

**7150.0216 OPERATING, MAINTAINING, AND TESTING UST SYSTEMS.****Subpart 1. General.**

A. Owners and operators must maintain, test, operate, and inspect tanks, piping, and associated components of a UST system as described in this part in accordance with one of the following methods:

- (1) the requirements of the manufacturer;
- (2) the practices incorporated by reference in part 7150.0500, subpart 2, item G, subitems (2) and (4); or
- (3) requirements determined by the commissioner to be equivalent and no less protective of human health and the environment than subitems (1) and (2).

B. Wastes from testing, such as hydrostatic testing water, must be properly disposed of according to state and local regulations. Documentation demonstrating that testing wastes were properly disposed of according to state and local regulations must be maintained according to part 7150.0450.

**Subp. 2. Periodic operation and maintenance inspections.**

A. Owners and operators of a UST system must ensure the proper maintenance and operation of the UST system. At a minimum, owners and operators must conduct a monthly walk-through inspection of the UST system. During the inspection, the owners and operators must:

- (1) visually check dispenser sumps, spill buckets, transition sumps, and submersible pump sumps for leaks and equipment defects;
- (2) investigate and remedy the source of any spill, drip, or leak from the UST system;
- (3) remove any liquid or debris from containment sumps used for interstitial monitoring and spill buckets;
- (4) remove any liquid or debris from sumps to allow the piping, pump head, and other appurtenances in the sump to be inspected;
- (5) ensure that release-detection equipment is operating with no alarms or other unusual operating conditions present and that records of release detection are reviewed and current;
- (6) ensure that riser caps are tight and that there are no obstructions in the fill risers that would prevent an overfill device from functioning properly; and
- (7) ensure that the bottom of the tank is monitored for water to the nearest one-eighth of an inch through electronic or manual gauging at least once a month.

B. Submersible pump sumps are exempt from inspections under item A if the sump is secondarily contained and equipped with a leak-sensing device that alerts the operator of a regulated substance or water in the sump and the sump sensor is tested annually for proper function.

C. Spill buckets are exempt from inspections under item A if the UST system receives deliveries at intervals greater than 30 days and the spill bucket is inspected before and immediately after each delivery. Owners and operators must maintain delivery records to verify infrequent deliveries.

D. Owners and operators must maintain records of inspections under this subpart. Records must include a list of each area checked, whether each area checked was compliant or needed action taken, and a description of any compliance actions taken.

**Subp. 3. Release-detection equipment.**

A. Owners and operators must test and maintain release-detection equipment to ensure that the equipment can detect a release from any part of the UST system that routinely contains product.

B. Owners and operators must annually test electronic, mechanical, and handheld components of release-detection equipment for serviceability and proper operation. Beginning no later than October 13, 2020, owners and operators must annually inspect components listed under item C using an agency-approved tester.

C. As applicable to the facility, testing under this subpart must, at a minimum, include the following components and criteria:

(1) for automatic tank gauges and other controllers, the tester must test alarms, verify system configuration, and test battery backup;

(2) for probes and sensors, the tester must inspect for residual buildup, ensure floats move freely, ensure the shaft is not damaged, ensure cables are free of kinks and breaks, and test alarm operability and communication with controller;

(3) for automatic line-leak detectors, the tester must test the operation to ensure that it meets the criteria under part 7150.0340, subpart 2, item D;

(4) for vacuum pumps and pressure gauges, the tester must ensure proper communication with sensors and controllers;

(5) for spill buckets and containment sumps, the tester must visually inspect spill buckets and containment sumps used for interstitial monitoring, including seals at piping, electrical, and other penetration points, for deficiencies; and

(6) for handheld leak-detection materials, the tester must ensure that any measuring sticks, fuel-finding pastes, or other handheld items used for leak detection are in a functional condition.

**Subp. 4. Spill buckets and containment sumps.**

A. Owners and operators must ensure spill buckets and containment sumps used for interstitial monitoring of piping prevent releases to the environment by:

(1) testing spill buckets and containment sumps at least once every three years to ensure the equipment is liquid tight; or

(2) monitoring spill buckets and containment sumps that are double walled monthly to ensure the integrity of both walls, checking for leaks into the interstitial area or equipment.

B. Any automatic leak-sensing device used to monitor spill bucket or containment sump interstitial areas must be tested annually for proper function.

C. Beginning no later than October 13, 2020, testing under items A, subitem (1), and B must be performed by an agency-approved tester.

**Subp. 5. Overfill-prevention equipment.** Owners and operators must ensure overfill-prevention equipment is inspected at least every three years. The inspection must ensure that the overfill-prevention equipment is set to activate at the correct level, as specified in part 7150.0205, subpart 5, item A, subitem (2), and will activate when a regulated substance reaches that level. Beginning no later than October 13, 2020, inspections under this subpart must be performed by an agency-approved tester.

**Subp. 6. Agency-approved testers.**

A. To become agency-approved testers, individuals must:

(1) apply to the commissioner for approval every four years in a format prescribed by the commissioner. The application must include the applicant name, mailing address, telephone number, and information demonstrating compliance with subitems (2) and (3);

(2) be certified by the manufacturers of components of a UST system being tested and the manufacturers of equipment used to test UST systems, if the manufacturers offer certification; and

(3) meet one of the following criteria:

(a) be an employee of an agency-certified tank contractor under chapter 7105; or

(b) be an employee of an independent company that specializes in testing UST systems, is not affiliated with the owner or operator of the UST system being tested, and has comprehensive general liability insurance with pollution liability coverage of no less than \$1,000,000.

B. The commissioner must deny an application for an agency-approved tester or suspend, restrict, or revoke approval of an agency-approved tester if the commissioner finds the applicant or tester:

(1) failed to meet the approval requirements in item A;

(2) failed to comply with inspection and testing requirements in this chapter;

(3) submitted false or misleading information to obtain or renew agency approval under this part or certification under chapter 7105; or

(4) engaged in fraudulent activities related to records, test results, or repairs while performing duties as an agency-approved tester.

C. The commissioner must provide written notice by mail to the subject of the action under item B describing, as applicable, the effective date of the action, the basis for the action under item B, the facts supporting the action, and the specific steps necessary to become an approved tester. The notice must contain a statement that any request for a contested case hearing must, within ten calendar days exclusive of the day of service, be filed as a written request with the commissioner. If a contested case hearing is requested, the action is stayed pending the outcome of the hearing. If the individual does not request a hearing, the subject of the action forfeits any opportunity for a hearing. An agency-approved tester or applicant whose approval is revoked or denied may not apply for approval for one year after the effective date of revocation or denial.

**Statutory Authority:** *MS s 116.49*

**History:** *43 SR 1253*

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