

ENVIRONMENTAL QUALITY

CHAPTER 56

UNDERGROUND STORAGE TANKS  
PETROLEUM AND CHEMICAL SUBSTANCES

Subchapter 3

General Operating Requirements

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Subchapter 3

General Operating Requirements

17.56.301 SPILL AND OVERFILL CONTROL (1) Owners and operators shall ensure that releases due to spilling or overfilling do not occur. The owner and operator shall ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling. The transfer procedures described in National Fire Protection Association Standard 385, "Standard for Tank Vehicles for Flammable and Combustible Liquids," must be used to comply with this section. Further guidance on spill and overfill prevention appears in American Petroleum Institute Publication 1621, "Recommended Practice for Bulk Liquid Stock Control at Retail Outlets," and National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code."

(2) The owner and operator shall report, investigate, and clean up any spills and overfills in accordance with ARM 17.56.505.

(3) The department adopts and incorporates by reference the version in effect on July 1, 2006, of the following standards and publications:

(a) National Fire Protection Association Standard 385, "Standard for Tank Vehicles for Flammable and Combustible Liquids," which applies to tank vehicles to be used for the transportation of normally stable flammable and combustible liquids with a flash point below 200°F (93.4°C). Standard 385 provides minimum requirements for the design and construction of cargo tanks and their appurtenances. A copy may be obtained from National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, (800) 344-3555;

(b) American Petroleum Institute Publication 1621, "Recommended Practice for Bulk Liquid Stock Control at Retail Outlets," which sets forth transferring and dispensing practices for flammable and combustible liquids, a copy of which may be obtained from Global Engineering Documents, 15 Inverness Way East, M/S C303B, Englewood, CO 80112-5776, (303) 397-7956; and

(c) National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code," which sets forth transferring and dispensing practices for flammable and combustible liquids, a copy of which may be obtained from National Fire Protection Association, 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, 2003 MAR p. 1079, Eff. 5/23/03; AMD, 2007 MAR p. 1189, Eff. 8/24/07.)

17.56.302 OPERATION AND MAINTENANCE OF CORROSION

PROTECTION (1) All owners and operators of steel UST systems with corrosion protection shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the UST system is used to store regulated substances:

(a) all corrosion protection systems must be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that are in contact with the ground;

(b) all UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:

(i) all cathodic protection systems must be tested within six months of installation and at least every three years thereafter; and

(ii) the criteria that are used to determine that cathodic protection is adequate as required by this rule must be in accordance with National Association of Corrosion Engineers Standard RP0285, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection;"

(c) UST systems with impressed current cathodic protection systems must also be inspected every 60 days to ensure the equipment is running properly; and

(d) for UST systems using cathodic protection, records of the operation of the cathodic protection must be maintained in accordance with ARM 17.56.305 to demonstrate compliance with the performance standards in this rule. These records must provide the following:

(i) the results of the last three inspections required in (1)(c); and

(ii) the results of testing from the last two inspections required in (1)(b).

(2) The department adopts and incorporates by reference the version in effect on January 1, 2016, of the National Association of Corrosion Engineers Standard (NACE) RP0285, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection," which sets forth cathodic protection system standards for prevention of corrosion on buried or submerged metallic UST systems, a copy of which may be obtained from NACE, International, P.O. Box 201009, Houston, TX 77216-1009, (281) 228-6200. (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, Eff. 7/1/95; AMD, 2003 MAR p. 1079, Eff. 5/23/03; 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.)

17.56.303 COMPATIBILITY (1) Owners and operators shall use an UST system made of or lined with materials that are compatible with the substance stored in the UST system. Owners and operators storing alcohol blends shall use the following codes to comply with the requirements of this rule:

(a) American Petroleum Institute Publication 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations;" and

(b) American Petroleum Institute Publication 1627, "Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations."

(2) The department adopts and incorporates by reference the version in effect on July 1, 2006, of the following publications:

(a) American Petroleum Institute Publication 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations," which sets forth requirements for storing and handling regulated substances at UST facilities, a copy of which may be obtained from API Publications Department, 1220 L Street NW, Washington, DC 20005, (202) 682-8375; and

(b) American Petroleum Institute Publication 1627, "Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations," which sets forth requirements for storing and handling regulated substances of UST facilities, a copy of which may be obtained from API Publications Department, 1220 L Street NW, Washington, DC 20005, (202) 682-8375. (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.)

17.56.304 REPAIRS (1) Owners and operators of UST systems shall ensure that repairs will prevent releases due to structural failure or corrosion for as long as the UST system is used to store regulated substances. Owners and operators shall receive a permit from the department prior to making any repair of an UST system.

(2) Tanks not meeting the design or construction standards of the applicable code of practice in (4) may not be repaired and must be closed in accordance with ARM 17.56.702.

(3) Repairs must meet the following requirements:

(a) repairs to UST systems must be conducted in accordance with all applicable state, federal, and local laws and regulations and the applicable code of practice in (4). If there is a conflict in the referenced codes, the more stringent and protective code applies;

(b) tanks must be repaired according to the manufacturer's recommendation and under the supervision on site of a manufacturer's authorized representative or the tank manufacturer shall certify that the repaired tank meets the manufacturer's design standards;

(c) the tank manufacturer shall re-warranty the repaired tank for ten years or the remainder of the original warranty period, whichever is longer;

(d) the department may require excavation of the tank to be repaired so that the outer wall of the tank may be inspected and tested for defects;

(e) metal pipe sections and fittings that are damaged or have released product as a result of corrosion or other damage must be replaced. Fiberglass pipes and fittings must be repaired in accordance with the manufacturer's specifications or be replaced;

(f) upon completion of the repair and before the UST system is placed in service, the following tests must be performed:

(i) repaired tanks and piping must be tightness tested in accordance with ARM 17.56.407(1)(c) and 17.56.408(1)(b); and

(ii) corrosion protection systems circuitry must be tested to ensure it is still functioning;

(g) within six months following the repair of any cathodically protected UST system, the cathodic protection system must be tested in accordance with ARM 17.56.302(1)(b) and (c) to ensure that it is operating properly; and

(h) UST system owners and operators must maintain records of each repair for the remaining operating life of the UST system that demonstrate compliance with the requirements of this rule.

(4) The department adopts and incorporates by reference the version in effect on January 1, 2016, of the following standards or specifications:

(a) Underwriters Laboratories Standard 1316, "Standard for Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products," which sets forth requirements for the manufacture and installation of glass-fiber-reinforced plastic underground storage tanks for petroleum products, a copy of which may be obtained from Underwriters Laboratories, Inc., 12 Laboratory Drive, Research Triangle Park, NC 27709;

(b) Underwriters Laboratories Standard 1746, "Corrosion Protection Systems for Underground Storage Tanks," which sets forth requirements for corrosion protection systems for underground storage tanks, a copy of which may be obtained from Underwriters Laboratories, Inc., 12 Laboratory Drive, Research Triangle Park, NC 27709;

(c) American Society of Testing and Materials Standard D4021, "Standard Specification for Glass-Fiber-Reinforced Polyester Underground Petroleum Storage Tanks," which sets forth design standards for FRP UST tanks, a copy of which may be obtained from The American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017;

(d) Steel Tank Institute, "Specification for STI-P3 System of External Corrosion Protection of Underground Steel Storage Tanks," which sets forth design and installation standards of cathodically protected steel underground storage tanks, a copy of which may be obtained from Steel Tank Institute, 570 Oakwood Road, Lake Zurich, IL 60047, (800) 438-8265; and

(e) Steel Tank Institute ACT-100, "Specification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks," which sets forth a minimum consensus standard for the fabrication, installation, and repair of FRP clad/composite tanks, a copy of which may be obtained from the Steel Tank Institute, 570 Oakwood Road, Lake Zurich, IL 60047, (800) 438-8265. (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, 1999 MAR p. 2046, Eff. 9/24/99; AMD, 2003 MAR p. 1079, Eff. 5/23/03; 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.)

17.56.305 REPORTING AND RECORDKEEPING (1) Owners and operators of UST systems shall cooperate fully with inspections, monitoring, and testing conducted by the department, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to section 9005 of Subtitle I of RCRA, as amended or pursuant to other state laws or rules, including the following:

(a) owners and operators shall submit the following information to the department:

(i) notification for all UST systems;

(ii) reports of all releases including suspected releases, spills and overfills, and confirmed releases;

(iii) corrective actions planned or taken including initial abatement measures, initial site history, free product removal, the result of remedial investigations, and cleanup plan; and

(iv) a notification before permanent closure or change-in-service;

(b) owners and operators shall maintain the following information:

(i) documentation of operation of corrosion protection equipment;

(ii) documentation of UST system repairs;

(iii) recent compliance with release detection requirements; and

(iv) results of the site investigation conducted at permanent closure; and

(c) owners and operators shall keep the records required either:

(i) at the UST site and immediately available for inspection by the department;

(ii) at a readily available alternative site and be provided for inspection by the department upon request; or

(iii) in the case of permanent closure records required under ARM 17.56.705, owners and operators are also provided with the additional alternative of mailing closure records to the department if they cannot be kept at the site or an alternative site as indicated above. (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, 2003 MAR p. 1079, Eff. 5/23/03; AMD, 2010 MAR p. 1888, Eff. 8/27/10; AMD, 2016 MAR p. 1694, Eff. 9/24/16.)

Rules 17.56.306 and 17.56.307 reserved

17.56.308 OPERATING PERMIT REQUIRED (1) After March 31, 2003, except as provided in (9), a person may not place a regulated substance in, dispense a regulated substance from, or otherwise operate an underground storage tank system unless the owner or operator has a valid operating permit for the system.

(2) When the ownership of an UST changes, the operating permit in the name of the previous owner will remain valid for the new owner for 45 days after the transfer is completed.

(3) The department shall issue an operating permit when:

(a) the owner or operator has filed with the department an inspection report signed by a licensed compliance inspector and the department determines, on the basis of the inspection report and other relevant information, that the operation and maintenance of the underground storage tank systems at that facility are not in significant noncompliance with Title 75, chapter 11, part 5, MCA, or rules adopted thereunder, on the date of the inspection. The department may issue and renew permits for tanks that are in significant noncompliance with applicable requirements. The department may take enforcement actions, including actions for penalties, and may pursue any other remedy available to the department to address noncompliance with statutes, rules, permits, or orders issued pursuant to this chapter; and

(b) the department has received all required UST-related permit, inspection, and registration fees.

(4) If a filed inspection report contains substantive errors or inconsistencies, the department may, before determining whether to issue an operating permit, correct the report based on available information, require the inspector to provide additional information or require the owner or operator to obtain a follow-up inspection.

(5) An operating permit must be issued for three years.

(6) The department may suspend, revoke, or determine not to renew an operating permit issued under this rule upon its finding that there is substantial evidence that:

(a) the underground storage tank system for which the permit was issued is in significant noncompliance with Title 75, chapter 11, part 5, MCA, or with rules, permits or orders issued pursuant to Title 75, chapter 11, part 5, MCA;

(b) the permittee committed fraud or deceit in applying for the operating permit; or

(c) the operating permit was issued in error.

(7) Except as provided in (8), the department shall suspend or revoke an operating permit issued under this rule according to the provisions of 75-11-512, MCA.

(8) If the department determines that noncompliance with Title 75, chapter 11, part 5, MCA, or this chapter, poses an immediate or substantial threat to the public health, safety, or environment, it may immediately revoke the operating permit. A permittee whose operating permit has been revoked in accordance with this rule may request a hearing before the department. The department shall schedule a hearing within ten days of the request for hearing.

(9) For the first 45 days after an operating permit expires, an UST is considered not operating if no regulated substance is deposited into or dispensed from the system. (History: 75-11-505, MCA; IMP, 75-11-509, MCA; NEW, 2000 MAR p. 969, Eff. 4/14/00; AMD, 2001 MAR p. 2459, Eff. 12/21/01; AMD, 2002 MAR p. 1091, Eff. 4/12/02; AMD, 2003 MAR p. 1079, Eff. 5/23/03; AMD, 2003 MAR p. 2759, Eff. 12/12/03; AMD, 2006 MAR p. 913, Eff. 4/7/06; AMD, 2007 MAR p. 1667, Eff. 8/24/07; AMD, 2011 MAR p. 2139, Eff. 10/14/11.)

17.56.309 REQUIREMENTS FOR COMPLIANCE INSPECTIONS (1) The owner or operator of an underground storage tank system shall have all active underground storage tank systems inspected by a licensed compliance inspector, licensed pursuant to ARM 17.56.1402(3), at least every three years for compliance with the operation and maintenance requirements of this chapter. The inspections must:

(a) be completed at least 90 days before the expiration date of the operating permit issued pursuant to ARM 17.56.308; and

(b) include examination, assessment, and documentation of compliance with all tank operation and maintenance requirements, set forth in rules adopted under 75-11-505, MCA, or in rules adopted or permits issued under 75-11-509, MCA.

(2) The owner or operator of an underground storage tank system must have all inactive underground storage tank systems inspected by a compliance inspector or an oversight inspector, licensed pursuant to ARM 17.56.1402(3) or (4), at least every three years for compliance with the requirements of ARM 17.56.701. The inspections must be completed:

(a) at least 90 days before the expiration date of the operating permit issued pursuant to ARM 17.56.308; or

(b) if no operating permit has been issued for the inactive underground storage tank, at least 90 days before the three-year compliance inspection is due.

(3) Underground storage tank systems that:

(a) under ARM 17.56.102(3) and (4), are exempt from ARM Title 17, chapter 56, subchapters 2, 3, and 4, are also exempt from compliance inspection requirements. Owners or operators of these underground storage tank systems may obtain an operating permit by making a written request to the department and providing evidence, satisfactory to the department, that the UST systems qualify for this exemption; and

(b) are referenced in ARM 17.56.102(2), (4), and (5), are not required to have compliance inspections.

(4) For an underground storage tank system that is installed or returned to active status pursuant to ARM 17.56.701 after November 1, 2001, an initial inspection must be completed at least 90 days, but no more than 120 days, after the date the conditional operating permit is issued or reissued pursuant to ARM 17.56.310. If the facility has other underground storage tank systems installed prior to November 1, 2001, all subsequent inspections of an underground storage tank system installed on or after November 1, 2001, must be conducted on the same schedule as the underground storage tank systems in existence prior to that date.

(5) Upon completion of the inspection, the inspector shall provide the owner or operator with a copy of the inspection report.

(6) No later than 15 days after any inspection conducted pursuant to this rule, the owner or operator, or the compliance inspector shall provide to the department the results of the compliance inspection in a manner approved by the department. The inspection report must be signed by the licensed compliance inspector and the underground storage tank system owner or operator.

(7) All underground storage tank systems at an individual facility must be inspected at one time.

(8) The owner or operator shall correct all violations noted in a compliance inspection report:

- (a) within 90 days of receipt of the inspection report by the owner or operator;
- (b) at least 14 days prior to the expiration of the facility's operating permit; or
- (c) within another timeframe established by the department.

(9) The owner or operator or compliance inspector shall submit to the department a follow-up inspection report:

(a) within seven days after completion of the corrective actions required under (8);

(b) at least 14 days before the expiration of the facility's operating permit; or

(c) within another timeframe established by the department. (History: 75-11-505, 75-11-509, MCA; IMP, 75-11-509, MCA; NEW, 2000 MAR p. 969, Eff. 4/14/00; AMD, 2001 MAR p. 2459, Eff. 12/21/01; AMD, 2002 MAR p. 1091, Eff. 4/12/02; AMD, 2003 MAR p. 1079, Eff. 5/23/03; 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, 2009 MAR p. 2247, Eff. 11/26/09; AMD, 2010 MAR p. 1888, Eff. 8/27/10; AMD, 2011 MAR p. 145, Eff. 2/11/11; AMD, 2011 MAR p. 2139, Eff. 10/14/11; AMD, 2016 MAR p. 1694, Eff. 9/24/16.)

17.56.310 CONDITIONAL, ONE-TIME FILL AND EMERGENCY

OPERATING PERMITS (1) For an underground storage tank system installed after December 31, 2001, the department shall issue a conditional operating permit upon the submission of all documentation required by ARM 17.56.1305, related to the installation of that underground storage tank system.

(2) The department may issue or reissue a conditional operating permit when an underground storage tank system is returned to active status, pursuant to ARM 17.56.701, or when the department has determined that violations resulting from a compliance or oversight inspection have not been resolved.

(3) A conditional operating permit issued under (1) or (2) expires 180 days after issuance.

(4) Notwithstanding issuance of a conditional operating permit, the department may pursue any enforcement measures available under Title 75, chapter 11, part 5, MCA, to address UST violations.

(5) The department may issue a one-time fill permit for the following purposes:

(a) testing related to installation of a new UST system. The department may issue the fill permit concurrently with an installation permit issued pursuant to subchapter 13; or

(b) testing related to returning an inactive UST system to active status. The department may issue the fill permit upon receipt of written notice, in accordance with ARM 17.56.701, that the UST will return to active operational status.

(6) The department may issue an emergency operating permit to allow operation of an UST without a valid operating permit when operation of the UST is necessary to protect the safety and welfare of persons, property, or national security from imminent harm or threat of harm, as follows:

(a) before issuing an emergency operating permit, the department shall determine that under all the circumstances, any potential impacts to human health and the environment arising from operation of the UST are outweighed by the interest in preserving health, safety, or welfare of persons, property, or national security;

(b) emergency permits expire when the emergency is abated or 90 days after issuance of the permit, whichever time period is shorter;

(c) notwithstanding issuance of an emergency permit, the department may pursue any enforcement measures available under Title 75, chapter 11, part 5, MCA, to address UST violations; and

(d) in order to reduce the risk of a release, any emergency operating permit issued by the department under this rule may be subject to conditions or procedures that the department determines are necessary to minimize risks to human health or to the environment. (History: 75-11-505, 75-11-509, MCA; IMP, 75-11-509, MCA; NEW, 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, 2011 MAR p. 2139, Eff. 10/14/11.)

17.56.311 PERMANENT NONEXPIRING TAG (1) For purposes of this rule, "permanent nonexpiring tag" means a tank tag issued by the department for an underground storage tank system for identification and recordkeeping purposes.

(2) After September 1, 2011, the department shall issue a permanent nonexpiring tag for each underground storage tank for which the department has newly issued an operating permit as described in ARM 17.56.308(3) and (5). The tag must be visibly affixed by the owner or operator to each tank's fill pipe or to another visible part of the tank if affixing the tag to the fill pipe is impracticable. (History: 75-11-505, 75-11-509, MCA; IMP, 75-11-509, MCA; NEW, 2011 MAR p. 2139, Eff. 10/14/11.)

17.56.312 DELIVERY PROHIBITION (1) For purposes of meeting the delivery prohibition requirements of The Energy Policy Act of 2005, whenever the department finds that there has been significant noncompliance with Title 75, chapter 11, part 5, MCA, or with rules, permits, or orders issued pursuant to part 5, and the department has suspended, revoked, or determined not to renew an operating permit pursuant to ARM 17.56.308(7), or determined not to issue, or determined not to renew an operating permit pursuant to 75-11-509(9), MCA, the department will classify such underground storage tank(s) as ineligible for delivery, deposit, or acceptance of product.

(2) The department shall:

(a) make every reasonable effort to notify tank owners, operators, or both prior to prohibiting the delivery, deposit, or acceptance of product;

(b) notify product deliverers when an underground storage tank is ineligible for delivery, deposit, or acceptance of product;

(c) issue a certificate that clearly identifies the ineligible underground storage tank classified in (1); and

(d) issue an operating permit to the owner or operator within ten business days to reclassify an ineligible underground storage tank as eligible following correction of violations identified as significant noncompliance based on a follow-up inspection report submitted to the department in accordance with ARM 17.56.309(8).

(3) The certificate issued in (2)(c) must be conspicuously displayed at the facility until the underground storage tank is reclassified as eligible for delivery, deposit, or acceptance of product.

(4) Tanks issued a certificate in (2)(c) will be posted on the department's "Do Not Fill" web site at: <http://deq.mt.gov/Land/ust/nonpem/permittedtanks>. (History: 75-11-505, 75-11-509, MCA; IMP, 75-11-509, MCA; NEW, 2011 MAR p. 2139, Eff. 10/14/11; AMD, 2016 MAR p. 1694, Eff. 9/24/16.)

