

ILLINOIS POLLUTION CONTROL BOARD
February 28, 1991

IN THE MATTER OF:)

UST UPDATE; USEPA REGULATIONS)
(1/1/90 through 6/30/90))

R90-12
(Identical in Substance
Rulemaking)

ADOPTED RULE. FINAL ORDER.

ORDER OF THE BOARD (by J. Anderson):

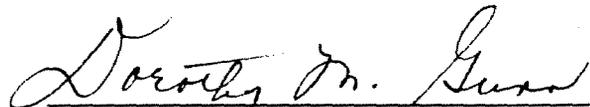
Pursuant to Section 22.4(d) of the Environmental Protection Act (Act), the Board is amending the UST underground storage tank regulations in 35 Ill. Adm. Code 731.

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 USEPA actions during the period January 1 through June 30, 1990.

This Order is supported by an Opinion adopted this same day. The Board will allow 30 days for post-adoption comment from the agencies involved in the authorization process before filing the adopted rules with the Secretary of State.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 28th day of February, 1991, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER d: 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731.101	Definitions and exemptions (Repealed)
731.102	Interim prohibitions (Repealed)
731.103	Notification Requirements (Repealed)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 -as defined in Section 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)