

**TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE F: PUBLIC WATER SUPPLIES  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY**

**PART 670  
MINIMAL HAZARD CERTIFICATION**

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AUTHORITY: Implementing and authorized by Section 14.5 of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1014.5) [415 ILCS 5/14.5].

SOURCE: Adopted at 18 Ill. Reg. 10122, effective June 17, 1994.

**SUBPART A: GENERAL****Section 670.101 Purpose**

- a) Section 14.5(a) of the Illinois Environmental Protection Act ("Act") (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1014.5(a)) [415 ILCS 5/14.5(a)] requires the Illinois Environmental Protection Agency ("Agency") to administer a certification system for sites which represent a minimal hazard with respect to contamination of groundwaters by potential primary or potential secondary sources as defined in Sections 3.59 and 3.60 of the Act.
- b) Section 14.5(a) of the Act requires the Agency to develop and make available a minimal hazard certification form and guidelines for the use and management of containers and above ground tanks, and for the piling of waste.
- c) When a certification has been provided with respect to which the Agency has made a finding of adequacy or has failed to act in a timely manner pursuant to>> Section 670.205 of this Part, the site shall not be subject to the provisions of subsection (d) of Section 14.2 or Section 14.4 of the Act and regulations adopted thereunder. (Section 14.5(d) of the Act)
- d) Section 14.5(b) of the Act requires that the owner of any site who applies for a certification of minimal hazard must demonstrate that the use and management of above ground tanks, containers, and waste piles are consistent with guidelines adopted by the Agency.
- e) The rules set forth in this Part constitute the Agency's guidelines for the use and management of above ground tanks, containers, and waste piles pursuant to Section 14.5 of the Act.

**Section 670.102 Definitions**

The definitions of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1001 through 1056.6) [415 ILCS 5] and the Illinois Groundwater Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7451-7459) [415 ILCS 55] apply to this Part. The following definitions also apply to this Part.

"Above Ground Tank" is a tank located entirely off the ground so that all sides and the bottom may be visually inspected externally for integrity, or such that the bottom is in contact only with a relatively impermeable base.

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1001 through 1056.6) [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Agrichemical facility" means a site used for commercial purposes, where bulk pesticides are stored in a single container in excess of 300 gallons of liquid pesticide or 300 pounds of dry pesticide for more than 30 days per year or where more than 300 gallons of liquid pesticide or 300 pounds of dry pesticide are being mixed, repackaged or transferred from one container to the other within a 30 day period or a site where bulk fertilizers are stored, mixed, repackaged or transferred from one container to another.

"Board" means the Illinois Pollution Control Board.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Closure" is the act of decontamination of affected areas at a facility or site.

"Container" means any portable device (including, but not limited to, 55 gallon drums) in which material is stored, treated, disposed of or otherwise handled. The term "container" does not include a vehicle used to transport material.

"hazardous substance" means (A) any substance designated pursuant to Section 311(b)(2)(A) of the Federal Water Pollution Control Act (P.L. 92-500), as amended, (B) any element, compound, mixture, solution, or substance designated pursuant to Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510), as amended, (C) any hazardous waste, (D) any toxic pollutant listed under Section 307(A) of the Federal Water Pollution Control Act (P.L. 92-500), as amended, (E) any hazardous air pollutant listed under Section 112 of the Clean Air Act (P.L. 95-95), as amended, (F) any imminently hazardous chemical substance or mixture with respect to which the administrator of the U.S. Environmental Protection Agency has taken action pursuant to Section 7 of the Toxic Substances Control Act (P.L. 94-469), as amended. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquified natural gas, or synthetic gas usable for fuel or mixtures of natural gas and such synthetic gas. (Section 3.14 of the Act)

"IEMA" means the Illinois Emergency Management Agency.

"Ignitable Material" is a material which:

Is a liquid, other than an aqueous solution, containing less than 24 percent alcohol by volume and has a flash point less than 60 degrees celsius (140 degrees F), as determined by Pensky-Martens Closed Cup Tester, using the test method specified in the American Society of Testing Materials (ASTM) Standard D-93-79 or D-93-80, or a Setafash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78.

Is a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.

Is an ignitable compressed gas as defined in 40 CFR 173.300 (1991) and as determined by the test methods described in that regulation.

Is an oxidizer as defined in 49 CFR 173.151 (1991).

"Incompatible Material" is a material for which the following is prohibited:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Commingling with another material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes or gases or flammable fumes or gases.

"Petroleum" shall have the meaning ascribed to it in Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616), of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580). (Section 22.18(e)(1) of the Act)

"Potential Primary Source" means any unit at a facility or site not currently subject to a removal or

remedial action which:

Is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site; or

Is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; or

Is utilized for the landfilling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or

Stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances. (Section 3.59 of the Act)

"Potential Secondary Source" means any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source, which:

Is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris; or

Stores or accumulates at any time more than 25,000 but not more than 75,000 pounds above ground, or more than 2,500 but not more than 7,500 pounds below ground, of any hazardous substance; or

Stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 gallons below ground, of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance; or

Stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or

Stores or accumulates at any time more than 50,000 pounds of any de-icing agent; or

Is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the "Private Sewage Disposal Licensing Act". (Section 3.60 of the Act)

Δ"Reactive Material" is a material that:

Is normally unstable and readily undergoes violent change without detonating;

Reacts violently with water;

Forms potentially explosive mixtures with water;

When mixed with water, generates toxic gases, vapors or fumes in a quantity sufficient to present danger to human health or the environment;

Is capable of detonation of an explosive reaction if it is subjected to a strong initiating source or if heated under confinement;

Is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure;

Is a forbidden explosive as defined in 40 CFR 173.51 (1991), or a Class A explosive as defined in 49 CFR 173.53 (1991) or a Class B explosive as defined in 40 CFR 173.88 (1991).

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, ejecting, escaping, leaching, dumping, or disposing into the environment, but excludes:

Any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons;

Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine;  
Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act; and

The normal application of fertilizer (Section 3.33 of the Act)

"Special waste" means any industrial process waste, pollution control waste or hazardous waste, except as determined pursuant to Section 22.9 of this Act. "Special waste" also means any potentially infectious medical waste. (Section 3.33 of the Act)

"Tank" is a stationary device, designed to contain an accumulation of material, that is constructed of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support. This does not include areas used to accumulate material prior to pumping to tanks or containers (i.e., sump pits) nor associated piping. "Tank" does not include vehicles used to transport material.

"Underground Tank" is a device meeting the definition of "tank" whose entire surface area is totally below the surface of and covered by the ground.

"Waste Pile" means piles of waste, other than special or hazardous waste, that could cause groundwater contamination.

### **Section 670.103 Compliance with the Act, Board Rules, and Permit Conditions**

Containers, above ground tanks, and waste piles must be in compliance with the Act, Board rules, and all conditions contained in permits issued by the Agency.

### **Section 670.104 Conflicts with Board Rules**

If any provision of this Part conflicts with any rule adopted by the Board under the Act, the Board rule shall control.

### **Section 670.105 Severability**

If any provision of this Part or the application thereof to any person or in any circumstance is adjudged invalid, such adjudication shall not affect the validity of this Part as a whole or any provision thereof not adjudged invalid.

**Section 670.106 Agency Mailing Address**

Each request, report, notice, or other document submitted to the Agency under this Part shall be mailed to the following address:

Division of Public Water Supplies  
Bureau of Water  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Post Office Box 19276  
Springfield, Illinois 62794-9276

**Section 670.107 Incorporations by Reference**

The Agency incorporates the following materials by reference:

ASTM. American Society for Testing and Materials, 1916 Race Street, Philadelphia PA 19103  
(215)299-5400  
"Standard Test Methods for Flash Point by Pensky-Martens Closed Tester" D93-85.

**SUBPART B: MINIMAL HAZARD CERTIFICATION SYSTEM****Section 670.201 Applicability**

This Subpart applies to the owner or operator of any new or existing potential primary or secondary source of contamination that is within the setback zone or any regulated recharge area of a potable water supply well.

**Section 670.203 Minimal Hazard Certification Requirements**

- a) The owner or operator of any potential primary or secondary source identified in Section 670.201 may provide a certification to the Agency.
- b) If the owner or operator of any potential primary or secondary source submits a certification pursuant to subsection (a), the owner or operator shall provide the certification in a form as prescribed by the Agency in Section 670.Appendix A, if and only if the following conditions are met:
  - 1) No on-site landfilling, land treating, or surface impounding of waste, other than landscape waste or construction and demolition debris, has taken place and such circumstance will continue;
  - 2) No on-site piles of special or hazardous waste are present and such circumstances will continue, and any piling of other wastes which could cause contamination of groundwater will be consistent with guidelines developed by the Agency;
  - 3) No underground storage tanks are present on the site and such circumstances will continue;
  - 4) Use and management of containers and above ground tanks will be consistent with guidelines developed by the Agency;
  - 5) No on-site release of any hazardous substance or petroleum has taken place which was of sufficient magnitude to contaminate groundwaters;

- 6) No more than 100 gallons of either pesticides or organic solvents, or 10,000 gallons of any hazardous substances, or 30,000 gallons of petroleum, will be present at any time; and
- 7) Notice has been given to the owner of each community water supply well within 1,000 feet of the site. (Section 14.5(b) of the Act)

#### **Section 670.205 Agency Review and Confirmation of Certification**

Upon receipt of a certification pursuant to Section 670.203, the Agency shall, within 90 days, take one of the following actions:

- a) Notify the owner of the site in writing that the certification is complete and adequate;
- b) Notify the owner of the site in writing that the certification is not adequate, including a statement of the reasons therefor;
- c) Notify the owner of the site in writing that a site inspection will be held within 120 days, and that following such inspection but still within the 120 day period further action will be taken pursuant to subsections (a) and (b) of this Section;
- d) Notify in writing the owner of the site that pursuant to Section 17.1 of the Act a county or municipality is conducting a groundwater protection needs assessment or the Agency is conducting a well site survey which encompasses the site for which certification is being processed, and specify a time period, not to exceed a total of 180 days from the date of the notice, for consideration of the findings from such assessment or survey and by which further action will be taken pursuant to subsections (a) and (b) of this Section. (Section 14.5(c) of the Act)

#### **Section 670.207 Certification Conditions**

A certification is not adequate if it fails to address each of the conditions required to be met by Section 670.203, or if the Agency possesses information which reasonably suggests that any statement made in the certification is inaccurate or incomplete. Action under subsection 670.205(a) or (b) shall constitute a final determination of the Agency. (Section 14.5(c) of the Act)

#### **Section 670.209 Finding of Certification Adequacy**

- a) When a certification has been provided with respect to which the Agency has made a finding of adequacy or has failed to act in a timely manner pursuant to Section 670.205 of this Subpart, the site shall not be subject to the provisions of subsection (d) of Section 14.2 or Section 14.4 of the Act and regulations adopted thereunder for the following time periods:
  - 1) Three years, if the site is located within a minimum or maximum setback zone, during which time the owner must recertify to continue such status;
  - 2) Five years, if the site is located within a regulated recharge area, during which time the owner must recertify to continue such status; or
  - 3) 90 days past the time when a change of ownership takes place, during which time the new owner must recertify to continue such status. (Section 14.5(d) of the Act)
- b) Except as provided in subsections (c) and (h) of Section 14.2 of the Act and Section 14.5 of the Act,

no new potential route or potential primary source or potential secondary source may be placed within 400 feet of any existing or permitted community water supply well deriving water from an unconfined shallow fractured or highly permeable bedrock formation or from an unconsolidated and unconfined sand and gravel formation. The Agency notified the owner and operator of each well which is afforded this setback protection and that was existing on the effective date of this provision and shall maintain a directory of all community water supply wells to which the 400 foot minimum setback zone applies. (Section 14.2(d) of the Act)

#### **Section 670.211 Failure to Act**

The site shall not be subject to the minimum setback zone requirements of any existing community water supply well for a period of one year, if the Agency has failed to act in a timely manner pursuant to Section 670.205, during which time the owner must recertify to continue such status. (Section 14.5(d) of the Act)

#### **Section 670.213 Decertification**

The owner of the site shall comply with the requirements in Section 670.203. Any failure by the owner to maintain such compliance shall be just cause for decertification by the Agency:

- a) Such action may only be taken after the Agency has provided the owner with a written notice which identifies the noncompliance and specifies a 30 day period during which a written response may be provided by the owner.
- b) The owner may respond within 30 days after receipt of an Agency notice of noncompliance with 35 Ill. Adm. Code 670. Such response may describe any actions taken by the owner which relate to the conditions of certification. (Section 14.5(e) of the Act)
- c) The Agency shall review a response if any from the owner and shall determine whether the response is deficient or untimely. If such response is deficient or untimely, the Agency shall serve notice upon the owner that the site has been decertified and is subject to the applicable provisions of subsection (d) of Section 14.2 or Section 14.4 of the Act and regulations adopted thereunder.
- d) If the response reviewed by the Agency is determined to be sufficient, the potential primary or secondary source shall remain certified for the period established in Section 670.207.
- e) Such notification shall constitute a final determination of the Agency. (Section 14.5(e) of the Act)

#### **Section 670.215 Certification Listing**

The Agency shall maintain a master listing, indexed by county, of those sites for which certifications are in effect. Upon the establishment of a Regional Planning Committee pursuant to Section 17.2, the Agency shall provide a copy of the pertinent portions of such listing to such committee on a quarterly basis. The Agency shall also make copies of such listing available to units of local government and the public upon request. (Section 14.5(f) of the Act)

#### **Section 670.217 County or Municipality Agreements**

The Agency may enter into a written delegation agreement with any county or municipality, which has adopted an ordinance consistent with Section 14.2 or 14.3 of the Act, to administer the provisions of this Section. Such delegation agreements shall require that the work to be performed thereunder shall be in accordance with criteria established by the Agency, be subject to periodic review by the Agency, and shall include such financial and program auditing by the Agency as may be necessary. (Section 14.5(g) of the Act)



**SUBPART C: USE AND MANAGEMENT OF CONTAINERS****Section 670.301 Containers**

## a) Containment

Container storage areas regulated under this Part must have a containment system that is designed and operated as follows:

- 1) A base must underlay the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills and accumulated precipitation until the collected material is detected and removed.
- 2) The base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids.
- 3) When not protected from receiving precipitation, the containment shall have a minimum containment volume of a 6-inch rain storm (a 25 year, 24 hour rain), plus the capacity of the largest container, and the volume displaced by the bases of the other containers located within the secondary containment structure. Containers that do not contain free liquids need not be considered in this determination.
- 4) When protected from receiving precipitation, the containment shall have a minimum containment volume of 100 percent of the capacity of the largest container, plus the volume displaced by the bases of the other containers.
- 5) Run-on into the containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in subsection (3) above to contain any run-on which might enter the system.
- 6) Spilled or leaked material and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.

## b) Detection and Recovery of Releases

- 1) Secondary containment systems must be:
  - A) Designed, installed and operated to prevent any migration of materials or accumulated liquid out of the system to the soil, groundwater or surface water at any time during the use of the containment system; and
  - B) Provide for detection and recovery of releases and accumulated liquids until the collected material is removed.
- 2) To meet the requirements of subsection (a), secondary containment systems must be at a minimum:
  - A) Constructed of or lined with materials that are compatible with the material(s) to be placed in the containment system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which it is exposed, climatic conditions and the stress of daily operation (including stresses from nearby vehicular traffic);

- B) Placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression or uplift; and
  - C) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills or precipitation. Spilled or leaked material and accumulated precipitation must be removed from the secondary containment system within 24 hours, or in as timely a manner as is possible to prevent harm to human health and the environment, if the owner or operator demonstrates to the Agency that removal of the released material or accumulated precipitation cannot be accomplished within hours.
- c) Containment Runoff
- 1) Uncontaminated storm water runoff must be removed from the secondary containment area within 24 hours after a precipitation event.
  - 2) Contaminated storm water runoff must be handled in accordance with 35 Ill. Adm. Code Subtitle C.
- d) Special Requirements for Incompatible Materials
- 1) Incompatible materials must not be placed in the same container.
  - 2) A storage container holding a material that is incompatible with any other materials stored nearby in other containers, piles, open tanks or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall or other device.
- e) Condition of Container
- If a container holding material is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the material from this container to a container that is in good condition.
- f) Compatibility of Material With Container
- The owner or operator must use containers made of or lined with materials which will not react with, and are otherwise compatible with, the material to be stored, so that the ability of the container to contain the material is not impaired.
- g) Management of Containers
- 1) A container holding material must always be closed during storage, except when it is necessary to add or remove material.
  - 2) A container holding material must not be opened, handled or stored in a manner which may rupture the container or cause it to leak.
- h) Stacked Containers on Pallets
- Containers must not be stacked more than two high on pallets.
- i) Special Requirements for Ignitable or Reactive Material
- Ignitable or reactive material must not be placed in containment systems unless:

- 1) The material is stored or treated in such a way that it is protected from any material or conditions which may cause the material to ignite or react; or
  - 2) The container is used solely for emergencies.
- j) Closure

At closure of a containment system, the owner or operator shall remove or decontaminate all residues, contaminated containment system components (liners, etc.), contaminated soils and structures and contaminated equipment.

#### **SUBPART D: USE AND MANAGEMENT OF ABOVE GROUND TANKS**

##### **Section 670.401 Above Ground Tanks**

a) Primary Containment

For a new above ground tank a minimum shell thickness shall be provided which ensures that the above ground tank will not fail (leak, collapse, rupture, or otherwise rendered incapable of retaining the material).

b) Secondary Containment

- 1) Above ground tank storage areas at agrichemical facilities must have a secondary containment system that is designed and operated according to an Illinois Department of Agriculture permit (8 Ill. Adm. Code 255) and the endorsement by the Agency (authorized by Section 39.4 of the Act and using the standards and criteria from Subtitles B, C, and F of this Title 35); or
- 2) Above ground tank storage areas for other potential sources regulated under this Part must have a secondary containment system that is designed and operated as follows:
  - A) A base must underlay the above ground tanks that is free of cracks or gaps and is sufficiently impervious to contain leaks, spills and accumulated precipitation until the collected material is detected and removed;
  - B) The base must be sloped or the containment system must be otherwise designed and operated to provide for drainage and removal of liquids resulting from leaks, spills or precipitation, unless the above ground tanks are elevated or are otherwise protected from contact with accumulated liquids;
  - C) When not protected from receiving precipitation, the containment shall have a minimum containment volume of a 6-inch rain storm (a 25 year, 24 hour rain), plus the capacity of the largest above ground tank, and the volume displaced by the bases of the other above ground tanks located within the secondary containment structure;
  - D) When protected from receiving precipitation, the containment shall have a minimum containment volume of 100 percent of the capacity of the largest above ground tank, plus the volume displaced by the bases of the other above ground tanks;
  - E) Run-on into the containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in subsection (b)(2)(C) to contain any

run-on which might enter the system; and

- F) Spilled or leaked material and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.
- c) Detection and Recovery of Releases
- 1) Secondary containment systems must be:
    - A) Designed, installed and operated to prevent any migration of material or accumulated liquid out of the system to the soil, groundwater or surface water at any time during the use of the above ground tank system; and
    - B) Provide for detecting and collecting releases and accumulated liquids until the collected material is removed.
  - 2) To meet the requirements of subsection (c), secondary containment systems must be, at a minimum:
    - A) Constructed of or lined with materials that are compatible with the material(s) to be placed in the above ground tank system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the material to which it is exposed, climatic conditions and the stress of daily operation (including stresses from nearby vehicular traffic);
    - B) Placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression or uplift;
    - C) Sloped or otherwise designed or operated to allow drainage and removal of liquids resulting from leaks, spills or precipitation. Spilled or leaked material and accumulated precipitation must be removed from the secondary containment system within 24 hours, or in as timely a manner as is possible, to prevent harm to human health and the environment, if the owner or operator demonstrates to the Agency that removal of the released material or accumulated precipitation cannot be accomplished within 24 hours.
- d) Special Requirements for Incompatible Materials
- 1) Incompatible materials, wastes, and materials must not be placed in the same above ground tank.
  - 2) An above ground tank holding a material that is incompatible with any other materials stored nearby in other above ground tanks, or other materials stored nearby in containers, piles, open tanks or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall or other device.
- e) General Operating Requirements
- 1) Materials or treatment reagents must not be placed in an above ground tank system if they could cause the above ground tank, its ancillary equipment or the containment system, to rupture, leak, corrode or otherwise fail.
  - 2) The owner or operator shall use appropriate controls and practices to prevent spills and overflows

from an above ground tank or above ground tank systems. These include, at a minimum:

- A) Spill prevention controls (e.g., check valves, dry disconnect couplings);
  - B) Overfill prevention controls (e.g., level sensing devices, high level alarms, automatic feed cutoff or bypass to a standby above ground tank); and
  - C) Maintenance of sufficient freeboard in uncovered above ground tanks to prevent overtopping by wave or wind action or by precipitation.
- f) Special Requirements for Ignitable or Reactive Material

Ignitable or reactive material must not be placed in above ground tank systems unless:

- 1) The material is stored or treated in such a way that it is protected from any material or conditions which may cause the material to ignite or react; or
- 2) The above ground tank is used solely for emergencies.

- g) Closure

At closure of an above ground tank system, the owner or operator shall remove or decontaminate all residues, contaminated containment system components (liners, etc.), contaminated soils and structures and contaminated equipment.

#### **SUBPART E: USE AND MANAGEMENT OF WASTE PILES**

##### **Section 670.501 Waste Piles**

- a) Containment

A waste pile (except for an existing portion of a waste pile) must have a liner that is designed, constructed and installed to prevent any migration of wastes out of the pile into the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the waste pile. The liner may be constructed of materials that may allow waste to migrate into the liner itself (but not into the adjacent subsurface soil or groundwater or surface water) during the active life of the facility. The liner must be:

- 1) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation and the stress of daily operation;
- 2) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and
- 3) Installed to cover all surrounding earth likely to be in contact with the waste or leachate.

- b) Management of Waste Piles

The owner or operator of any waste pile that is inside or under a structure that provides protection

from precipitation so that neither run-off nor leachate is generated is not subject to regulation provided that:

- 1) Liquids or materials containing free liquids are not placed in the pile;
- 2) The pile is protected from surface water run-on by the structure or in some other manner;
- 3) The pile is designed and operated to control dispersal of the waste by wind, where necessary, by means other than wetting; and
- 4) The pile will not generate leachate through decomposition or other reaction.

c) Closure

The owner or operator must remove or decontaminate all residues, contaminated containment system components (liners, etc), contaminated subsoils and structures and contaminated equipment.