

ENVIRONMENTAL QUALITY

CHAPTER 56

UNDERGROUND STORAGE TANKS  
PETROLEUM AND CHEMICAL SUBSTANCES

Subchapter 7

Out-of-Service UST Systems and Closure

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Subchapter 7

Out-of-Service UST Systems and Closure

17.56.701 INACTIVE AND OUT-OF-SERVICE UST SYSTEMS (1) An UST system is inactive when the owner or operator notifies the department that the UST is no longer in use for dispensing, depositing, or storing regulated substances or the department determines inactive status based on available information. The owner or operator shall continue operation and maintenance of corrosion protection on an out-of-service UST in accordance with ARM 17.56.302, and shall continue operation and maintenance of any release detection in accordance with ARM Title 17, chapter 56, subchapter 4. ARM Title 17, chapter 56, subchapters 5 and 6 must be complied with if a release is suspected or confirmed. However, release detection, release detection operation, and maintenance testing and inspections in ARM Title 17, chapter 56, subchapter 3 and 4 are not required as long as the UST system is empty. The UST system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remains in the system. In addition, spill and overfill operation and maintenance testing and inspections in subchapter 3 are not required.

(2) When an UST system is inactive or out of service for three months or more, owners and operators shall also:

- (a) empty the UST system;
- (b) leave vent lines open and functioning; and
- (c) cap and secure all other lines, pumps, manways, and ancillary equipment.

(3) Out-of-service UST system components that do not meet the corrosion protection requirements of ARM 17.56.201 or 17.56.202 must, within 12 months of being taken out of service or, in the case of a found tank, within 12 months of its discovery, be:

(a) permanently closed in accordance with ARM 17.56.702 through 17.56.706; or

(b) brought into compliance with ARM Title 17, chapter 56, subchapter 2.

(4) In order to return an inactive UST to active status, owners and operators, in addition to complying with all applicable UST requirements under this subchapter, shall:

(a) when an UST has a valid operating permit and is inactive for 12 months or less, provide the department with 30 days advance written notice of the owner or operator's intent to return the UST to active status;

(b) when an UST has a valid operating permit and is inactive for more than 12 months:

(i) provide the department with 30 days advance written notice of the owner or operator's intent to return the UST to active status; and

(ii) perform a precision tank tightness test, line tightness tests and functionality tests of all mechanical and electronic release detection equipment, and submit all test results to the department. The owner and operator may return the UST to active status only upon receipt of notice from the department indicating that the test results are satisfactory. All tests must be conducted in accordance with accepted industry standards and must meet the performance requirements in ARM 17.56.407 and 17.56.408

(c) when an UST does not have a valid operating permit, but no more than 12 months have passed since the expiration date of the last operating permit issued for the UST:

(i) provide the department with advance written notice as required in (4)(b)(i); and

(ii) obtain a conditional operating permit in accordance with ARM 17.56.310 and a compliance inspection in accordance with ARM 17.56.309;

(d) when an UST does not have a valid operating permit, and more than 12 months have passed since the expiration date of the last operating permit issued for the UST:

(i) provide the department with advance written notice as required in (4)(b)(i);

(ii) perform a precision tank tightness test, line tightness tests, and functionality tests of all mechanical and electronic release detection equipment, and submit test results to the department. The owner and operator may return the UST to active status only upon receipt of notice from the department indicating that the test results are satisfactory. All tests must be conducted in accordance with accepted industry standards and must meet the performance requirements in ARM 17.56.407 and 17.56.408; and

(iii) obtain a conditional operating permit in accordance with ARM 17.56.310 and a compliance inspection in accordance with ARM 17.56.309;

(e) when an UST does not have a valid operating permit, continuous operation and maintenance of corrosion protection in accordance with ARM 17.56.302 cannot be demonstrated, and more than three years have passed since the expiration date of the last operating permit issued for the UST:

(i) meet all the requirements in (4)(d)(i) through (4)(d)(iii); and

(ii) show that the UST is structurally sound based upon an internal inspection. (History: 75-11-505, 75-11-509, MCA; IMP, 75-11-505, 75-11-509, MCA; NEW, 1989 MAR p. 1912, Eff. 11/23/89; TRANS, from DHES, 1995 MAR p. 2259; AMD, 2003 MAR p. 2759, Eff. 12/12/03; AMD, 2006 MAR p. 913, Eff. 4/7/06; AMD, 2007 MAR p. 1189, Eff. 8/24/07; AMD, 2010 MAR p. 1888, Eff. 8/27/10; AMD, 2016 MAR p. 1694, Eff. 9/24/16; AMD, 2018 MAR p. 1954, Eff. 10/6/18.)

17.56.702 PERMANENT CLOSURE AND CHANGES IN SERVICE (1) At least 30 days before beginning either permanent closure or a change in service under (2) and (3), the owner or operator shall notify the department of their intent to permanently close or make the change in service, unless such action is in response to corrective action already noticed to the department under subchapter 6. The required assessment of the excavation zone under ARM 17.56.703 must be performed after notifying the department, but before completion of the permanent closure or a change in service.

(2) To permanently close a tank or connected piping, the owner or operator shall empty and clean it by removing all liquids and accumulated sludges. All tanks or connected piping taken out of service permanently must also be either removed from the ground or, when approved by the department, filled with an inert solid material.

(3) Continued use of an UST system to store a nonregulated substance is considered a change in service. Before a change in service, the owner or operator shall empty and clean the UST system by removing all liquid, accumulated sludge, and all combustible and flammable vapors and conduct a site assessment in accordance with ARM 17.56.703.

(4) The cleaning and closure procedures in (5) must be used to comply with this rule.

(5) The department adopts and incorporates by reference the version in effect on January 1, 2018, of the following standards, specifications, and publications:

(a) American Petroleum Institute Recommended Practice 1604, "Closure of Underground Petroleum Storage Tanks," (2015), which sets forth closure practices for UST systems, a copy of which may be obtained from API Publications Department, 1220 L Street NW, Washington, DC 20005, (202) 682-8375;

(b) American Petroleum Institute Recommended Practice 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks," (2001), which sets forth lining and periodic inspection standards for UST tanks, a copy of which may be obtained from API Publications Department, 1220 L Street NW, Washington, DC 20005, (202) 682-8375;

(c) American Petroleum Institute Standard 2015, "Safe Entry and Cleaning of Petroleum Storage Tanks, Planning and Managing Tank Entry From Decommissioning Through Recommissioning," (2015), which sets forth cleaning and entrance standards for UST tanks, a copy of which may be obtained from API Publications Department, 1220 L Street NW, Washington, DC 20005, (202) 682-8375;

(d) The National Institute for Occupational Safety and Health publication No. 80-106, "Criteria for a Recommended Standard: Working in Confined Space," (1979), which sets forth standards for working inside an UST tank, a copy of which may be obtained from the Superintendent of Documents, Government Printing Office, Washington, DC 20402, (202) 783-3238;

(e) American Petroleum Institute Recommended Practice 2016, "Guidelines and Procedures for Entering and Cleaning Petroleum Storage Tanks," (2016), which sets forth entrance and cleaning standards for UST tanks, a copy of which may be obtained from API Publications Department, 1220 L Street NW, Washington, DC 20005, (202) 682-8375; and

(f) National Fire Protection Association (NFPA) Standard 326, "Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair," (2015), which sets forth procedures to safeguard tanks or containers that contain or have contained flammable and combustible liquids or other hazardous substances before entry, cleaning, repair, or other activities can be performed, a copy of which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269, (800) 344-3555. (History: 75-11-505, MCA; IMP, 75-11-505, MCA; NEW, 1989 MAR p. 1912, Eff. 11/23/89; TRANS, from DHES, 1995 MAR p. 2259; AMD, 2007 MAR p. 1189, Eff. 8/24/07; AMD, 2010 MAR p. 1888, Eff. 8/27/10; AMD, 2016 MAR p. 1694, Eff. 9/24/16; AMD, 2018 MAR p. 1954, Eff. 10/6/18.)

17.56.703 ASSESSING THE SITE AT CLOSURE OR CHANGE IN SERVICE (1) Before permanent closure or a change in service is completed, the owner or operator shall measure for the presence of a release where contamination is most likely to be present at the UST site. When measuring for the presence of a release, the owner or operator:

(a) shall collect soil samples, as soon as possible after the tank or piping has been removed, at the base of the tank excavation and piping trench at suspected worst-case locations, which locations may include:

(i) areas around the tank and piping that record the highest concentrations of hydrocarbon vapor recorded with vapor monitoring instruments;

(ii) areas around the tank and piping that look stained or discolored;

(iii) the lowest point of the tank;

(iv) where the tank meets the piping; and

(v) beneath the fill lines. For each tank with a capacity of over 600 gallons that is being removed for closure, at least two soil samples, one at each end of the tank, or at suspected worst-case locations, must be taken. For a tank with a capacity of 600 gallons or less, one soil sample must be collected beneath the tank. Each sample must be taken at least one-to-two feet below the base of the maximum excavation depth. If contaminated soil is removed from the excavation site, at least one composite sample of the contaminated soil must be collected for analysis. For piping removal, soil samples must be collected every 20 feet at the base of the piping trench, and at suspected worst-case locations. Up to five piping trench samples may be composited;

(b) if ground water is encountered in the tank excavation, shall measure the presence of free product and collect a sample of the water for analysis;

(c) in selecting sample types, sample locations, and measurement methods, shall consider the method of closure, the nature of the stored substance, type of backfill, depth to ground water, and other factors appropriate for identifying the presence of a release. The department should be consulted to assist in determining sample types, sample locations, and measurement methods. The Montana Quality Assurance Plan for Investigation of Underground Storage Tank Releases should be used as a guide for the collection, preservation, and analysis of field samples;

(d) may use field hydrocarbon vapor analyzers as screening tools to determine the presence of a release and to assist in determining the extent of contaminated soil to be removed. These analyzers, however, should not be used to confirm the absence of soil or water contamination. Only laboratory analysis of samples will be accepted by the department to confirm the absence of soil or water contamination.

(2) If sampling indicates contaminated soils, contaminated ground water, or if free product as a liquid or vapor is discovered under (1), or by any other manner, the owner or operator shall begin corrective action in accordance with subchapter 6. A release must be reported to the department by the owner or operator within 24 hours. (History: 75-11-505, MCA; IMP, 75-11-505, MCA; NEW, 1989 MAR p. 1912, Eff. 11/23/89; TRANS, from DHES, 1995 MAR p. 2259; AMD, 2007 MAR p. 1189, Eff. 8/24/07; AMD, 2010 MAR p. 1888, Eff. 8/27/10; AMD, 2016 MAR p. 1694, Eff. 9/24/16.)

17.56.704 APPLICABILITY TO PREVIOUSLY CLOSED UST SYSTEMS

(1) When directed by the department, the owner or operator of a permanently closed UST system shall access the excavation zone and close the UST system in accordance with this subchapter if releases from the UST may, in the judgment of the department, pose a current or potential threat to human health and the environment. (History: 75-11-505, MCA; IMP, 75-11-505, MCA; NEW, 1989 MAR p. 1912, Eff. 11/23/89; TRANS, from DHES, 1995 MAR p. 2259; AMD, 2007 MAR p. 1189, Eff. 8/24/07; AMD, 2010 MAR p. 1888, Eff. 8/27/10.)

17.56.705 CLOSURE RECORDS (1) The owner or operator shall maintain records in accordance with ARM 17.56.305 that are capable of demonstrating compliance with closure requirements under this subchapter. Results of the excavation zone assessment required in ARM 17.56.703 must be maintained for at least three years after completion of permanent closure or change in service in one of the following ways:

(a) by the owners and operators who took the UST system out of service;  
(b) by the current owners and operators of the UST system site; or  
(c) by mailing these records to the department if the records cannot be maintained at the closed facility. (History: 75-11-505, MCA; IMP, 75-11-505, MCA; NEW, 1989 MAR p. 1912, Eff. 11/23/89; TRANS, from DHES, 1995 MAR p. 2259; AMD, 2007 MAR p. 1189, Eff. 8/24/07; AMD, 2010 MAR p. 1888, Eff. 8/27/10; AMD, 2016 MAR p. 1694, Eff. 9/24/16.)

17.56.706 REQUIREMENT TO EMPTY NONCOMPLIANT USTS (1) The department may require an owner or operator to immediately empty an UST system upon a finding that the UST system is not in compliance with any of the requirements in ARM Title 17, chapter 56, subchapters 2, 3, 4 or 7 and that allowing the contents to remain in the UST system poses a risk to public health or the environment. (History: 75-11-505, MCA; IMP, 75-11-505, MCA; NEW, 2003 MAR p. 2759, Eff. 12/12/03.)