

7150.0010 APPLICABILITY.

Subpart 1. **Scope.** The requirements of this chapter apply to all owners and operators of an underground storage-tank system as defined in part 7150.0030, except as otherwise provided in this part.

Subp. 2. **Exclusions.** The following UST systems are excluded from the requirements of this chapter:

- A. a UST system holding:
 - (1) hazardous wastes listed or identified under:
 - (a) chapter 7045;
 - (b) Code of Federal Regulations, title 40, part 261; or
 - (c) subtitle C of the Solid Waste Disposal Act, United States Code, title 42, section 6921 et seq.; or
 - (2) a mixture of such hazardous waste and other regulated substances;
- B. a wastewater treatment tank system that is part of a wastewater treatment facility regulated under section 307(b) or 402 of the federal Clean Water Act;
- C. equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks;
- D. an underground storage-tank system with a capacity of 110 gallons or less;
- E. an underground storage-tank system that contains a de minimus concentration of regulated substances;
- F. an emergency spill or overflow containment underground storage-tank system that is expeditiously emptied after use;
- G. a farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
- H. a tank of 1,100 gallons or less capacity used exclusively for storing heating oil for consumptive use on the premises where stored;
- I. a septic tank;
- J. a pipeline facility, including gathering lines, regulated under United States Code, title 49, chapter 24 or 29;
- K. a surface impoundment, pit, pond, or lagoon used for storing storm water, wastewater, or animal waste;
- L. a storm water or wastewater collection system;

M. a flow-through process tank;

N. a storage tank situated in an underground area such as a basement, cellar, mineworking, drift, shaft, or tunnel if the storage tank is located upon or above the surface of the floor; and

O. an oil-water separator.

Subp. 3. [Repealed, 32 SR 1751]

Subp. 4. [Repealed, 43 SR 1253]

Subp. 5. **Heating-oil tanks.** Parts 7150.0010; 7150.0030; 7150.0090, subparts 1, 2, 4, 6, and 7; 7150.0100, subparts 7 and 9; 7150.0205, subparts 1 to 4; 7150.0250, subpart 2; and 7150.0345, subpart 2, apply to a UST system of over 1,100 gallons capacity used exclusively for storing heating oil for consumptive use on the premises where stored.

Subp. 6. **Partially excluded tank systems.** Parts 7150.0010, 7150.0030, and 7150.0090, subpart 2, apply to items A to D. Parts 7150.0100, subpart 9, and 7150.0205, subparts 1, item B; 2; 3, item B; and 4, apply to items A, C, and D:

A. wastewater treatment tanks not regulated under section 307(b) or 402 of the federal Clean Water Act;

B. aboveground storage tanks associated with:

(1) airport hydrant fuel distribution systems regulated under part 7150.0451; and

(2) underground storage tanks with field-constructed tanks regulated under part 7150.0451;

C. UST systems containing radioactive material regulated under the federal Atomic Energy Act of 1954, United States Code, title 42, sections 2011 to 2296; and

D. a UST system that is part of an emergency-generator system at facilities that generate nuclear power and are licensed by the Nuclear Regulatory Commission and subject to Nuclear Regulatory Commission requirements regarding design and quality criteria under Code of Federal Regulations, title 10, part 50.

Subp. 7. **Other potentially harmful substances.** Part 7150.0100, subpart 9, applies to underground storage tanks storing other potentially harmful substances.

Statutory Authority: *MS s 116.49*

History: *16 SR 59; 32 SR 1751; 34 SR 1610; 43 SR 1253*

Published Electronically: *June 6, 2019*