

ILLINOIS POLLUTION CONTROL BOARD  
November 8, 1990

IN THE MATTER OF: )  
 )  
UST UPDATE; REPEAL OF STATE FUND ) R90-12  
USEPA REGULATIONS ) (Rulemaking)  
(1/1/90 through 6/30/90) )

PROPOSAL FOR PUBLIC COMMENT

PROPOSED ORDER OF THE BOARD (by J. Anderson):

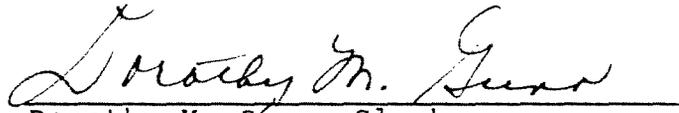
Pursuant to Section 22.4(d) of the Environmental Protection Act (Act), the Board is proposing to amend the UST underground storage tank regulations in 35 Ill. Adm. Code 731.

Section 22.4 of the Act governs adoption of regulations establishing the RCRA/UST program in Illinois. Section 22.4(d) provides for quick adoption of regulations which are "identical in substance" to federal regulations. Section 22.4(d) provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by the Joint Committee on Administrative Rules (JCAR). This rulemaking updates Illinois' UST rules to correspond with the following USEPA actions, during the period January 1 through June 30, 1990.

As is detailed in the accompanying Proposed Opinion, the Board will receive written public comment on the proposal for 45 days after the date of publication of the proposal in the Illinois Register. The text of the proposal is attached to this Proposed Order.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Proposed Order was adopted on the 5<sup>th</sup> day of November, 1990, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER 6: UNDERGROUND INJECTION CONTROL  
AND UNDERGROUND STORAGE TANK PROGRAMS

PART 731  
UNDERGROUND STORAGE TANKS

SUBPART A: PROGRAM SCOPE AND INTERIM PROHIBITION

Section  
731.101 Definitions and exemptions (Repealed)  
731.102 Interim prohibitions (Repealed)  
731.103 Notification Requirements (Repealed)  
731.110 Applicability  
731.111 Interim Prohibition for Deferred Systems  
731.112 Definitions  
731.113 Incorporations by Reference  
731.114 Implementing Agency

SUBPART B: UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION AND  
NOTIFICATION

Section  
731.120 Performance Standards for New Systems  
731.121 Upgrading of Existing Systems  
731.122 Notification Requirements

SUBPART C: GENERAL OPERATING REQUIREMENTS

Section  
731.130 Spill and Overfill Control  
731.131 Operation and Maintenance of Corrosion Protection  
731.132 Compatibility  
731.133 Repairs Allowed  
731.134 Reporting and Recordkeeping

SUBPART D: RELEASE DETECTION

Section  
731.140 General Requirements for all Systems  
731.141 Petroleum Systems  
731.142 Hazardous Substance Systems  
731.143 Tanks  
731.144 Piping  
731.145 Recordkeeping

SUBPART E: RELEASE REPORTING, INVESTIGATION AND CONFIRMATION

Section  
731.150 Reporting of Suspected Releases  
731.151 Investigation due to Off-site Impacts  
731.152 Release Investigation and Confirmation  
731.153 Reporting and Cleanup of Spills and Overfills

SUBPART F: RELEASE RESPONSE AND CORRECTIVE ACTION

Section

731.160 General  
731.161 Initial Response  
731.162 Initial Abatement Measures and Site Check  
731.163 Initial Site Characterization  
731.164 Free Product Removal  
731.165 Investigations for Soil and Groundwater Cleanup  
731.166 Corrective Action Plan  
731.167 Public Participation

SUBPART G: OUT-OF-SERVICE SYSTEMS AND CLOSURE

Section  
731.170 Temporary Closure  
731.171 Permanent Closure and Changes-in-Service  
731.172 Assessing Site at Closure or Change-in-Service  
731.173 Previously Closed Systems  
731.174 Closure Records

SUBPART H: FINANCIAL RESPONSIBILITY

Section  
731.190 Applicability  
731.191 Compliance Dates  
731.192 Definitions  
731.193 Amount and Scope of Required Financial  
Responsibility  
731.194 Allowable Mechanisms and Combinations  
731.195 Financial Test of Self-insurance  
731.196 Guarantee  
731.197 Insurance or Risk Retention Group Coverage  
731.198 Surety Bond  
731.199 Letter of Credit  
731.200 UST State Fund  
731.202 Trust Fund  
731.203 Standby Trust Fund  
731.204 Substitution of Mechanisms  
731.205 Cancellation or Nonrenewal by Provider  
731.206 Reporting  
731.207 Recordkeeping  
731.208 Drawing on Financial Assurance  
731.209 Release from Financial Assurance Requirement  
731.210 Bankruptcy or other Incapacity  
731.211 Replenishment  
731.900 Incorporation by reference (Repealed)  
731.901 Compliance Date (Repealed)

Appendix A Notification Form

**AUTHORITY:** Implementing and authorized by Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1022.4, 1022.13 and 1027 (Sections 22.4(d), 22.13(d) and 27 of the Environmental Protection Act).

**SOURCE:** Adopted in R86-1 at 10 Ill. Reg. 14175, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6220, effective March 24, 1987; amended in R88-27 at 13 Ill. Reg. 9519, effective June 12, 1989; amended in R89-4 at 13 Ill. Reg. 15010, effective

September 12, 1989; amended in R89-10 at 14 Ill. Reg. 5797, effective April 10, 1990; amended in R89-19 at 14 Ill. Reg. 9454, effective June 4, 1990; amended in R90-3 at 14 Ill. Reg. 11964, effective July 10, 1990; amended in R90-12 at 15 Ill. Reg. , effective

NOTE: Capitalization denotes statutory language.

SUBPART D: RELEASE DETECTION

Section 731.140 General Requirements for all Systems

- a) Owners and operators of new and existing UST systems shall provide a method, or combination of methods, of release detection that:
  - 1) Can detect a release from any portion of the tank and the connected underground piping that routinely contains product:
  - 2) Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition; and
  - 3) Meets the performance requirements in Sections 731.143 or 731.144, with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. In addition, methods used after December 22, 1990, except for methods permanently installed prior to that date, must be capable of detecting the leak rate or quantity specified for that method in Section 731.143(b), (c) and (d) or Section 731.144(a) and (b), with a probability of detection of 0.95 and a probability of false alarm of 0.05.
- b) When a release detection method operated in accordance with the performance standards in Section 731.143 and 731.144 indicates a release may have occurred, owners and operators shall notify ESDA in accordance with Subpart E.
- c) Owners and operators of UST systems shall comply with the release detection requirements of this Subpart in accordance with the following schedule:

- 1) For all pressurized piping ~~in accordance with Section as defined in 731.141(b)(1) and 731.142(b)(4)~~, by December 22, 1990.
- 2) For tanks and suction piping in accordance with Section 731.141(a), 731.141(b)(2) and 731.142 for tanks:
  - A) With an unknown installation date, by December 22, 1989.
  - B) Installed before 1965, by December 22, 1989.
  - C) Installed in 1965 through 1969, by December 22, 1990.
  - D) Installed in 1970 through 1974, by December 22, 1991.
  - E) Installed in 1975 through 1979, by December 22, 1992.
  - F) Installed in 1980 through December 22, 1988, by December 22, 1993.
  - G) Installed after December 22, 1988, immediately upon installation.
- d) Any existing UST system that cannot apply a method of release detection that complies with the requirements of this Subpart must complete the closure procedures in Subpart G by the date on which release detection is required for that UST system under subsection (c).

(Source: Amended at 15 Ill. Reg.  
effective )

#### SUBPART H: FINANCIAL RESPONSIBILITY

##### Section 731.191 Compliance Dates

Owners of petroleum underground storage tanks are required to comply with the requirements of this Subpart by the following dates:

- a) 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, except that compliance with Section 730.194(b) is required by: July 24, 1989.

- b) All petroleum marketing firms owning 100 through 999 USTs: October 26, 1989.
- c) All petroleum marketing firms owning 13 through 99 USTs at more than one facility: April 26, ~~1990~~1991.
- d) All petroleum UST owners not described in subsections (a), (b) or (c), including units of local government: October 26, 1990.

(Source: Amended at 15 Ill. Reg. , effective )