

7105.0010 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the following terms and abbreviations have the meanings given them. Terms that are not specifically defined have the meanings given them in Minnesota Statutes, sections 115.01, 115C.02, and 116.46.

Subp. 1a. **Active participation.** "Active participation" means the process of installing, repairing, or closing an underground storage tank system, particularly during critical junctures. Active participation does not include the process of sampling soil or groundwater or conducting corrective action at an underground storage tank site.

Subp. 2. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 3. **Approved training provider.** "Approved training provider" means a person approved by the commissioner to provide the tank service provider training course, recertification course, or the final examination.

Subp. 4. **Certificate.** "Certificate" means a document issued by the agency to a person who has met the certification requirements of this chapter.

Subp. 5. **Certified contractor.** "Certified contractor" means a contractor that has been certified by the agency under the requirements of this chapter to engage in the business of installing, repairing, or closing underground storage tank systems.

Subp. 6. **Certified supervisor or supervisor.** "Certified supervisor" or "supervisor" means an individual certified by the agency under the requirements of this chapter to perform one or more storage tank projects. This individual provides on-site supervision and direction to workers engaged in a storage tank project.

Subp. 7. **Closure or removal.** "Closure" or "removal" means permanently taking an underground storage tank out of service by either closing it in place, removing it from the ground, or converting it to store a nonregulated substance, as required by Code of Federal Regulations, title 40, part 280, or its counterpart in chapter 7150.

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of the agency.

Subp. 9. **Contractor.** "Contractor" means a corporation, partnership, public agency, or any other association that holds itself out as being qualified to engage in storage tank projects.

Subp. 10. **Critical junctures.**

A. "Critical junctures" in the case of an installation means the steps in the installation of an underground storage tank system that are important to the prevention of releases, including but not limited to:

(1) preparation of the excavation immediately before receiving backfill and the tank;

(2) setting of the tank and the piping, including placement of anchoring devices, backfill to the level of the tank, and strapping, if any;

(3) any time during the installation in which components of the piping are connected, field coated, or cathodically protected;

(4) all pressure testing of the tank system, including associated piping, performed during the installation; and

(5) completion of backfill and filling of the excavation.

B. "Critical junctures" in the case of a tank removal means the steps in the removal project that are important to the prevention of releases, including but not limited to:

(1) the cleaning and purging of the tank system;

(2) the actual excavation and removal of the tank system;

(3) all testing associated with the cleaning and purging processes; and

(4) any time during the removal in which components of the tank are disconnected or capped.

C. "Critical junctures" in the case of a repair means the steps in the repair project that are comparable to the steps listed for item A in terms of their importance in the prevention of releases, including but not limited to:

(1) the actual excavation of existing tanks or piping;

(2) the actual performance of the repairs to the tank system;

(3) any time during the repair project in which components of the piping are connected; and

(4) any time during the repair project in which the tank or its associated piping is tested.

Subp. 11. **Day.** "Day," when used to describe a day of training, equals eight hours including breaks and lunch.

Subp. 12. **Diploma.** "Diploma" means a document issued by an approved training provider verifying the successful completion of the required training course.

Subp. 13. **Disciplines of certification or disciplines.** "Disciplines of certification" or "disciplines" means the categories of tank projects within which a person may be certified under the requirements of this chapter. Each discipline includes the storage tank projects listed in items A and B.

A. The discipline of "installation or repair" includes installation as defined in subpart 15 and repair as defined in subpart 21.

B. The discipline of "closure" includes the storage tank projects defined in subpart 7.

Subp. 13a. **Employ.** "Employ" means to engage a person's services through a contractual or other written agreement.

Subp. 14. **EPA.** "EPA" means the United States Environmental Protection Agency.

Subp. 15. **Installation.** "Installation" means the work involved in placing an underground storage tank in position and preparing it to be placed in service.

Subp. 16. [Repealed, 18 SR 1059]

Subp. 17. **Operator.** "Operator" means a person in control of, or having responsibility for, the daily operation of a tank, and who was in control of, or had responsibility for, the daily operation of the tank immediately before discontinuation of its use.

Subp. 18. **Owner.** "Owner" means a person who holds title to, controls, or possesses an interest in a tank and who held title to, controlled, or possessed an interest in a tank immediately before discontinuation of its use. Owner does not include a person who holds an interest in a tank solely for financial security, unless through foreclosure or other related actions the holder of a security interest has taken possession of the tank.

Subp. 19. **Person.** "Person" means an individual, partnership, association, public or private corporation, or other legal entity, including the United States government, an interstate commission or other body, the state, or any agency, board, bureau, office, department, or political subdivision of the state, but does not include the Pollution Control Agency.

Subp. 20. **Regulated substance.** "Regulated substance" means:

A. a hazardous material listed in Code of Federal Regulations, title 49, section 172.101; or

B. petroleum, including:

(1) gasoline and fuel oil as defined in Minnesota Statutes, section 296.01, subdivisions 18 and 21;

(2) crude oil or a fraction of crude oil that is liquid at a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute;

(3) constituents of gasoline and fuel oil under subitem (1) and constituents of crude oil under subitem (2); and

(4) petroleum-based substances that are comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading, and finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, and used oils.

Subp. 21. **Repair.** "Repair" means the correction, restoration, modification, or upgrading of a tank system, including but not limited to the addition of cathodic protection systems; the replacement of piping, valves, fill pipes, or vents; and other similar activities that may affect the integrity of the tank system.

Subp. 22. **State.** "State" means the state of Minnesota.

Subp. 23. **Storage tank project.** "Storage tank project" means the installation, repair, or closure of an underground storage tank within a common excavation upon which discrete work is done that is separated in time and space.

Subp. 24. **Tank or tank system.** "Tank" or "tank system" has the same meaning as underground storage tank.

Subp. 24a. **Tank service provider.** "Tank service provider" means a person who installs, repairs, or closes an underground storage tank.

Subp. 25. **Underground storage tank.** "Underground storage tank" means any one or a combination of containers including tanks, vessels, enclosures, or structures and underground appurtenances connected to them, that is used to contain or dispense an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected to them, is ten percent or more beneath the surface of the ground.

Statutory Authority: *MS s 116.491; 116.497*

History: *14 SR 1718; 18 SR 1059; L 1992 c 575 s 53*

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