13. Current liabilities	$_____
14. Net working capital [subtract line 13 from line 12]	$_____

	Yes	No
15. Is line 14 at least 6 times line 3?	____	____

16. Current bond rating of most recent bond issue	_____
17. Name of rating service	_____
18. Date of maturity of bond	_____

	Yes	**No**
19. Have financial statements for the latest fiscal year been filed with the SEC, the Energy Information Administration, or the Rural ~~Electrification Administration~~Utilities Service?	____	____

[If "No," please attach a report from an independent certified

public accountant certifying that there are no material differences between the data as reported in lines 4-18 above and the financial statements for the latest fiscal year.]

[For both Alternative I and Alternative II complete the certification with this statement.]

I hereby certify that the wording of this letter is identical to the wording specified in LAC 33:XI.1111.D as such regulations were constituted on the date shown immediately below.

[Signature]

[Name]

[Title]

[Date]

E. If an owner or operator using the test to provide financial assurance finds that he or she no longer meets the requirements of the financial test based on the year-end financial statements, the owner or operator ~~must~~shall obtain alternative coverage within 150 days of the end of the year for which financial statements have been prepared.

F. The administrative authority may require reports of financial condition at any time from the owner or operator, and/or guarantor. If the administrative authority finds, on the basis of such reports or other information, that the owner or operator, and/or guarantor, no longer meets the financial test requirements of LAC 33:XI.1111.B or C and D, the owner or operator ~~must~~shall obtain alternate coverage within 30 days after notification of such a finding.

G. If the owner or operator fails to obtain alternate assurance within 150 days of finding that he or she no longer meets the requirements of the financial test based on the year-end financial statements, or within 30 days of notification by the administrative authority that he or she no longer meets the requirements of the financial test, the owner or operator ~~must~~shall notify the Office of Environmental Assessment of such failure within 10 days.

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 26:2560 (November 2000), LR 27:2232 (December 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2521 (October 2005), LR 33:2173 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2763 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2145 (November 2017), LR 44:

§1113. Guarantee

A. An owner or operator may satisfy the requirements of LAC 33:XI.1107 by obtaining a guarantee that conforms to the requirements of this Section. The guarantor ~~must~~shall be as described in either Paragraph ~~A.~~1 or 2 of this Subsection~~below~~.

1. — 2. …

B. Within 120 days of the close of each financial reporting year the guarantor ~~must~~shall demonstrate that it meets the financial test criteria of LAC 33:XI.1111 based on year-end financial statements for the latest completed financial reporting year by completing the letter from the chief financial officer described in LAC 33:XI.1111.D and ~~must~~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 the owner or operator and to the Office of Environmental Assessment. If the Office of

Environmental Assessment notifies the guarantor that he no longer meets the requirements of the financial test of LAC 33:XI.1111.B or C and D, the guarantor ~~must~~shall notify the owner or operator within 10 days of receiving such notification from the Office of Environmental Assessment. In both cases, 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 ~~must~~shall obtain alternative coverage as specified in LAC 33:XI.1139.C.

C. The guarantee ~~must~~shall be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

Guarantee

* * *

Recitals

* * *

7. Guarantor agrees to remain bound under this guarantee for so long as [owner or operator] ~~must~~ shall comply with the applicable financial responsibility requirements of LAC 33:XI.Chapter 11 for the above-identified tank(s), except that guarantor may cancel this guarantee by sending notice by certified mail to [owner or operator], such cancellation to become effective no earlier than 120 days after receipt of such notice by [owner or operator], as evidenced by the return receipt.

* * *

D. An owner or operator who uses a guarantee to satisfy the requirements of LAC 33:XI.1107 ~~must~~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 administrative authority under LAC 33:XI.1135. This standby trust fund ~~must~~shall meet the requirements specified in LAC 33:XI.1125.

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 26:2561 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2521 (October 2005), LR 33:2174 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2763 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2146 (November 2017), LR 44:

§1115. Insurance and Risk Retention Group Coverage

A. …

B. Each insurance policy ~~must~~shall be amended by an endorsement worded as specified in Paragraph B.1 of this Section, or evidenced by a certificate of insurance worded as specified in Paragraph B.2 of this Section, except that instructions in brackets ~~must~~shall be replaced with the relevant information and the brackets deleted.

1. — 2. …

* * *

C. Each insurance policy ~~must~~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.

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 the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§1117. Surety Bond

A. An owner or operator may satisfy the requirements of LAC 33:XI.1107 by obtaining a surety bond that conforms to the requirements of this Section. The surety company issuing the bond ~~must~~shall be among those listed as acceptable sureties on federal bonds in the latest Circular 570 of the U.S. Department of the Treasury.

B. The surety bond ~~must~~shall be worded as follows, except that instructions in brackets ~~must~~ shall be replaced with the relevant information and the brackets deleted.

Performance Bond

*** * ***

Know All Persons by These Presents, that we, the Principal and Surety(ies), hereto are firmly bound to the Department of Environmental Quality, in the above penal sums for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sums jointly and severally only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sums only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sums.

Whereas said Principal is required under Subtitle I of the ~~Resource Conservation and Recovery Act (RCRA)~~Solid Waste Disposal Act, as amended, to provide financial assurance for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; if coverage is different for different tanks or locations, indicate

the type of coverage applicable to each tank or location] arising from operating the underground storage tanks identified above; and

Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

* * *

C. …

D. The owner or operator who uses a surety bond to satisfy the requirements of LAC 33:XI.1107 ~~must~~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 will be deposited directly into the standby trust fund in accordance with instructions from the administrative authority under LAC 33:XI.1135. This standby trust fund ~~must~~shall meet the requirements specified in LAC 33:XI.1125.

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 the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§1119. Letter of Credit

A. An owner or operator may satisfy the requirements of LAC 33:XI.1107 by obtaining an irrevocable standby letter of credit that conforms to the requirements of this Section. The issuing institution ~~must~~shall be an entity that has the authority to issue letters of credit in each state where used and whose letter-of-credit operations are regulated and examined by a federal or state agency.

B. The letter of credit ~~must~~shall be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

Irrevocable Standby Letter of Credit

[Name and address of issuing institution]

[Name and address of administrative authority of the Department of Environmental Quality]

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit Number _____in your favor, at the request and for the account of [owner or operator name] of [address] up to the aggregate amount of [in words] U.S. dollars $[insert dollar amount], available upon presentation of:

1. your sight draft, bearing reference to this letter of credit, No. _____; and

2. your signed statement reading as follows:

"I certify that the amount of the draft is payable pursuant to regulations issued under authority of Subtitle I of the ~~Resource Conservation and Recovery Act of 1976~~Solid Waste Disposal Act, as amended."

This letter of credit may be drawn on to cover [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"] arising from operating the underground storage tank(s) identified below in the amount of [in words] $[insert dollar amount] per occurrence and [in words] $[insert dollar amount] annual aggregate:

* * *

C. An owner or operator who uses a letter of credit to satisfy the requirements of LAC 33:XI.1107 ~~must~~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

administrative authority will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the administrative authority under LAC 33:XI.1135. This standby trust fund ~~must~~shall meet the requirements specified in LAC 33:XI.1125.

D. The letter of credit ~~must~~shall be irrevocable with a term specified by the issuing institution. The letter of credit ~~must~~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 will begin on the date when the owner or operator receives the notice, as evidenced by the return receipt.

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 the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§1121. Use of the Motor Fuels Underground Storage Tank Trust Fund

The administrative authority was authorized by R.S. 30:2194-2195.10 to receive and administer the ~~M~~motor ~~F~~fuels ~~U~~underground ~~S~~storage ~~T~~tank ~~T~~trust ~~F~~fund (MFUSTTF) to provide financial responsibility for owners and/or operators of underground motor fuel storage tanks. Under the conditions described in this Section, an owner and/or operator who is eligible for participation in the MFUSTTF may use this mechanism to ~~partially~~ fulfill the financial responsibility requirements for eligible USTs. To use the MFUSTTF as a mechanism for meeting the requirements of LAC 33:XI.1107, the owner and/or operator ~~must~~shall be an *eligible participant* as defined in Subsection A of this Section. ~~In addition, the owner and/or operator must use one of the other mechanisms described in LAC 33:XI.1111, 1113, 1115, 1117, 1119,~~

~~1123, or 1125 to demonstrate financial responsibility for the amounts specified in Subsection C of this Section, which are the responsibility of the participant and not covered by the MFUSTTF.~~

A. Definitions. The following terms shall have the meanings ascribed to them as used in this Section.

* * *

Substantial Compliance~~—the owner or operator of a UST system shall be considered to be in substantial compliance when he or she has registered that tank with the department in accordance with LAC 33:XI.301, has complied with the state and federal laws and regulations applicable to USTs and the rules and regulations adopted pursuant thereto, has met the financial responsibility requirements specified in Subsection B of this Section, and has promptly notified the administrative authority of any third-party claim or suit made against him or her.~~Repealed.

* * *

B. Financial Responsibility Requirements for MFUSTTF Participants

1. Unless revised by the administrative authority in accordance with R.S. 30:2195.9(A)(~~3~~5), MFUSTTF participants taking response actions ~~must~~shall pay the ~~following~~ amounts required by R.S. 30:2195.9(A)(1)-(4).~~before any disbursements are made from the fund:~~

~~a. $10,000 per occurrence for cleanup and an additional $10,000 per occurrence for third-party judgments, for the period from July 15, 1988 through December 31, 1989;~~

~~b. $15,000 per occurrence for cleanup and an additional $15,000 per occurrence for third-party judgments, for the period from January 1, 1990 through July 14, 1992;~~

~~c. for the period from July 15, 1992 through June 15, 1995:~~

~~i. $5,000 per occurrence for cleanup and an additional $5,000 for third-party judgments for owners with 1 to 12 tanks in Louisiana;~~

~~ii. $10,000 per occurrence for cleanup and an additional $10,000 for third-party judgments for owners with 13 to 99 tanks in Louisiana; and~~

~~iii. $15,000 per occurrence for cleanup and an additional $15,000 for third-party judgments for owners with 100 or more tanks in Louisiana; and~~

~~d. $5,000 per occurrence for cleanup and an additional $5,000 per occurrence for third-party judgments, for the period from June 16, 1995 through December 31, 2001.~~

2. ~~Thereafter, the~~The advisory board shall review the financial responsibility requirements on an annual basis and may recommend adjustments to the requirements to the ~~administrative authority~~secretary. The ~~administrative authority~~secretary shall determine and set the financial responsibility requirements annually [as provided in R.S. 30:2195.9(A)(~~3~~5)].

~~3. Eligible participants must demonstrate financial responsibility for the established amounts by the allowable mechanisms described in LAC 33:XI.1111-1119 and LAC 33:XI.1123-1125.~~

~~4~~3. Substitution of a Departmental Lien

a. A lien filed by the department with the same ranking and privilege as that authorized by R.S. 30:2195(F)(2) may be substituted for the financial responsibility requirement of this Section, but in no case shall the lien be substituted on behalf of an owner and/or operator who continues to operate the system. The use of the funds in the MFUSTTF during any fiscal year on a site for which the lien, as authorized by this Section, has been used to substitute for the financial responsibility amount shall not exceed 20 percent of the amount

collected in the previous fiscal year. The administrative authority is authorized to exceed the 20 percent limitation contained in this Paragraph upon recommendation by the advisory board.

b. Upon recommendation by the advisory board to exceed the 20 percent limitation as provided in Subparagraph B.~~4~~3.a of this Section, the administrative authority shall provide written notification to the environmental legislative oversight committees listing the project name, the project location, and the amount of the project that exceeds the 20 percent limitation.

C. Conditions for Use of the MFUSTTF. Funds in the MFUSTTF shall be used under the following conditions.

1. Whenever the administrative authority determines that an incidence of surface water, groundwater or ~~subsurface~~ soil~~s~~ contamination resulting from the storage of motor fuels may pose a threat to the environment or to public health, safety, or welfare, and the owner or operator of the UST system has been found to be an *eligible participant* (as defined in ~~LAC 33:XI.1121.~~Subsection A of this Section), the department shall obligate monies available in the MFUSTTF to provide for the following response actions~~.~~:

a. ~~Monies shall be obligated for~~ investigation and assessment of sites shown to be contaminated by a release into the surface water, groundwater or ~~subsurface~~ soils from an underground motor fuel storage tank~~.~~;

b. ~~Monies shall be obligated for~~ interim replacement and permanent restoration of potable water supply where it has been demonstrated that the supply was contaminated by a leak from an underground motor fuel storage tank~~.~~; and

c. ~~Monies shall be obligated for~~ rehabilitation and remediation of sites contaminated by a leak into the surface water, groundwater or ~~subsurface~~ soils from an

underground motor fuel storage tank, which may consist of cleanup of affected soil, groundwater, and inland surface waters, using cost-effective methods that are technologically feasible and reliable, while ensuring adequate protection of the public health, safety~~,~~ and welfare, and minimizing environmental damage, in accordance with the site selection and cleanup criteria established by the department.

i. …

~~ii. Subject to the provisions of Paragraphs C.2 and 3 of this Section, the funds in the MFUSTTF shall be used to replace leaking USTs and attendant product piping if the tanks are of double-wall construction of continuous glass filament winding, are manufactured in Louisiana by a corporation whose domicile and corporate headquarters are in Louisiana, and comply with all applicable state and federal standards. Said funds shall be allocated on a match basis of 25 percent of the replacement cost of the leaking tanks and piping.~~

~~iii~~ii. The monies expended from the MFUSTTF for any of the above approved costs shall be spent only up to such sum as that which is necessary to satisfy petroleum or motor fuel UST financial responsibility requirements specified in LAC 33:XI.1107 or $1,500,000, whichever is greater. This amount shall include any third-party claim arising from the release of motor fuels from a motor fuel underground storage tank.

2. Whenever the department has incurred costs for taking response actions with respect to the release of motor fuels from a UST system, or the department has expended funds from the MFUSTTF for response costs or third-party liability claims, the owner or operator of the underground motor fuel storage tank shall be liable to the department for such costs only if the owner or operator was not ~~in substantial compliance~~an eligible participant on the date of discharge of the motor fuels that necessitated the cleanup. Otherwise, liability is limited

to the provisions contained in LAC 33:XI.1121.B. Nothing contained herein shall be construed as authorizing the expenditure from the MFUSTTF on behalf of any owner or operator of a UST system who is not an eligible participant ~~on the last anniversary date of the MFUSTTF~~at the time of the release for any third-party liability.

3. If the administrative authority has expended funds on behalf of an owner or operator who was not ~~in substantial compliance~~an eligible participant, and the MFUSTTF is entitled to reimbursement of those funds so expended, the administrative authority shall have the authority to, and is obligated to, use any and all administrative and judicial remedies that might be necessary for recovery of the expended funds plus legal interest from the date of payment by the administrative authority and all costs associated with the recovery of the funds.

4. …

5. The MFUSTTF may be used to make payments to a third party who brings a third-party claim against any owner or operator of an underground motor fuel storage tank because of damages caused by a release into the surface water, groundwater, or ~~subsurface~~ soils and who obtains a final judgment in said action enforceable in Louisiana against the owner or operator only if it has been satisfactorily demonstrated that the owner or operator was an *eligible participant* as defined in LAC 33:XI.1121.A when the release occurred. The indemnification limit of the MFUSTTF with respect to satisfaction of third-party claims shall be that which is necessary to satisfy the requirements of LAC 33:XI.Chapter 11.

D. — D.1. …

a. Payments are made in reasonable amounts to eligible participants or for reimbursement of payment to approved response action contractors for response actions when authorized by the administrative authority only after the owner or operator of the

underground motor fuel storage tank or those acting for the owner or operator have paid the amount required by LAC 33:XI.1121.~~C~~B.

b. ….

2. Payments are made to third parties who bring suit against the administrative authority in his or her official capacity as representative of the MFUSTTF and the owner or operator of an underground motor fuel storage tank who is an *eligible participant* as defined in ~~LAC 33:XI.1121.~~Subsection A of this Section and such third party obtains a final judgment in that action enforceable in Louisiana. The owner or operator stated above shall pay the amount required by ~~LAC 33:XI.1121.~~Subsection B of this Section toward the satisfaction of said judgment, and after that payment has been made, the MFUSTTF will pay the remainder of said judgment. The attorney general of the state of Louisiana is responsible for appearing in said suit for and on behalf of the administrative authority as representative of the MFUSTTF. The administrative authority as representative of the MFUSTTF is a necessary party in any suit brought by any third party that would allow that third party to collect from the MFUSTTF, and the administrative authority ~~must~~shall be made a party to the initial proceedings. Payment shall be made to the third-party claimant only if the judgment is against an owner or operator who was an eligible participant on the date that the incident that gave rise to the claim occurred. The costs to the attorney general of defending these suits, or to those assistants that the administrative authority employs or the attorney general appoints to assist, shall be recovered from the MFUSTTF. If the MFUSTTF is insufficient to make payments when the claims are filed, such claims shall be paid in the order of filing when monies are paid into the MFUSTTF. Neither the amount of money in the MFUSTTF, the method of collecting it, nor any of the particulars

involved in setting up the MFUSTTF shall be admissible as evidence in any trial in which suit is brought when the judgment rendered could affect the MFUSTTF.

~~3. For sites with more than one eligible release and with multiple owners and/or operators wishing to use MFUSTTF monies, cost effective procedures shall require that the multiple owners and/or operators provide to the administrative authority a single investigation and corrective action plan that complies with the requirements of LAC 33:XI.709, 711, and 715. The MFUSTTF shall reimburse the owners and/or operators only after the submittal of one certified request for reimbursement for work that has been completed according to the administrative authority's approved investigation and corrective action plan.~~

~~4~~3. For sites with more than one eligible release and/or with multiple owners and/or operators who are eligible participants,~~wishing to use MFUSTTF monies~~ but who cannot agree on the selection of a single qualified response action contractor (RAC) for the purpose of complying with ~~Paragraph D.3 of this Section~~LAC 33:XI.709, 711, and 715, or who have failed to ~~begin investigation or corrective action~~ implement the requirements of LAC 33:XI.709, 711, and 715 within the time required by the administrative authority, the administrative authority shall select a RAC to carry out the ~~investigation and/or corrective action~~requirements of LAC 33:XI.709, 711, and 715 or order the respective owners and/or operators to ~~begin investigation or corrective action~~implement the requirements of LAC 33:XI.709, 711, and 715 without the assistance of MFUSTTF monies. In choosing a RAC, the ~~The~~ administrative authority~~, in choosing a RAC,~~ shall solicit notices of interest in the project from all approved RACs except those currently under contract to any of the multiple owners and/or operators of the site and then randomly select a single RAC ~~randomly through a public drawing~~ from all RACs that have expressed ~~expressing~~ an interest in the project. The RAC selected shall not be one currently

under contract to any one of the multiple owners and/or operators of the site. ~~Owners and/or operators shall continue to monitor site cleanup and shall sign and submit a sworn application requesting reimbursement. Thereafter, the administrative authority shall determine all reasonable costs and shall pay the RAC directly.~~ Upon selection by the administrative authority of a single RAC, the multiple owners and/or operators shall grant property access to the RAC to comply with the requirements of LAC 33:XI.709, 711, and 715. Failure to grant property access or to impede the implementation of the requirements of LAC 33:XI.709, 711, and 715 shall result in the disallowance of reimbursement monies from the MFUSTTF. The multiple owners and/or operators shall sign and submit any and all documentation required for reimbursement from the MFUSTTF for any work that has been previously completed in accordance with LAC 33:XI.709, 711, and 715. Once the reimbursement documentation has been approved and accepted by the MFUSTTF, then all reasonable costs shall be reimbursed directly to the RAC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and specifically 2195-2195.10.

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 26:2561 (November 2000), LR 27:521 (April 2001), amended by the Office of Environmental Assessment, LR 31:1577 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 34:864 (May 2008), LR 35:1881 (September 2009), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§1123. Trust Fund

A. An owner or operator may satisfy the requirements of LAC 33:XI.1107 by establishing a trust fund that conforms to the requirements of this Section. The trustee ~~must~~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 ~~must~~shall be identical to the wording specified in LAC 33:XI.1125.B.1, and ~~must~~shall be accompanied by a formal certification of acknowledgement as specified in LAC 33:XI.1125.B.2.

C. The trust fund, when established, ~~must~~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 mechanism(s) that provide the remaining required coverage.

D. — 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 by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2561 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2521 (October 2005), LR 33:2174 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2764 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2146 (November 2017), LR 44:

§1125. Standby Trust Fund

A. An owner or operator using any one of the mechanisms authorized by LAC 33:XI.1113, 1117, or 1119 ~~must~~shall establish a standby trust fund when the mechanism is acquired. The trustee of the standby trust fund ~~must~~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 ~~must~~shall meet the following requirements.

1. The standby trust agreement ~~must~~shall be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

Trust Agreement

* * *

2. The standby trust agreement ~~must~~shall be accompanied by the following formal certification of acknowledgement.

* * *

C. — D. …

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 the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§1129. Cancellation or Nonrenewal by a Provider of Financial Assurance

A. — A.2. …

B. If a provider of financial responsibility cancels or fails to renew for reasons other than incapacity of the provider as specified in LAC 33:XI.1131, the owner or operator ~~must~~shall obtain alternate coverage as specified in this Section 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 ~~must~~shall notify the Office of Environmental Assessment of such failure and submit:

1. — 3. …

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 26:2561 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2521 (October 2005), LR 33:2174 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2764 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2146 (November 2017), LR 44:

§1131. Reporting by Owner or Operator

A. An owner or operator ~~must~~shall submit to the Office of Environmental Assessment the appropriate forms listed in LAC 33:XI.1133.B documenting current evidence of financial responsibility as follows.

1. The owner or operator ~~must~~shall submit the appropriate forms within 30 days after the owner or operator identifies a release from an underground storage tank required to be reported under LAC 33:XI.713 or 715.B.

2. The owner or operator ~~must~~shall submit the appropriate forms if he or she fails to obtain alternate coverage as required by this Chapter, within 30 days after the owner or operator receives notice of:

a. — d. …

3. The owner or operator ~~must~~shall submit the appropriate forms as required by LAC 33:XI.1111.G and 1129.B.

B. An owner or operator ~~must~~shall certify compliance with the financial responsibility requirements of these regulations as specified in the ~~new tank registration form~~underground storage tank registration and technical requirements form (UST-REG) required to be submitted to the department under LAC 33:XI.301.B and C.

C. …

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 26:2562 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2521 (October 2005), LR 33:2174 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2764 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2146 (November 2017), LR 44:

§1133. Recordkeeping

A. Owners or operators ~~must~~shall maintain evidence of all financial assurance mechanisms used to demonstrate financial responsibility under this Chapter for an underground storage tank until released from the requirements of this Chapter under LAC 33:XI.1137. An owner or operator ~~must~~shall maintain such evidence at the underground storage tank site or the owner's or operator's place of business. Records maintained off-site ~~must~~shall be made available upon request of the department.

B. An owner or operator ~~must~~shall maintain the following types of evidence of financial responsibility.

1. An owner or operator using an assurance mechanism specified in LAC 33:XI.1111-1123 ~~must~~shall maintain a copy of the instrument worded as specified.

2. An owner or operator using a financial test or guarantee ~~must~~shall maintain a copy of the chief financial officer's letter based on year-end financial statements for the most recent completed financial reporting year. Such evidence ~~must~~shall be on file no later than 120 days after the close of the financial reporting year.

3. An owner or operator using a guarantee, surety bond, or letter of credit ~~must~~shall maintain a copy of the signed standby trust fund agreement and copies of any amendments to the agreement.

4. An owner or operator using an insurance policy or risk retention group coverage ~~must~~shall maintain a copy of the signed insurance policy or risk retention group coverage policy, with the endorsement or certificate of insurance and any amendments to the agreements.

5. An owner or operator covered by the Underground Motor Fuel Storage Tank Trust Fund ~~must~~shall maintain on file a copy of the current registration

certificate~~documentation that he or she has met the financial responsibility requirements of LAC 33:XI.1121.B~~.

6. An owner or operator using an assurance mechanism specified in LAC 33:XI.1111-1123 ~~must~~shall maintain an updated copy of a certification of financial responsibility worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

Certification of Financial Responsibility

[Owner or operator] hereby certifies that it is in compliance with the requirements of LAC 33:XI.Chapter 11.

The financial assurance mechanism(s) used to demonstrate financial responsibility under LAC 33:XI.Chapter 11 is [are] as follows:

[For each mechanism, list the type of mechanism, name of issuer, mechanism number (if applicable), amount of coverage, effective period of coverage, and whether the mechanism covers "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases."]

[Signature of owner or operator]

[Name of owner or operator]

[Title]

[Date]

[Signature of witness or notary]

[Name of witness or notary]

[Date]

The owner or operator ~~must~~shall update this certification whenever the financial assurance mechanism(s) used to demonstrate financial responsibility change(s).

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 the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§1135. Drawing on Financial Assurance Mechanisms

A. — B.1. …

2. The administrative authority has received one of the following.

a. The administrative authority receives certification from the owner or operator and the third-party liability claimant(s) and from attorneys representing the owner or operator and the third-party liability claimant(s) that a third-party liability claim should be paid. The certification ~~must~~shall be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

* * *

C. …

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 the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§1137. Release from the Requirements

A. An owner or operator is no longer required to maintain financial responsibility under this Chapter for an underground storage tank after the tank has been ~~properly~~permanently

closed or undergoes a change-in-service, or, if corrective action is required, after corrective action has been completed and the tank has been ~~properly~~permanently closed or undergoes a change-in-service as required by LAC 33:XI.Chapter 9.

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 the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§1139. Bankruptcy or Other Incapacity of Owner or Operator or Provider of Financial Assurance

A. Within 10 days after commencement of a voluntary or involuntary proceeding under ~~T~~title 11 (*Bankruptcy*), U.S. Code, naming an owner or operator as debtor, the owner or operator ~~must~~shall notify the Office of Environmental Assessment by certified mail of such commencement and submit the appropriate forms listed in LAC 33:XI.1133.B documenting current financial responsibility.

B. Within 10 days after commencement of a voluntary or involuntary proceeding under ~~T~~title 11 (*Bankruptcy*), U.S. Code, naming a guarantor providing financial assurance as debtor, such guarantor ~~must~~shall notify the owner or operator by certified mail of such commencement as required under the terms of the guarantee specified in LAC 33:XI.1113.

C. 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, or letter of credit. The owner or operator ~~must~~shall obtain alternate financial assurance as specified in this Chapter 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, he ~~must~~shall notify the Office of Environmental Assessment.

D. Within 30 days after receipt of notification that the ~~M~~motor ~~F~~fuels ~~U~~underground ~~S~~storage ~~T~~tank ~~T~~trust ~~F~~fund (MFUSTTF) has become incapable of paying for assured corrective action or third-party compensation costs, the owner or operator ~~must~~shall obtain alternate financial assurance.

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 26:2562 (November 2000), amended by the Office of Environmental Assessment, LR 31:1578 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2522 (October 2005), LR 33:2174 (October 2007), LR 34:1902 (September 2008), amended by the Office of the Secretary, Legal Division, LR 38:2764 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2146 (November 2017), LR 44:

Chapter 12. Requirements for Response Action Contractors Who Assess and Remediate Motor Fuel Contaminated Sites Eligible for Cost Reimbursement in Accordance with the Motor Fuels Underground Storage Tank Trust Fund (MFUSTTF)

§1201. Scope

A. …

B. Effective July 15, 1988, the ~~T~~tank ~~T~~trust ~~F~~fund required that ~~R~~response ~~A~~action ~~C~~contractors (RACs) be approved by the department. Any RAC performing UST site work due to a release eligible for ~~T~~tank ~~T~~trust ~~F~~fund participation ~~must~~shall meet standards approved by the department, and its name ~~must~~shall appear on the RAC list maintained by the department. Only RACs appearing on the list at the time the work was performed are eligible for reimbursement from the TTF.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2194(C) and 2195.10.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:522 (April 2001), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§1203. Prohibitions

A. …

B. Persons performing *technical services,* as defined in LAC 33:XI.103, ~~must~~shall be RACs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2194(C) and 2195.10.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:522 (April 2001), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§1205. Qualifications

A. In order to be listed by the department as an approved RAC for work that is eligible for ~~T~~tank ~~T~~trust ~~F~~fund reimbursement, persons ~~must~~shall submit, on a department-prescribed application form, documentation demonstrating and verifying that they meet the following minimum requirements:

1. the applicant ~~must~~shall be licensed by the ~~S~~state of Louisiana Licensing Board for Contractors with a specialty compatible with UST assessment/remedial activities. A copy of the valid, unexpired license ~~must~~shall be provided in the name of the applicant to be placed on the RAC list;

2. the applicant ~~must~~shall have a minimum of $1,000,000 ~~million~~ of contractor's general liability insurance and a minimum of $1,000,000 ~~million~~ of coverage for an accidental and/or unexpected release(s) from a UST system(s) and/or any other accidental releases related to site-specific RAC activities. A valid, unexpired copy of the certificates of

insurance coverage must be provided in the name of the applicant to be placed on the RAC list and with the department listed as an additional insured. Certificate of insurance shall provide that the insurer shall give 30 days notice of cancellation to all insured;

3. the applicant's employees ~~must~~shall comply with applicable Occupational Safety and Health Administration (OSHA) training and certification requirements. A written statement indicating compliance ~~must~~shall be provided;

4. the applicant ~~must~~shall have on staff, either a registered engineer, licensed in the state of Louisiana, with expertise in geotechnical engineering and hydrogeology or a geologist with expertise in these fields. A copy of the current engineering registration or the college transcripts for the geologists ~~must~~shall be provided;

5. the applicant ~~must~~shall sign a certification statement certifying that the RAC will not accept an authorization for work from an eligible ~~T~~tank ~~T~~trust ~~F~~fund participant if the RAC cannot begin work within 72 hours of authorization. The certification shall include a commitment that the RAC will retain documentation demonstrating compliance with this requirement; and

6. the applicant ~~must~~shall provide a job history and adequately demonstrate relevant experience in environmental subsurface investigation and remediation at sites exhibiting subsurface motor fuels contamination. A minimum of five jobs ~~must~~shall be documented, and the applicant ~~must~~shall adequately demonstrate the following:

A.6.a. — E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2194(C) and 2195.10.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:523 (April 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2522 (October 2005), LR 33:2174 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

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

§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. …

b. all subsurface sample collection events, unless a response action contractor approved by the department under LAC 33:XI.Chapter 12 is present and is exercising responsible supervisory control of sample collection events; and

c. …

* * *

Install—the process of placing a UST system in the ground and preparing it to be put into service. and the process of renovating an existing site (i.e., replacing product piping, adding new product piping, and installing new containment sumps).

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. — d. …

e. completion of the backfill and filling of the excavation; and

f. installation of release detection devices within the excavation zone.;

g. installation of containment sumps; and

h. installation of spill and overfill prevention equipment.

* * *

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 31:1075 (May 2005), amended by the Office of the Secretary Legal Affairs and Criminal Investigations Division, LR 44:

§1305. Categories of Certification and Requirements for Issuance and Renewal of Certificates

A. — A.2. …

B. Requirements for Certification Examination

1. To qualify for an examination, a person need not be a resident of Louisiana. A person ~~must~~shall provide, to the Office of Environmental Assessment, payment of the examination fee and meet the following requirements to be eligible for a UST certification examination.

a. Any person who applies for a certificate addressing UST system installation/repair ~~must~~shall demonstrate:

i. — ii. …

b. Any person who applies for a certificate addressing UST system closure ~~must~~shall demonstrate:

i. — c. …

i. a civil, environmental, or mechanical engineering degree from a recognized college or university; or

B.1.c.ii. — F. …

1. All UST certificates and certificate renewals shall expire December 31 of every second year. Applications for certificate renewal and payment of the renewal fee should be submitted to the Office of ~~Environmental Assessment~~Management and Finance by November 1 of each year they expire. A person whose certificate has expired prior to his or her submission of evidence of compliance with Paragraph F.2 of this Section shall be considered a new applicant for certification.

F.2. — H. …

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 26:2562 (November 2000), LR 29:691 (May 2003), LR 29:2052 (October 2003), amended by the Office of Environmental Assessment, LR 30:2804 (December 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2522 (October 2005), LR 33:2175 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2764 (November 2012), LR 43:951 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2147 (November 2017), LR 44:

§1307. Certification Examinations

A. — D. …

E. Failed Examinations. No applicant will be allowed to take an examination more than three times within a 12-month period. A new application, with applicable fees, ~~must~~shall be submitted each time before the new examination may be taken.

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 LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, LR 31:1075 (May 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

§1309. Approval of Continuing Training Courses

A. — A.1. …

2. offers instruction on the most current generally acceptable technology or methods for the subjects in LAC 33:XI.1309.A.1. The technology or methods presented ~~must~~shall satisfy department rules, and state and federal laws governing UST system installation, repair, or closure.

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 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2522 (October 2005), LR 33:2175 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2765 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2147 (November 2017), LR 44:

§1313. UST Certification Board

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

1. …

2. a representative of the Louisiana Oil Marketers' and Convenience Store Association;

3. a representative of the Louisiana Mid-Continent Oil and Gas Association;

4. two representatives from within the certified UST contractor community; and

5. two representatives from ~~the Louisiana Association of Petroleum Equipment Contractors~~within the UST owner community.

B. Function. The UST Certification Board is to be used on an ad hoc basis by the administrative authority. Members of the UST Certification Board shall offer technical expertise, suggestions, and other counsel to the administrative authority to assist in the planning, updating, and administration of the UST certification program. The board's activities shall, however, be advisory only, and final authority for administration of the certification program shall rest with the department.

C. Tenure and Public Identification. The normal term of office for a member of the board shall be ~~two years~~as designated by the administrative authority. ~~The administrative authority may, however, at the time of the initial appointment of board members, designate terms of lesser duration for some members as a means of achieving staggered tenure and preserving continuity. No board member may be appointed to more than two successive two-year terms.~~ The identity, affiliation, and tenure of each board member shall be a matter of public record.

D. Meetings and Compensation. The board shall meet ~~at least once per annum during the first quarter of the calendar year and more frequently if requested by the administrative authority~~as determined by the administrative authority. Members of the board not otherwise employed by the state shall serve without compensation.

E. Chairman. At the first meeting of the board ~~held each year~~, members of the board shall elect a chairman from among their own number. The chairman shall serve for ~~one year~~the duration of the ad hoc appointment, shall preside at meetings of the board, and shall be eligible for reelection.

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 LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, LR 31:1075 (May 2005), repromulgated by the Office of the Secretary, Legal Affairs Division, LR 32:394 (March 2006), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44: