

7150.0030 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. 2. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 3. **Appurtenances.** "Appurtenances" means devices such as piping, fittings, flanges, valves, dispensers, and pumps used to distribute, meter, or control the flow of regulated substances to or from an underground storage tank.

Subp. 4. **Beneath the surface of the ground.** "Beneath the surface of the ground" means beneath the ground surface or otherwise covered with earthen materials.

Subp. 5. **Cathodic protection.** "Cathodic protection" means using a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

Subp. 6. **Cathodic protection tester.** "Cathodic protection tester" means a person who has demonstrated an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems, by passing a cathodic protection test given by the National Association of Corrosion Engineers or the Steel Tank Institute. Such persons must also have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and tank systems.

Subp. 7. **Change in status.** "Change in status" means a permanent removal from service or a change in the reported uses, contents, or ownership of an underground storage tank under Minnesota Statutes, section 116.48, subdivision 3, including temporary closure of 90 days or more and change to storage of a nonregulated substance.

Subp. 8. **Permanent closure.** "Permanent closure" means permanently taking an underground storage tank out of service by either closing it in place or removing it from the ground.

Subp. 9. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

Subp. 10. **Compatible.** "Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another under conditions likely to be encountered in the underground storage tank system.

Subp. 11. **Connected piping.** "Connected piping" means underground piping including valves, elbows, joints, flanges, and flexible connectors attached to a tank system through which regulated substances flow. For the purpose of determining how much piping

is connected to an individual underground storage tank system, the piping that joins two underground storage tank systems is allocated equally between them.

Subp. 12. **Consumptive use.** "Consumptive use," with respect to heating oil, means consumed on the premises.

Subp. 13. **Corrosion expert.** "Corrosion expert" means a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. The person must be accredited or certified as being qualified by the National Association of Corrosion Engineers or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.

Subp. 14. **Dielectric material.** "Dielectric material" means a material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate underground storage tank systems from the surrounding soils. Dielectric bushings are used to electrically isolate parts of the underground storage tank system, for example, tank from piping.

Subp. 14a. **Dispenser.** "Dispenser" means equipment that is used to transfer a regulated substance from underground piping, through a rigid or flexible hose or piping located above ground, to a point of use outside of the underground storage tank system, such as a motor vehicle. A dispenser does not include a loading rack used to transfer a regulated substance into the storage compartment of a bulk transport vehicle.

Subp. 15. **Electrical equipment.** "Electrical equipment" means underground equipment that contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.

Subp. 16. **Excavation zone.** "Excavation zone" means the volume containing the tank system and backfill material bounded by the ground surface, walls, and floor of the pit and trenches into which the underground storage tank system is placed at the time of installation.

Subp. 17. [Repealed, 32 SR 1751]

Subp. 18. **Farm tank.** "Farm tank" means a tank located on a tract of land devoted to the production of crops, raising animals, including fish, range land, nurseries with growing operations, and associated residences and improvements. A farm tank must be located on the farm property.

Subp. 19. **Flow-through process tank.** "Flow-through process tank" means a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior

to their introduction into the production process or for the storage of finished products or by-products from the production process.

Subp. 20. **Free product.** "Free product" means a regulated substance that is present as a nonaqueous phase liquid, for example, liquid not dissolved in water.

Subp. 21. **Gathering lines.** "Gathering lines" means a pipeline, equipment, facility, or building used in the transportation of oil or gas during oil or gas production or gathering operations.

Subp. 22. **Hazardous material.** "Hazardous material" means:

A. a substance listed in Code of Federal Regulations, title 40, part 302, including petroleum constituents under subpart 36, item C, but not including:

(1) a hazardous waste listed or identified under chapter 7045 or Code of Federal Regulations, title 40, part 261;

(2) petroleum under subpart 36, item A, B, or D; or

(3) a substance that is not liquid at a temperature of 60 degrees Fahrenheit and pressure of 14.7 pounds per square inch absolute; or

B. any mixture of substances identified in item A and petroleum, unless the amount of the substance identified in item A is de minimus.

Substances identified in items A and B which also meet the definition of petroleum are considered hazardous materials.

Subp. 23. **Hazardous material underground storage tank system.** "Hazardous material underground storage tank system" means an underground storage tank system that is used to contain a hazardous material.

Subp. 24. **Heating oil.** "Heating oil" means petroleum that is Nos. 1, 2, and 4 light, No. 4 heavy, No. 5 light, No. 5 heavy, and No. 6 technical grades of fuel oil; other residual fuel oils, including Navy Special Fuel Oil and Bunker C; and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers, or furnaces.

Subp. 25. **Hydraulic lift tank.** "Hydraulic lift tank" means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices.

Subp. 25a. **Lessee.** "Lessee" means a person who leases an underground storage tank system. A lessee is also an operator if the lessee is in control of the daily operation of the underground storage tank system.

Subp. 26. **Maintenance.** "Maintenance" means the normal operational upkeep to prevent an underground storage tank system from releasing a regulated substance.

Subp. 27. **Motor fuel.** "Motor fuel" means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or 2 diesel fuel, biodiesel, or any grade of gasohol, and is typically used in the operation of a motor engine.

Subp. 28. [Repealed, 32 SR 1751]

Subp. 29. **Noncommercial purposes.** "Noncommercial purposes," with respect to motor fuel, means not for resale.

Subp. 30. **On the premises where stored.** "On the premises where stored," with respect to heating oil, means underground storage tank systems located on the same property where the stored heating oil is used.

Subp. 31. **Operational life.** "Operational life" means the period beginning when installation of the tank system has begun until the time the tank system is permanently closed under part 7150.0410.

Subp. 32. **Operator.** "Operator" means a person in control of or having responsibility for the daily operation of the underground storage tank system or a person who was in control of or had responsibility for the daily operation of the tank immediately before discontinuation of its use.

Operator also means a person who is responsible under Minnesota Statutes, section 115C.021, for a release from an underground storage tank containing petroleum, or a person who is responsible under Minnesota Statutes, section 115B.03, for a release from an underground storage tank containing a hazardous material. Operator does not include a person who operates a tank if the tank is not regulated by this chapter.

Subp. 33. **Overfill release.** "Overfill release" means a release occurring when a tank is filled beyond its capacity, resulting in a discharge of the regulated substance to the environment.

Subp. 34. **Owner.** "Owner" means a person who holds title to, controls, or possesses an interest in an underground storage tank, and a person who held title to, controlled, or possessed an interest in the tank immediately before discontinuation of its use.

Owner also means a person who is responsible under Minnesota Statutes, section 115C.021, for a release from an underground storage tank containing petroleum, or a person who is responsible under Minnesota Statutes, section 115B.03, for a release from an underground storage tank containing a hazardous material.

Owner does not include a person who owns a tank if the tank is not regulated by this chapter and 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. 35. **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 Minnesota Pollution Control Agency.

Subp. 36. **Petroleum.** "Petroleum" means one of the following substances:

A. diesel fuel oil, gasoline, and heating fuel oil as defined in Minnesota Statutes, section 296A.01, subdivisions 14, 23, and 26;

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

C. constituents of gasoline and fuel oil under item A and constituents of crude oil under item B; or

D. 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. 37. **Petroleum underground storage tank system.** "Petroleum underground storage tank system" means an underground storage tank system that is used to contain petroleum or a mixture of petroleum with de minimus quantities of hazardous materials.

Subp. 38. **Pipe or piping.** "Pipe" or "piping" means a hollow cylinder or tubular conduit for conveying a regulated substance from one point to another within an underground storage tank system.

Subp. 39. **Pipeline facilities.** "Pipeline facilities," including gathering lines, means new and existing pipe rights-of-way and any associated equipment, facilities, or buildings.

Subp. 40. **Regulated substance.** "Regulated substance" means a hazardous material or petroleum.

Subp. 41. **Release.** "Release" means a spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an underground storage tank into the environment including spills associated with overfills and transfer operations as the regulated substance moves to or from an underground storage tank system. "Release" does not include discharges or designed venting allowed under agency rules.

Subp. 42. **Release detection.** "Release detection" means determining whether a release of a regulated substance has occurred from the underground storage tank system into the environment or into the interstitial space between the underground storage tank system and its secondary barrier or secondary containment around it.

Subp. 43. **Repair.** "Repair" means the correction or restoration to operating condition of an underground storage tank or appurtenance. "Piping repair" includes installation of a single run of up to ten feet of new piping to replace existing piping. Piping repair involving installation of a single run of more than ten feet of new piping to replace existing piping constitutes replacement. "Dispenser repair" includes installation of a new dispenser to replace an existing dispenser so long as work is performed entirely on or above any shear valves and check valves. Installation of a new dispenser to replace an existing dispenser constitutes replacement if the work is performed beneath any shear valves or check valves or on any flexible connectors or unburied risers.

Subp. 43a. **Replace or replacement.** "Replace" or "replacement" means the installation of a new underground storage tank or appurtenance in substantially the same location as another tank or appurtenance in lieu of that tank or appurtenance, not including installation of new piping in connection with certain repairs as described in subpart 43.

Subp. 44. **Residential tank.** "Residential tank" means a tank located on property used primarily for dwelling purposes.

Subp. 44a. **Secondary containment tank or secondary containment piping.** "Secondary containment tank" or "secondary containment piping" means a tank or piping that:

A. is designed with an inner primary shell and a liquid-tight outer secondary shell or jacket that extends around the entire inner shell;

B. is designed to contain any leak through the primary shell from any part of the tank or piping that routinely contains a regulated substance; and

C. allows for monitoring of the interstitial space between the shells and detection of any leak.

Subp. 45. **Septic tank.** "Septic tank" means a watertight, covered receptacle designed to receive or process through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from the receptacle is distributed for disposal through the soil and settled solids and scum from the tank are pumped out periodically and hauled to a treatment facility.

Subp. 46. **Storm water or wastewater collection system.** "Storm water or wastewater collection system" means piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water runoff resulting from precipitation, or domestic, commercial, or industrial wastewater to and from retention areas or areas where treatment is designated to occur. The collection of storm water and wastewater does not include treatment, except where incidental to conveyance.

Subp. 47. **Surface impoundment.** "Surface impoundment" means a natural topographic depression, artificial excavation, or diked area formed primarily of earthen materials, although it may be lined with synthetic materials, that is not an injection well.

Subp. 48. **Tank.** "Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of nonearthen materials, such as concrete, steel, and plastic, that provide structural support.

Subp. 49. **Tank system.** "Tank system" has the same meaning as underground storage tank and underground storage tank system.

Subp. 50. **Underground area.** "Underground area" means an underground room such as a basement, cellar, shaft, or vault providing enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor.

Subp. 51. **Underground storage tank or underground storage tank system.** "Underground storage tank" or "underground storage tank system" means any one or 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 underground pipes connected to them, is ten percent or more beneath the surface of the ground. This term does not include any tank or pipes connected to a tank described in part 7150.0010, subpart 2.

Subp. 52. [Repealed, 32 SR 1751]

Subp. 53. **Wastewater treatment tank.** "Wastewater treatment tank" means a tank that is designed to receive and treat an influent wastewater through physical, chemical, or biological methods.

Statutory Authority: *MS s 115.03; 116.49*

History: *16 SR 59; 17 SR 1279; L 1992 c 575 s 53; 25 SR 556; 32 SR 1751*

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