

18 AAC 78.005(f) is amended to read:

(f) The following USTs must meet the minimum requirements of 18 AAC 78.010(b) and, if a release is suspected or confirmed, the requirements of 18 AAC 78.200 - 18 AAC 78.280 and of 18 AAC 78.600 - 18 AAC 78.625, but are **deferred** [EXEMPT] from all other requirements of this chapter:

(1) a wastewater treatment tank system not exempt under (e)(2) of this section;

(2) a UST that contains a radioactive material regulated under 42 U.S.C. 2011 - 2114 (Atomic Energy Act of 1954);

(3) a UST that is part of an emergency generator system at a nuclear power generation facility regulated by the Nuclear Regulatory Commission under 10 C.F.R. Part 50, Appendix A;

(4) an airport hydrant fuel distribution system; and

(5) a UST with field-constructed tanks.

18 AAC 78.005(g) is amended to read:

(g) A UST that stores fuel solely for use by emergency power generators is exempt from the release detection requirements of 18 AAC 78.060 - 18 AAC 78.070. **New or replaced emergency generator USTs within 1000 feet of a community water system or potable water system, including drinking water wells are required to meet the requirements of 18 AAC 78.025(h).** (Eff. 3/25/91, Register 118; am 8/21/91, Register 119; am 11/3/95, Register 136; am 1/22/99, Register 149; am 1/30/2003, Register 165; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.400 Sec. 7, ch. 96, SLA 1990  
AS 46.03.365 AS 46.03.405  
AS 46.03.380 [AS 46.03.420]

18 AAC 78 is amended by adding a new section to read:

**18 AAC 78.008 Operator Training**

(a) All individuals having any responsibility for on-site operation or maintenance of the underground storage tank must undergo training appropriate to the level of responsibility unless the tank has been permanently closed. Each facility will have designated Class A, B, and C operators. There will be three levels of operator training:

(1) A Class A operator is an individual having the primary responsibility for on-site operation and maintenance of the UST. The Class A operator will be identified in writing to the department. The Class A operator is not required to be on-site;

(2) A Class B operator is an individual having daily on-site responsibility for the operation and maintenance of the UST. The Class B operator will be identified in writing to the department. The Class A and B operator may be the same individual. The Class B operator does not have to be on-site at all times;

(3) A Class C operator is any individual having any daily on-site responsibility for addressing emergencies presented by a spill or release from the underground storage tank. The Class C operator must be designated by the Class A or B operator in writing and the written designation maintained on site.

(b) An individual who is designated to more than one operator class shall complete the training required for each designated operator class.

(c) Initial training must be completed no later than December 31, 2012.

(d) Except as provided in (e) of this section, an individual designated as a Class A or B operator shall complete one of the following training options:

(1) A classroom training program designed for Class A or B operators, as applicable, offered by a training vendor approved by the department. A training vendor is a person or institution that has agreed to provide training in accordance with requirements in this section. Training must include an evaluation of operator knowledge and a certificate of satisfactory completion of the training. The certificate will be kept at the facility for the duration of employment plus five years and be available for inspection. A copy of the training certificate will be provided to the department within 30 days of completion of the training; or

(2) An on-line computer software training program or examination designed for Class A or B operators, as applicable, that has been developed or approved by the department. The training program must include an evaluation of operator knowledge and a certificate of satisfactory completion of the training. The certificate will be kept at the facility for the duration of employment plus five years and be available for inspection. A copy of the training certificate will be provided to the department within 30 days of completion of the training.

(e) An individual designated as a Class A or B operator does not have to complete the training required in subsection (d) of this section, as applicable, if it can be demonstrated to the department's satisfaction that:

(1) the individual previously completed a department approved training program or examination for Class A or Class B operators, as applicable; or

(2) the individual previously completed a training program or examination designed for Class A or B operators, as applicable, in another

state and that the training is comparable to the training required by the State of Alaska. The department may require additional training to comply with state specific requirements.

(f) Annual training for Class C operators will be conducted by the Class A or B operator. Class C operators must be identified in writing by the Class A or B operator. Subjects will be listed in a checklist format and the checklist will be signed by the trainer and trainee with the date of training. If the training is accomplished by the completion of an on-line course, a certificate of training documenting the course is required. Records must be kept at the facility for the duration of employment plus three years and be available for inspection.

(g) A Class A operator must have a general knowledge of the UST system requirements so as to insure compliance with operation, maintenance and record keeping requirements of this chapter. Class A operators responsible for more than one facility must receive training on all systems present at each of the facilities for which the operator is responsible. Class A operators will, at a minimum, be trained in the following areas:

- (1) spill and overfill prevention;
- (2) release detection;
- (3) corrosion protection;
- (4) emergency response;
- (5) product compatibility with systems and equipment used at the facility;
- (6) financial responsibility requirements and documentation;
- (7) recordkeeping requirements;
- (8) notification requirements;
- (9) release and suspected release reporting;

(10) temporary out of service and temporary and permanent closure requirements; and

(11) operator training requirements.

(h) Class B operators must be trained in systems and equipment specific to the facility for which the operator is responsible. Class B operators must, at a minimum, be trained in the following areas:

(1) components of the underground storage tank system;

(2) materials used in the construction of the underground storage tank system;

(3) the methods of release detection and release prevention used on the underground storage tank system;

(4) operation, maintenance and inspection requirements of the underground storage tank system in accordance with this chapter including:

(A) spill and overflow prevention;

(B) release detection; and

(C) corrosion protection;

(5) emergency response and release and suspected release reporting;

(6) product compatibility;

(7) reporting and record keeping requirements; and

(8) operator training requirements.

(i) Class C operators will receive annual training on site specific emergency response procedures and equipment, emergency shutoff systems, contact information, type of alarms, how to respond to an alarm and how to read alarm panels if installed. Areas will

be listed in a checklist format. Class C operator training will be conducted by the facility's Class A or B operator or by the completion of an approved on-line course.

(j) Class A and B operator training will be completed within 30 days of being assigned to the position. Class C operator training must be completed before the person is assigned to the position.

(k) Class A and B operators will be required to repeat training within 30 days of the date the tank the operator is responsible for is determined to be out of compliance with any of the regulations of this chapter or fails a third-party inspection on the system, equipment or procedure that caused the inspection to be out of compliance.

(l) Refresher training covering any new equipment will be required if the tank has undergone upgrade or improvement. Refresher training consists of completion of the area(s) pertaining to the new equipment.

(m) Each facility will post emergency response procedures and emergency contact information in the case of an alarm or release in an area easily accessible by the Class C operator and next to the alarm panel if installed. (Eff. \_\_/\_\_/\_\_\_\_, Register\_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.365

18 AAC 78.015(a)(5)(B) is amended to read:

(B) remove a tag, decal, or notice associated with a UST until

It expires or is replaced with a new tag, decal, or notice, unless the tank is permanently closed or the return of the tag, decal, or notice is required under 18 AAC 78.017 **or 18 AAC 78.020.**

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18 AAC 78.015(d) is amended to read:

(d) If a UST is **temporarily** taken out of service **or permanently closed**, the owner or operator need not submit the fee and information required under (c) of this section in subsequent years unless the UST is returned to service. **To be considered temporarily taken out of service, the tank must be empty as defined in 18 AAC 78.995(145) and the Taken Out of Service or Temporary Closure form 18-0502 dated February 2008 and Empty Tank Affidavit form 18-0503 dated February 2008 must have been submitted to the department.** If the UST is returned to service, the owner or operator shall pay to the department the annual registration fee required by AS 46.03.385(a) within 30 days after the UST is returned to service. (Eff. 3/25/91, Register 118; am 8/21/91, Register 119; am 11/3/95, Register 136; am 8/15/99, Register 151; am 1/30/2003, Register 165; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

<b>Authority:</b>	AS 46.03.020	AS 46.03.380	AS 46.03.400
	AS 46.03.365	AS 46.03.385	AS 46.03.405
	AS 46.03.375	AS 46.03.395	[AS 46.03.420]

18 AAC 78.017(f) is amended to read:

(f) The department will provide each new UST with a tag, decal, or notice within 30 days after receiving the registration. A tag will not be provided for a UST that is **permanently closed** [OUT OF SERVICE].

18 AAC 78.017(h) is amended to read:

(h) No later than September 30 of the year the inspection is due, **the inspector who performed the inspection of the** [THE OWNER OR OPERATOR OF A] UST system shall

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provide to the department the results of the inspection on a form provided by the department.

The form must be signed by the certified inspector who conducted the inspection and the owner or operator of the UST system.

18 AAC 78.017(k) is amended to read:

(k) If, after inspection, the inspector finds that the UST system is not in compliance with this chapter, **the UST system will be considered substandard until the required repairs are complete, and**

18 AAC 78.017(k)(2) is amended to read:

(2) no later than **10 days after the inspection was performed the inspector shall submit the inspection report to the department** [SEPTEMBER 30 OR THE YEAR THE INSPECTION IS DUE, THE OWNER OR OPERATOR SHALL NOTIFY THE DEPARTMENT, IN WRITING, OF THE RESULTS OF THE INSPECTION]; and

18 AAC 78.017(k)(3) is amended to read:

(3) no later than **60 days after the inspection was performed,** [NOVEMBER 1 OF THE YEAR THE INSPECTION IS DUE] the owner or operator shall return the tag, decal, or notice for the UST system to the department **unless the required repairs have been completed and the documentation has been received by the department.** **If repairs will take longer than 60 days, the department may grant temporary fuel authorization upon receipt of a written request accompanied by detailed repair information and a schedule of repairs; and**

18 AAC 78.017(k) is amended by adding a new subsection to read:

(4) the UST system must be temporarily taken out of service within 90 days of the inspection date unless a temporary fuel authorization has been granted. Substandard UST systems must be permanently closed within 15 months of failing the third party inspection.

18 AAC 78.017(l) is repealed:

(l) Repealed \_\_/\_\_/\_\_\_\_.

(Eff. 8/15/99, Register 151; am 4/16/2000, Register 154; am 1/30/2003, Register 165; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

<b>Authority:</b>	AS 46.03.020	AS 46.03.380	AS 46.03.400
	AS 46.03.365	AS 46.03.385	AS 46.03.405
	AS 46.03.375	AS 46.03.395	[AS 46.03.420]

18 AAC 78 is amended by adding a new section to read:

**18 AAC 78.018 Delivery/Acceptance Prohibitions**

(a) A UST is ineligible for delivery, deposit, or acceptance of petroleum if the department determines the spill prevention equipment, overfill protection equipment, leak detection equipment or corrosion protection equipment are not installed or are not being operated or maintained in accordance with this chapter. A UST is ineligible for delivery, deposit or acceptance of petroleum if financial responsibility is not maintained in accordance with 18 AAC 78.910.

(b) Delivery, deposit or acceptance of petroleum to a UST is prohibited if the department has determined the tank to be ineligible for delivery, deposit, or acceptance under 18 AAC 78.017(k) or a person who owns or operates a UST fails to display a valid tag, decal or notice as required by 18 AAC 78.015.

(c) In cases where a UST has been determined to be ineligible for delivery, deposit, or acceptance of petroleum, the department will notify the UST owner or operator in writing and update the *Tanks Without Tags* list within three working days after the determination is made.

(d) Fuel delivery companies are required to verify a valid tag, decal or notice is posted prior to fuel delivery, as required by 18 AAC 78.015(a). If there is no tag, decal or notice visible, the fuel delivery company should obtain the list of facilities ineligible to receive fuel by accessing the Department of Environmental Conservation, Division of Spill Prevention and Response web site and going to the Underground Storage Tank section, *Tanks Without Tags* list to verify if the tank is eligible for delivery, deposit or acceptance of petroleum.

(e) In cases where delivery prohibition would jeopardize the availability of or access to motor fuel in remote and rural areas, or heating if the UST is supplying a boiler and an emergency generator, upon written request by the UST owner the department may defer delivery prohibition for a period of no more than 180 days after determination is made that a UST is ineligible for delivery, deposit or acceptance of petroleum.

(f) A UST may be determined eligible for delivery, deposit or acceptance of petroleum products upon written documentation that the condition that caused the prohibition to be put into place has been repaired and the UST now meets all regulatory requirements contained in 18 AAC 78.040 through 18 AAC 78.070 and 18 AAC 78.910.

(g) Upon the UST being determined to be eligible for delivery, deposit or acceptance of petroleum products, the UST owner or operator will be informed in writing by the department, and the UST will be removed from the *Tanks Without Tags* list maintained on the department website. The department will update the *Tanks Without Tags* list within three working days of determining the tank is in compliance with all requirements. (Eff. \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 46.03.020 AS 46.03.365

18 AAC 78.020(a) is amended to read:

(a) The owner or operator of a UST installed or in service after January 1, 1974, and taken out of service after that date, shall notify the department that the UST was taken out of service by completing and returning a notification form available from the department. **Tags issued to a UST that is permanently closed shall be returned to the department within 30 days of closure.**

(Eff. 3/25/91, Register 118; am 8/21/91, Register 119; am 11/3/95, Register 136; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 46.03.020 Sec. 5, ch. 96, SLA 1990 Sec. 7, ch. 96, SLA 1990  
AS 46.03.365

18 AAC 78.025(c) is amended to read:

(c) Tanks, piping, and related UST equipment must be properly installed, using a nationally-recognized code of practice listed in (f) of this section, in accordance with the manufacturer's recommended installation instructions. The owner or operator shall ensure that the installer of a new UST is certified under this chapter. **All tanks, piping and related UST**

**equipment must be third party certified for use with the product stored within the UST system.**

18 AAC 78.025(d) is amended to read:

(d) A person may not install or permit the installation of a UST within 100 feet of a Class A or Class B public water system, or within 75 feet of a Class C public water system, as those classes are defined under 18 AAC 80.1990. [THE DEPARTMENT WILL REQUIRE SECONDARY CONTAINMENT IF A SOLE-SOURCE AQUIFIER EXISTS AND THE DEPARTMENT DETERMINES THAT SECONDARY CONTAINMENT IS NECESSARY TO PROTECT HUMAN HEALTH AND SAFETY, AND THE ENVIRONMENT.]

18 AAC 78.025(f) is amended to read:

(f) Unless the department [, IN ITS DISCRETION,] approves another procedure, code, or standard found by the department to be no less protective of human health and safety and the environment than the procedures, codes, and standards set out in this subsection, the owner and the operator of a UST shall ensure that the following procedures, codes, and standards, the provisions of which are adopted by reference, are used:

18 AAC 78.025(f)(1)(B) is amended to read:

(B) Petroleum Equipment Institute Recommended Practice

**PEI RP 100-2005** [PEI/RP 100-2000], *Recommended Practices for Installation of Underground Liquid Storage Systems*, **2005** [2000];

18 AAC 78.025(f)(1)(C) is amended to read:

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(C) American Society of Mechanical Engineers Code for Pressure Piping, B31, an American National Standard, B31.3, *Process Piping*, **2010** [1999] Edition, [AND B31.3a-2000, ADDENDA];

18 AAC 78.025(f)(1)(D) is amended to read:

(D) American Society of Mechanical Engineers Code for Pressure Piping, B31, an American National Standard, B31.4, *Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids*, **2009** [1998] Edition [AND B31.4a-2001, ADDENDA];

18 AAC 78.025(f)(1)(E) is amended to read:

(E) National Fire Protection Association Standard 30, *Flammable and Combustible Liquids Code*, **2008** [2000] Edition; and

18 AAC 78.025(f)(1)(F) is amended to read:

(F) National Fire Protection Association Standard 30A, *Code for Motor Fuel Dispensing Facilities and Repair Garages*, **2008** [2000] Edition;

18 AAC 78.025(f)(1)(G) is amended to read:

(G) International Code Council, International Fire Code, Chapter 34, *Flammable and Combustible Liquids*, **2009** [2000]; and

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18 AAC 78.025(f)(1)(H) is amended to read:

(H) International Code Council, International Fire Code,  
Chapter 27, *Hazardous Materials - General Provisions*, **2009** [2000];

18 AAC 78.025(f)(2)(D) is amended to read:

(D) Steel Tank Institute Specification **F894-10** [F894-01],  
*ACT-100-Specification for External Corrosion Protection of FRP Composite Steel Underground  
Storage Tanks*, **December 2010** [May 2001];

18 AAC 78.025(f)(3)(A) is amended to read:

(A) Underwriters Laboratories Standard 1746, *External  
Corrosion Protection Systems for Steel Underground Storage Tanks*, **Third** [SECOND] Edition,  
**January 2007** [1993]; and

18 AAC 78.025(f)(3)(B) is amended to read:

(B) Steel Tank Institute Specification F894-01, ACT-100  
*Specification for External Corrosion Protection of FRP Composite Steel Underground Storage  
Tanks*, **December 2010** [May 2001];

18 AAC 78.025(f)(4)(A) is amended to read:

(A) Steel Tank Institute Specification [STI-P3-01,] *STI-P3*®  
Specification and Manual for External Corrosion Protection of Underground  
Steel Storage Tanks, **December 2010** [May 2001];

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18 AAC 78.025(f)(4)(B) is amended to read:

(B) Underwriters Laboratories Standard 1746, *External Corrosion Protection Systems for Steel Underground Storage Tanks*, **Third** [SECOND] Edition, **2007** [1993];

18 AAC 78.025(f)(4)(G) is repealed

(G) repealed \_\_/\_\_/\_\_\_\_.

18 AAC 78.025(f)(5)(B) is amended to read:

(B) Underwriters Laboratories Standard UL 567, ***Emergency Breakaway Fittings, Swivel Connectors and pipe-Connection Fittings for Petroleum Products and LP-Gas*** [PIPE CONNECTORS FOR PETROLEUM PRODUCTS AND LP-GAS] **Ninth** [EIGHTH] Edition, **2003** [1996];

18 AAC 78.025(f)(6)(A) is amended to read:

(A) National Fire Protection Association Standard 30, *Flammable and Combustible Liquids Code*, **2008** [2000] Edition;

18 AAC 78.025(f)(6)(C) is amended to read:

(C) Petroleum Equipment Institute Recommended Practice **PEI/RP100** [PEI/RP100-2000], *Recommended Practices for Installation of Underground Liquid Storage Systems*, **2011** [2000];

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18 AAC 78.025(f)(6)(E) is amended to read

(E) National Association of Corrosion Engineers Standard

**SP0169-2007 Control of External Corrosion on Underground or**

**Submerged Metallic Piping Systems 2007** [RP0169-96, STANDARD

RECOMMENDED PRACTICE-CONTROL OF EXTERNAL CORROSION ON

UNDERGROUND OR SUBMERGED METALLIC PIPING SYSTEMS,

REAFFIRMED SEPTEMBER 1996]; and

18 AAC 78.025(f)(6)(F) is repealed:

(F) repealed \_\_\_/\_\_\_/\_\_\_\_ .

18 AAC 78.025(g) is amended to read:

(g) The department **may** [WILL, IN ITS DISCRETION,] inspect or require inspection of an installation to determine compliance with this section. If the department requires an inspection, it must be conducted by an independent third party certified under this chapter.

18 AAC 78.025 is amended by adding a new subsection to read:

(h) Each new UST or piping connected to any such new UST installed after December 31, 2011, or any existing piping connected to such existing UST that is replaced after December 31, 2011, shall be secondarily contained and monitored for leaks using interstitial monitoring if the new or replaced UST or piping is within 1000 feet of any existing community water system as defined in 18 AAC 80.1990(21), an existing potable water system as defined in 18 AAC 80.1990(106), or a sole source aquifer. A facility that will install a potable drinking water well

as part of the facility is required to meet the requirements of this section regardless of whether the UST or well will be installed first. For the purpose of this section:

(1) the 1000 feet will be measured from the closest part of the new or replaced UST, piping or new motor fuel dispenser system to the closest part of the existing community water system, potable water system, or sole source aquifer, including such components as well heads for groundwater, the location of the intake points for surface water, water lines, processing tanks and water storage tanks, water distribution and service lines under the control of the community water system operator, and the wellhead of the nearest existing potable drinking water well;

(2) in the case of a new underground storage tank system consisting of one or more underground storage tanks and connected by piping, the secondary containment requirement shall apply to all underground storage tanks and connected piping comprising such systems;

(3) in the case of a replacement of existing underground storage tank or existing piping connected to the underground storage tank, secondary containment requirements shall apply only to the specific storage tank or piping being replaced and not to other underground storage tanks and connected pipe comprising such systems.

18 AAC 78.025 is amended by adding a new subsection to read:

(i) Under dispenser containment is required for all new petroleum dispenser systems or for replacement dispensers if any of the piping or equipment below the dispenser is replaced.

Under dispenser containment must be liquid tight, compatible with the substance conveyed by

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the piping, and either allow for visual inspection and access to the components in the containment system or must be monitored.

18 AAC 78.025 is amended by adding a new subsection to read:

(j) Secondary containment systems installed in accordance with (h) of this section must be designed, constructed and installed to contain petroleum released from anywhere in the tank system until the release is detected and the petroleum removed, prevent a release of petroleum to the environment at any time during the operational life of the UST system, and checked for evidence of a release at least every 30 days. (Eff. 3/25/91, Register 118; am 11/3/95, Register 136; am 4/16/2000, Register 154; am 1/30/2003, Register 165; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.365 AS 46.03.375

18 AAC 78.025 Editor's Note is amended to read:

**Editor's note:** 1. The publications adopted by reference in 18 AAC 78.025 and other sections of this chapter may be reviewed at the department's **office** [offices] in Anchorage [, FAIRBANKS, JUNEAU OR SOLDOTNA,] or may be obtained directly from the appropriate publisher. The mailing address, telephone number, facsimile number, and website, if available, for each publisher **is** [ARE] as follows:

American Petroleum Institute (API), Publications Department, 1220 L St. N.W., Washington, D.C. 20005; phone: (202) 682-8375; Fax: (202) 962-4776; URL:

**<http://global.ihs.com/?RID=API1>** [HTTP://API.ORG/PUBLICATIONS] American Society of Mechanical Engineers (ASME), [22 LAW DRIVE,] P.O. Box 2300, Fairfield, NJ 07007-2300; phone: (800) 843-2763; Fax: (201) 882-1717; URL: <http://www.asme.org/>;

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American Society for Testing and Materials (ASTM), **100 Barr Harbor Drive, PO Box C700, West Conshohocken, AP 19428-2959; phone (610) 832-9585; fax (610) 832-9555; URL:**

**http://www.astm.org;** [PUBLICATIONS DEPARTMENT, 1916 RACE ST.,

PHILADELPHIA, PA 19103; PHONE (215) 299-5585; FAX: (215) 977-9679; URL:

HTTP://WWW.ASTM.ORG/]

International Code Council, **4051 West Flossmoor Road, Country Club Hills, IL 60478;**

**phone: (800) 786-4452; fax: (866) 891-1695; URL: http://www.iccsafe.org/store** [5203

LEESBURG PIKE, SUITE 708, FALLS CHURCH, VA 22041; PHONE: (703) 931-4533; FAX:

(703) 379-1546; URL: HTTP://WWW.ICCSAFE.ORG/];

International Conference of Building Code Officials, Ordering Department, 5360 Workman Mill

Road, Whittier, California 90601; phone: (310) 692-4226; Fax: (310) 692-3853; URL:

http://www.icbo.org/;

National Association of Corrosion Engineers (NACE), **1440 South Creek Drive** Publications

Department, [P.O. BOX 218340,] Houston, TX 77218-8340; phone: (281) 228-6200 **or (800)**

**797-6223;** fax: (281) 228-6300; URL: http://www.nace.org/;

National Fire Protection Association, Inc. (NFPA), Publications Department, **11 Tracy Dr.,**

**Avon, MA 02322; phone: (800) 344-3555; fax (800)-593-6372** [BATTERYMARCH PARK

PO BOX 9146, QUINCY, MA 02269; PHONE: (800) 344-3555; fax: (617) 984-7057]; URL:

http://www.nfpa.org/;

National Leak Prevention Association (NLPA), P.O. Box 1643, Boise, ID 83701; phone: **(815)**

**301-2785; fax: (240) 757-0211; URL: http://www.nlpa-online.org;** [(208) 336-6941; FAX:

(208) 336-0344;]

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Petroleum Equipment Institute (PEI), Publications Department, P.O. Box 2380, Tulsa, OK 74101; phone: (918) 494-9696; Fax: (918) 491-9895; URL: <http://www.pei.org/>;

Steel Tank Institute (STI), **944 Donata Court** [570 OAKWOOD ROAD], Lake Zurich, IL [60062] **60047**; phone: **(847) 438-8265**; fax: **(847) 438-8766** [(708) 438-8766 EXTENSION; FAX; (708) 438-8265,] URL: <http://www.steeltank.com/>;

Underwriters Laboratories, Inc. (UL), **COMM 2000, 151 Eastern Avenue, Bensenville, IL 60106; phone: (888) 853-3503; URL: http://ulstandardsinfontet.ul.com** [STANDARDS DEPARTMENT, 333 PFINGSTEN ROAD, NORTHBROOK, IL 60062, PHONE: (708) 272-8800; Fax: (708) 272-8129; URL: <HTTP://WWW.UL.COM/>];

Underwriters Laboratories of Canada (ULC), **ULC Standards, 4400 Laurier Ave. West, Ottawa, ON K1R 7X6, Attention Publications Department; phone: (866) 937-3853; fax: (613) 231-5977; URL: http://www.ul.com/canada/** [STANDARD DEPARTMENT, 7 CROUSE ROAD, SCARBOROUGH, ONTARIO, M1R 3A9; phone: (416) 757-3611; Fax: (416) 757-8915; URL: <HTTP://WWW.ULC.CA/>];

2. In addition to the organizations listed in Note 1, above, other sources of nationally-recognized codes of practice include:

American National Standards Institute (ANSI), **Customer Service Department, 25 W 43<sup>rd</sup> Street, 4<sup>th</sup> Floor, New York, NY 10036; phone: (212) 642-4980; fax: (212) 392-1286** [SALES DEPARTMENT, 11 WEST 42nd STREET, NEW YORK, NY 10036; PHONE: (212) 354-3300; FAX: (212) 302-1286]; URL: <http://www.ansi.org/>;

Fiberglass Petroleum Tank & Pipe Institute, **11150 South Wilcrest Drive, Suite 101, Houston, TX 77099-4343** [9801 WESTHEIMER, SUITE 606, HOUSTON, TX 77042; PHONE: (713) 465-3310; FAX: (713) 465-6544]; URL: <http://www.fiberglasstankandpipe.com/>;

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United States Department of Labor, Occupational Safety and Health Administration (OSHA),  
Publication Office, Francis Perkins Building, 200 Constitution Avenue, NW, Room N-3101,  
Washington, D.C. 20210; phone: **(202) 693-1888; fax: (202) 693-2498** [(202) 219-8148; FAX:  
(202) 219-9266]; URL: <http://www.osha.gov/>;

3. A UST installed in an area that has been given a special designation for drinking water protection by a local government may be subject to additional requirements imposed by the local government.

18 AAC 78.030(b) is amended to read:

(b) A UST that requires upgrading may be upgraded only by a person certified under this chapter and must be installed using nationally-recognized codes of practice specified in 18 AAC 78.025(e). **All parts of the UST system must be certified for use with the product stored within the system.**

18 AAC 78.030(e) is repealed:

(e) Repealed \_\_/\_\_/\_\_\_\_ .

18 AAC 78.030 is amended by adding a new subsection to read:

(f) Secondary containment including interstitial monitoring meeting the requirements of 18 AAC 78.065(h) is required anytime a tank and or piping is replaced if the tank or piping is within 1000 feet of any existing community water system as defined in 18 AAC 80.1990(21), and existing potable water source as defined in 18 AAC 80.1990(106) or a sole source aquifer.

18 AAC 78.030 is amended by adding a new subsection to read:

(g) Secondary containment systems installed in accordance with (f) of this section must be designed, constructed and installed to contain petroleum released from anywhere in the tank system until the release is detected and the petroleum removed, to prevent a release of petroleum to the environment at any time during the operational life of the UST system, and it must be checked for evidence of a release at least every 30 days.

18 AAC 78.030 is amended by adding a new subsection to read:

(h) For the purpose of (f) in this section, “replaced” means removal and installation of a tank or more than 50% of the piping associated with a single tank within a three year period.

18 AAC 78.030 is amended by adding a new subsection to read:

(i) The department may inspect or require inspection of an upgrade to determine compliance with this section. If the department requires an inspection, it must be conducted by an independent third party certified under this chapter. (Eff. 3/25/91, Register 118; am 11/3/95, Register 136; am 1/22/99, Register 149; am 6/25/99, Register 150; am 1/30/2003, Register 165; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.365 AS 46.03.375

18 AAC 78.045(c) is amended to read:

(c) A UST with a cathodic protection system must be inspected for proper operation by a cathodic protection tester **who is certified under 18 AAC 78.410** [OR CORROSION EXPERT].

An inspection under this subsection must be conducted as follows:

18 AAC 78.045(d) is amended to read:

(d) The department **may** [WILL, IN ITS DISCRETION,] approve a standard other than that specified in (c)(2) of this section if the department finds it to be no less protective of human health, safety, and the environment than the standard specified.

(Eff. 3/25/91, Register 118; am 11/3/95, Register 136; am 1/30/2003, Register 165; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 46.03.020 AS 46.03.365 AS 46.03.375

18 AAC 78.050(a) is amended to read:

(a) A UST must be made of or lined with material that is compatible with the petroleum stored in the system. An owner or operator storing alcohol blends may use the following codes to comply with the requirements of this subsection:

(1) the American Petroleum Institute Recommended Practice 1626, *Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations*, **2<sup>nd</sup> Edition, February 2011** [APRIL 1, 1985, REAFFIRMED JUNE 2000], the provisions of which are adopted by reference; or

(2) the American Petroleum Institute Recommended Practice 1627, *Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations*, August 1986, reaffirmed October 1993 **and January 2000**, the provisions of which are adopted by reference.

18 AAC 78.050(b) is amended to read:

(b) The department **may** [WILL, IN ITS DISCRETION,] approve a standard or code other than those specified in (a) of this section if the department finds it to be no less protective of human health, safety, and the environment than the standards specified.

(Eff. 3/25/91, Register 118; am 11/3/95, Register 136; am 1/30/2003, Register 165; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 46.03.020 AS 46.03.365

18 AAC 78.050 Editor's Note is amended to read:

**Editor's note:** The publications referred to in 18 AAC 78.050 are available for review at the department's Anchorage **office** [FAIRBANKS, JUNEAU AND SOLDOTNA OFFICES] or a copy may be obtained from the appropriate publisher at the address listed in the editor's note at 18 AAC 78.025.

18 AAC 78.055(c) is amended to read:

(c) Unless the department [, IN ITS DISCRETION,] approves another procedure, code, or standard found by the department to be no less protective of human health and safety and the environment than the procedures, codes, and standards set out in this subsection, the owner or operator shall use the following procedures, codes, and standards, the provisions of which are adopted by reference, to meet the requirements of (a) of this section:

(1) National Fire Protection Association Standard 30, *Flammable and Combustible Liquids Code*, **2008** [2000] Edition;

18 AAC 78.0055(c)(2) is amended to read:

(2) American Petroleum Institute Recommended Practice 2200, *Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines*, **Fourth** [THIRD] Edition, **September 2010**; [MAY 1994, REAFFIRMED MAY 1999];

18 AAC 78.055(c)(4) is amended to read:

(4) National Leak Prevention Association Standard 631 **Chapter A**, *Entry, Cleaning, Interior Inspection, Repair and Lining of Underground Storage Tanks*, [1991].

18 AAC 78.055(d) is amended to read:

(d) For purposes of this section, after a release has occurred, "repair" means to correct or restore a UST, or any part of a UST, that routinely contains petroleum, including repairs to the tank vessel, pipes, valves, fillpipes, or vents. "Repair" does not include routine maintenance.

**“Routine maintenance” means the normal operational upkeep to prevent an underground storage tank system from releasing product.** (Eff. 3/25/91, Register 118; am 11/3/95, Register

136; am 1/30/2003, Register 165; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.365 AS 46.03.375

18 AAC 78.065(k) is amended to read:

(k) **Certification of performance standards.** The National Work Group on Leak Detection Evaluations' *List of Leak Detection Evaluations for Underground Storage Tank (UST)*

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*Systems*, **Seventeenth** [NINTH] Edition, **January 11, 2010** [NOVEMBER 21, 2001], shall be used to determine compliance with the applicable performance standards for automatic tank gauging, statistical inventory reconciliation, tightness testing, electronic interstitial monitoring, and automatic line leak detectors. The *List of Leak Detection Evaluations for Underground Storage Tank (UST) Systems*, **Seventeenth** [NINTH] Edition, **January 11, 2010** [NOVEMBER 21, 2001], is adopted by reference. (Eff. 3/25/91, Register 118; am 8/21/91, Register 119; am 11/3/95, Register 136; am 6/25/99, Register 150; am 1/30/2003, Register 165; am \_\_/\_\_/\_\_\_\_, Register \_\_)

**Authority:** AS 46.03.020 AS 46.03.365 AS 46.03.375

18 AAC 78.065 Editor's Note 2 is amended to read:

2. The provisions outlined in the Steel Tank Institute's *Standard for Dual Wall Underground Steel Storage Tanks*, **F841-10 [F841-01]**, revised **January 2010** [JUNE 1, 2001], may be used as guidance for aspects of the design and construction of underground steel double-walled tanks as described in (h)(2)(A) of this section.

18 AAC 78.065 Editor's Note 3 is deleted

3. deleted \_\_/\_\_/\_\_.

18 AAC 78.065 Editor's Note 4 is amended to read:

4. The National Work Group on Leak Detection Evaluations' *List of Leak Detection Evaluations for Underground Storage Tank (UST) Systems*, **Seventeenth** [NINTH] Edition, **January 11, 2010** [NOVEMBER 21, 2001], may be reviewed at the Department of Environmental

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Conservation's **office** [OFFICES] in Anchorage [, FAIRBANKS, JUNEAU, AND SOLDOTNA] or may be obtained on the Internet at <http://www.nwglde.org>.

18 AAC 78.065 Editor's Note 5 is amended to read:

5. The tank tightness documents referred to in Notes 1 and 2 are on file in the Office of the Lieutenant Governor and may be reviewed at the Department of Environmental Conservation's **office** [OFFICES] in Anchorage [FAIRBANKS, JUNEAU AND SOLDOTNA,] or may be obtained from the publisher at the address listed in the editor's note at 18 AAC 78.025.

18 AAC 78.065 Editor's Note 6 is amended to read:

6. The United States Environmental Protection Agency tank tightness testing documents referred to [IN NOTE 3 AND] in 18 AAC 78.065(d) are on file in the Office of the Lieutenant Governor and may be reviewed at the Department of Environmental Conservation's **office** [OFFICES] in Anchorage [FAIRBANKS JUNEAU AND SOLDOTNA,] or may be obtained from:

United States Environmental Protection Agency (EPA), Office of Underground Storage Tanks, **1200 Pennsylvania Avenue, NW, Mail Code 5401P** [401 M ST., SW, MAIL CODE 54-02W], Washington, D.C. 20460; **phone: (703) 603-9900** [PHONE (703) 308-8850; FAX: (703) 308-8505]; URL: **<http://www.epa.gov/oust>** [HTTP://WWW.EPA.GOV];

United States Government Bookstore, **710 North Capitol Street N.W., Washington D.C. 20401; phone: (866) 512-1800; fax (202) 512-2104** [ROOM 194 FEDERAL BUILDING, 915 SECOND AVENUE, SEATTLE, WASHINGTON 98174; PHONE: (206) 553-4270; FAX: (206) 553-6717]; URL: <http://bookstore.gpo.gov/>.

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18 AAC 78.080(a) is amended to read:

(a) If a UST is temporarily closed, an owner or operator **will notify the department on a form supplied by the department, and if** required to install corrosion protection and release detection equipment under this chapter shall continue operation and maintenance of that equipment during temporary closure.

18 AAC 78.080(c) is amended to read:

(c) Release detection is not required if the UST is taken out of service **as defined in 18 AAC 78.995(145) and an Empty Tank Affidavit has been submitted.**

18 AAC 78.080(e) is amended to read:

(e) A substandard UST may be temporarily closed **or temporarily taken out of service** for more than 12 months only with department approval. The department **may** [WILL, IN ITS DISCRETION,] grant approval under this subsection only if

(1) the UST meets the performance standards in 18 AAC 78.025 for a new UST or the upgrade requirements of 18 AAC 78.030, except that the spill and overfill equipment requirements of 18 AAC 78.030(a) need not be met; and

(2) a site assessment is completed as required by 18 AAC 78.090.

18 AAC 78.080(f) is amended to read:

(f) Unless the department has approved temporary closure **or temporary taking out of service** for more than 12 months under (e) of this section, the owner or operator shall

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(1) after 12 months permanently close a substandard UST as required by 18 AAC 78.085; and

(2) complete a site assessment as required by 18 AAC 78.090.

18 AAC 78.080(i) is amended to read:

(i) An owner or operator of a UST that is temporarily closed **or temporarily taken out of service** shall maintain financial responsibility as required in 18 AAC 78.910. (Eff. 3/25/91, Register 118; am 11/3/95, Register 136; am 1/30/2003, Register 165; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.365 AS 46.03.375

18 AAC 78.085(a) is amended to read:

(a) At least 15 days, but not more than 60 days, before beginning permanent closure under (c) of this section or a change-in-service under (d) of this section, the owner or operator shall notify the department, in writing, on a form provided by the department. The department will waive the minimum 15-day notification period if the owner or operator demonstrates that meeting the notification deadline would prevent the project from being completed or would be detrimental to human health or safety or to the environment. The owner or operator shall report a change in the stated date of closure or change-in-service to the [NEAREST] department office in Anchorage [, FAIRBANKS, JUNEAU OR SOLDOTNA] at least three days before the scheduled closure or change-in-service. If closure does not occur within 60 days after the date given in the notice, the owner or operator shall submit a new notice to the department, indicating the actual closure date. The requirements of this subsection do not apply if

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18 AAC 78.085(a)(2) is amended to read:

(2) a UST is taken out of service **or closed** because of an emergency; in that case, the owner or operator shall notify the

- (A) department within 24 hours; and
- (B) applicable local government and fire department; the

owner or operator might be subject to additional requirements imposed by those agencies.

18 AAC 78.085(g)(2) is amended to read:

(2) American Petroleum Institute Standard 2015, *Safe Entry and Cleaning of Petroleum Storage Tanks, [PLANNING AND MANAGING TANK ENTRY FROM COMMISSINING THROUGH DECOMMISSIONING,] **Sixth** [FIFTH] Edition, **May 2006** [1994];*

(Eff. 3/25/91, Register 118; am 11/3/95, Register 136; am 1/22/99, Register 149; am 1/30/2003, Register 165; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.365 AS 46.03.395

18 AAC 78.085 Editor's Note 2 is amended to read:

2. The documents referred to in this section are on file in the Office of the Lieutenant Governor and may be reviewed at the Department of Environmental Conservation's office in Anchorage [FAIRBANKS, JUNEAU OR SOLDOTNA,] or may be obtained from the publisher at the address listed in the editor's note at 18 AAC 78.025.

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18 AAC 78.090(d)(2)(B) is amended by adding a new sub-subparagraph to read:

(viii) all excavated soil shall be assessed for levels of contamination to include field screening and analytical samples taken and tested in accordance with the Underground Storage Tank Procedures Manual adopted by reference.

(Eff. 3/25/91, Register 118; am 8/21/91, Register 119; am 11/3/95, Register 136; am 1/22/99, Register 149; am 6/25/99, Register 150; am 1/30/2003, Register 165; am \_\_/\_\_/\_\_, Register \_\_)

**Authority:** AS 46.03.020 AS 46.03.380 AS 46.03.405  
AS 46.03.365

18 AAC 78.995(28) is amended to read:

(28) “closure” **means to remove all petroleum and sludges from the tanks in the tank system and either fill the tanks with inert solid material or remove, dismantle, and dispose of the tanks** [HAS THE MEANING GIVEN IN AS 46.03.430(d)(1)];

(Eff. 3/25/91, Register 118; am 8/21/91, Register 119; am 1/27/94, Register 129; am 6/23/94, Register 130; am 8/4/94, Register 131; am 11/3/95, Register 136; am 1/22/99, Register 149; am 4/16/2000, Register 154; am 1/30/2003, Register 165; am \_\_/\_\_/\_\_\_\_, Register \_\_)

**Authority:** AS 44.46.020 AS 46.03.365 AS 46.03.740  
AS 44.46.025 AS 46.03.375 AS 46.03.758  
AS 46.03.020 [AS 46.03.420] Sec. 7, ch. 96, SLA 1990  
AS 46.03.050 [AS 46.03.430]  
AS 46.03.070