

ILLINOIS POLLUTION CONTROL BOARD
February 28, 1991

IN THE MATTER OF:)

UST UPDATE; USEPA REGULATIONS)
(7/1/90 through 12/31/90))

R91-2
(Identical in Substance
Rulemaking)

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 USEPA actions during the period July 1 through December 31, 1990.

This Order is supported by a Proposed Opinion adopted this same day. The Board will receive written public comment for a period of 45 days after the date of publication of the proposed rules in the Illinois Register. The complete text of the proposal is attached to this 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 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

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731.102	Interim prohibitions (Repealed)
731.103	Notification Requirements (Repealed)
731.110	Applicability
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731.112	Definitions
731.113	Incorporations by Reference
731.114	Implementing Agency

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731.121	Upgrading of Existing Systems
731.122	Notification Requirements

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731.130	Spill and Overfill Control
731.131	Operation and Maintenance of Corrosion Protection
731.132	Compatibility
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731.140	General Requirements for all Systems
731.141	Petroleum Systems
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731.160	General
731.161	Initial Response

731.162 Initial Abatement Measures and Site Check
731.163 Initial Site Characterization
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731.196 Guarantee
731.197 Insurance or Risk Retention Group Coverage
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731.199 Letter of Credit
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731.202 Trust Fund
731.203 Standby Trust Fund
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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 ; amended in R91-2 at 15 Ill. Reg.
effective .)

NOTE: Capitalization denotes statutory language.

SUBPART A: PROGRAM SCOPE AND INTERIM PROHIBITION

Section 731.113 Incorporations by Reference

a) The following publications are incorporated by reference:

ACT. Available from the Association for Composite Tanks, 108 N. State St., Suite 720, Chicago, IL 60602, (800) 368-2105:

ACT-100/88, "Specification for the Fabrication of FRP Clad/Composite Underground Storage Tanks", revised March 16, 1988

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 354-3300:

See ASME.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000:

API Recommended Practice 1604, "Removal and Disposal of Used Underground Petroleum Storage Tanks", Second Edition, December, 1987

API Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems", Fourth Edition, November, 1987

API Recommended Practice 1621, "Bulk Liquid Stock Control at Retail Outlets", Fourth Edition, December, 1987

API Recommended Practice 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations", First Edition, April, 1985

API Recommended Practice 1627, "Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations", First Edition, August, 1986

API Recommended Practice 1631, "Interior Lining of Underground Storage Tanks", Second Edition, December, 1987

API Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", Second Edition, December, 1987

API Publication 2015, "Cleaning Petroleum Storage Tanks", Third Edition, September, 1985

API Publication 2200, "Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines", Second Edition, April, 1983

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, (212) 705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3 - 1987, as supplemented by B31.3a - 1988 and B31.3b - 1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4 - 1986, as supplemented by B31.4a - 1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400:

ASTM D4021-86, "Standard Specification for Glass-Fiber-Reinforced Polyester Underground Petroleum Storage Tanks", approved July 25, 1986.

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, (713) 492-0535:

NACE Standard Recommended Practice RP0169-83, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems", Revised January, 1983

NACE Standard Recommended Practice RP0285-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", Approved March, 1985

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, (617) 770-3000 or (800) 344-3555:

NFPA 30, "Flammable and Combustible Liquids Code", issued July 17, 1987. Also available from ANSI.

NFPA 385, "Tank Vehicles for Flammable and Combustible Liquids", issued December 7, 1984. Also available from ANSI.

NIOSH. Available from the National Institute for Occupational Safety and Health, Publications Office, 4676 Columbia Parkway, Cincinnati, OH 45226 (513) 533-8287:

NIOSH Publication No. 80-106, "Criteria for a Recommended Standard ...Working in a Confined Spaces", December, 1979

PEI. Petroleum Equipment Institute, Box 2380, Tulsa, OK
74101 918/ 743-9941.

PEI/RP100-87, "Recommended Practices for Installation of
Underground Liquid Storage Systems" , 1987 Edition

STI. Available from the Steel Tank Institute, 728 Anthony
Trail, Northbrook, IL 60062, (312) 498-1980:

STI-P3, "Specification and Manual for External Corrosion
Protection of Underground Steel Storage Tanks", effective
May 1, 1987.

STI, "Standard for Dual Wall Underground Steel Storage
Tanks" (1986).

UL. Underwriters Laboratories, Inc., Publications Stock, 333
Pfungsten Road, Northbrook, IL 60062-2096 312/ 272-8800,
extension 2612 or 2622:

UL 58 -- 1985, "Standard for Steel Underground Tanks for
Flammable and Combustible Liquids", Eighth Edition, April
15, 1986. Also available from ANSI.

UL 567 -- 1983, "Standard for Pipe Connectors for Flammable
and Combustible Liquids and LP-Gas", Fifth Edition, March
12, 1984, as revised September 30, 1985. Also available
from ANSI.

UL 1316, "Standard for Glass-Fiber-Reinforced Plastic
Underground Storage Tanks for Petroleum Products", First
Edition, July 1, 1983, as revised April 29, 1986 and March
3, 1987

UL Canada. Underwriters' Laboratories of Canada, 7 Crouse Rd.,
Scarborough, Ontario M1R 3A9 CANADA, 416/ 757-3611.

UL Canada Standard CAN4-S603-M85, "Standard for Steel
Underground Tanks for Flammable and Combustible Liquids",
First Edition, June, 1985.

UL Canada Standard CAN4-S603.1-M85, "Standard for Galvanic
Corrosion Protection Systems for Steel Underground Tanks
for Flammable and Combustible Liquids", First Edition,
June, 1985.

UL Canada Standard CAN4-S615-M83, "Standard for Reinforced
Plastic Underground Tanks for Petroleum Products", First
Edition, February, 1983.

UL Canada Standard CAN4-S631-M84, "Standard for Isolating
Bushings for Steel Underground Tanks Protected with
Coatings and Galvanic Systems", First Edition, May, 1984.

UL Canada Standard CAN4-S633-M84, "Flexible Underground Hose Connectors for Flammable and Combustible Liquids", First Edition, June, 1984.

UL Canada Subject C107C-M1984, "Guide for Glass Fibre Reinforced Plastic Pipe and Fittings for Flammable Liquids", First Edition, June, 1984.

- b) CFR (Code of Federal Regulations). Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

10 CFR 50, Appendix A (~~-1988-1990~~)

40 CFR 280.3 (1987) (repealed September 23, 1988)

40 CFR 302.4, 302.5 and 302.6 (~~-1988-1990~~)

40 CFR 355.40 (~~-1988-1990~~)

- c) This Section incorporates no later editions or amendments.

(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, 1991.
- d) All petroleum UST owners not described in subsections (a), (b) or (c), ~~-including-excluding~~ units of local government: October 26, ~~-1990-1991~~.
- e) All units of local government: one year after the date of adoption by the Board of additional mechanisms for use by units of local government to comply with financial responsibility requirements for petroleum USTs.

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