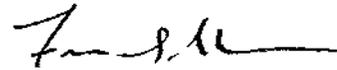


Número: 8546

Fecha: 24 de diciembre de 2014

Aprobado: Hon. David E. Bernier Rivera

Secretario de Estado



Por: Francisco J. Rodríguez Bernier

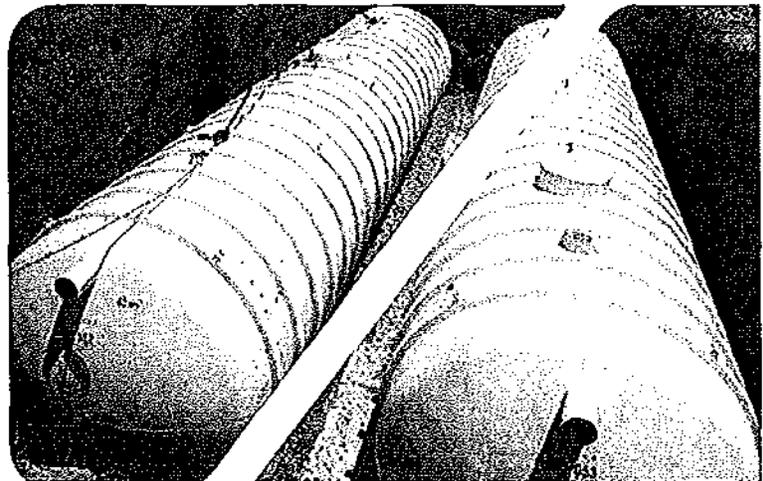
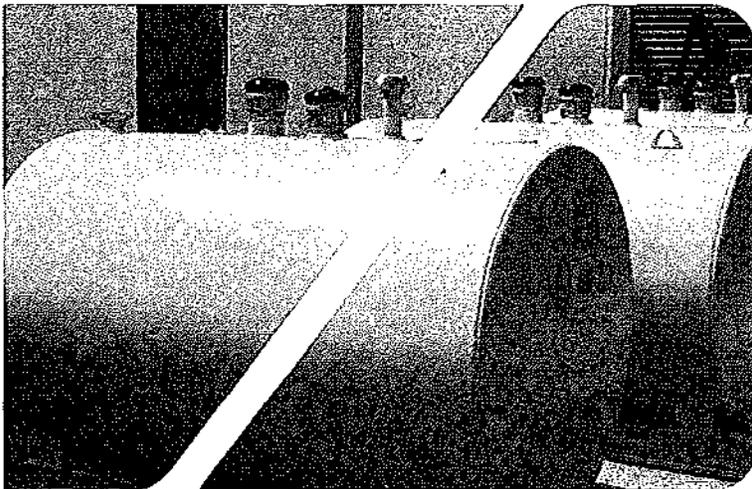
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EQB

ENVIROMENTAL QUALITY BOARD
COMMONWEALTH OF PUERTO RICO

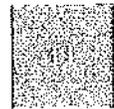
REGULATION FOR THE CONTROL OF UNDERGROUND STORAGE TANKS



THIS NEW REGULATIONS APPROVED ON 19 DECEMBER 2014
REPEAL THE REGULATION NO. 4362 OF NOVEMBER 7, 1990.

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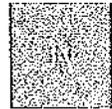
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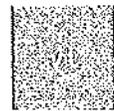


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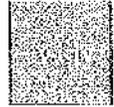
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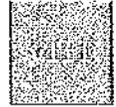


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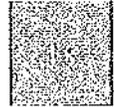
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LIST OF ACRONYMS

AEA	Atomic Energy Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
EP	Energy Policy Act
EPA	Environmental Protection Agency
JCA	Environmental Quality Board
LUST	Leaking Underground Storage Tank
NACE	NACE International
NFPA	National Fire Protection Association
PDF	Portable Document Format
PPM	Parts per million
PWS	Public Water System
RBCA	Risk Based Corrective Action
RCAAP	Regulation for the Control of Atmospheric Air Pollution
RCHSW	Regulation for the Control of Hazardous Solid Waste
RCRA	Resource Conservation and Recovery Act
RMNHSW	Regulation for the Management of Non-Hazardous Solid Waste
RWQS	Water Quality Standards Regulation
SARA	Superfund Amendment Reauthorization Act
UICR	Underground Injection Control Regulation
UL	Underwriters Laboratories
USDA	United States Department of Agriculture
USGS	United States Geological Survey
UST	Underground Storage Tank



PART I PROGRAM SCOPE AND INTERIM PROHIBITION

RULE 801 PROGRAM SCOPE

This set of rules shall be known as the Regulation for the Control of Underground Storage Tanks. It is promulgated in accordance with Act No. 416-2004, as amended, known as the Environmental Public Policy Act, and it constitutes the rules of the Environmental Quality Board of the Commonwealth of Puerto Rico, for installations with Underground Storage Tank Systems (UST).

RULE 802 PURPOSE

A. This Regulation is promulgated to comply with the following purposes:

1. To promote the necessary compliance of facilities with UST Systems;
2. To implement a permit system and requirements for the installation, operation and closure of facilities with UST Systems; and
3. To protect health, public safety and the environment of the Commonwealth of Puerto Rico, ensuring a sound management of the UST Systems, by preventing, controlling, remedying or mitigating the current or potential contamination of soil, surface and ground water bodies.

RULE 803 APPLICABILITY

A. The requirements of this Regulation apply to an owner and operator of a UST System. The UST Systems, previously deferred, must comply with the requirements of this Part, as follows:

1. UST Systems installed before the effective date of this Regulation, must comply with the following time table:

Table 1. Compliance schedule for previously deferred UST Systems installed before the effective date of this Regulation.

TYPE OF UST SYSTEM	PART OR RULE	EFFECTIVE DATE
Existing and registered petroleum UST Systems	Part X and XI	One (1) year after the effective date of this Regulation
UST System that stores fuel for the only use of emergency power	IV	One (1) year after the effective date of this



TYPE OF UST SYSTEM	PART OR RULE	EFFECTIVE DATE
generators.		Regulation.
Hydrant fuel distribution systems located in airports; UST System constructed on land; and Wastewater Treatment Tank Systems not regulated under Section 402 or 307(b) of the Clean Water Act (CWA), that treat substances regulated under this Regulation.	II and III IV V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV	Three (3) years after effective date of this Regulation. See the phase in schedule in Rule 828.E Effective date of this Regulation

2. UST Systems installed after the effective date of this Regulation must meet all requirements at the moment of installation.

B. The following UST Systems are excluded from the requirements of this Regulation:

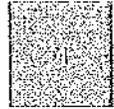
1. Any UST System storing any hazardous waste listed or identified under Subtitle C of the Resource Conservation and Recovery Act (RCRA), or a mixture of such hazardous waste and other regulated substances.
2. Any wastewater tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act (CWA).
3. Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tank systems and electrical equipment tank systems.
4. Any UST System with capacity of 110 gallons or less.
5. Any UST System that contains *de minimus* concentration of a regulated substances.
6. Any emergency spill or emergency overflow containment UST System that is expeditiously emptied after use.
7. Tanks and piping whose volume beneath the surface of the ground is less than ten percent (10%) (For example, an aboveground tank with less than ten (10) percent of the total volume of the tank and underground piping).



8. Any UST System that stores any fraction of petroleum which is not liquid at standard conditions of temperature and pressure (e.g. liquefied gas). The standard conditions are 60 degrees Fahrenheit and 14.7 pounds per square inch absolute.
9. Fuel storage tanks used for power motors or energy generators in agricultural production, with a capacity of 1,100 gallons or less for non-commercial purposes.
10. Septic tanks.
11. Installation of pipes or pipelines (including gathering lines) that are regulated under 49 USC Chapter 603, and those the Secretary of Transportation has determined that are connected to a pipeline, or are operated or are expected to be able to operate at pipeline pressure or as an integral part of a pipeline.
12. Surface impoundment, pit, pond or lagoon.
13. Runoff collection systems.
14. Flow-through process tank system.
15. Liquid traps or associated gathering lines directly related to petroleum or gas production and gathering operations.
16. Storage tanks on or above the floor or soil surface of underground areas (such as a basement, cellar, mine, underground gallery, pit, or tunnel).
17. Any UST System containing radioactive material regulated under the Atomic Energy Act of 1954 (42 USC 2011 et seq.).
18. Any UST System that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR Part 50.

RULE 804 INTERIM PROHIBITION FOR DEFERRED UST SYSTEM

No person may install a UST System listed in Rule 803.B for the purpose of storing regulated substances under this Regulation.



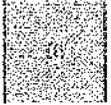
RULE 805 DEFINITIONS AND ABBREVIATIONS

A. This Rule provides definitions of words and phrases applicable to this Regulation.

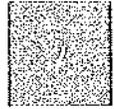
1. **Abandoned UST System:** A UST System for which the owner has discontinued its operation. This includes tanks whose owners are not carrying out actions to permanently close the UST System.
2. **Aboveground Release:** Any release to the surface of the land surface water body. This includes, but is not limited to, releases from the aboveground portion of an UST System and releases associated with overfills and transfer operations as the regulated substance moves to or from an UST System.
3. **AEA:** Refers to Federal Law, "Atomic Energy Act of 1946", as amended (42 USC § 2011 et seq.).
4. **Airport Hydrant Fuel Distribution System:** A UST System that is a combination of one or more tanks directly connected to an underground hydrant piping used to fuel aircrafts. These systems do not have a dispenser at the end of the piping run, but rather have a hydrant (fill stand). If an aboveground storage tank (AST) is feeding an intermediary tank or tanks, this definition does not include the AST, but does include all underground piping entering and leaving the intermediary tank(s). Intermediary tanks are those tanks directly connected to the hydrant piping.
5. **Ancillary equipment:** Any devices including, but not limited to, such devices as pipelines, fittings, flanges, valves, and pumps, used to distribute, measure, or control the flow of regulated substances to and from an underground storage tank.
6. **API:** Refers to the American Petroleum Institute.
7. **Architect:** Any natural person authorized to practice the profession of architecture in the Commonwealth of Puerto Rico.
8. **ASTM:** Refers to the American Society for Testing and Materials.
9. **Belowground release:** Any release of a regulated substance to the subsurface of the land and to groundwater. This includes, but is not limited to, release from the belowground portions of an UST Systems.
10. **Beneath the surface of the ground:** Beneath the ground surface or otherwise covered with earthen materials.
11. **Board or EQB:** Refers to the Environmental Quality Board of Puerto Rico.



12. **Cathodic protection tester:** Person with knowledge of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal pipelines and tank systems. At a minimum, such persons must have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal pipelines and tank systems.
13. **Cathodic protection:** 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.
14. **CERCLA:** Refers to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.
15. **Certificate of Registration:** Document issued by the Board prior to the effective date of this Regulation in which the corresponding identification number was assigned to the registered facility. As of the effective date of this Regulation, this registration process will be part of the Operation Permit.
16. **Certification:** When the professional, who designed or will perform a specialized activity or action, authenticates before the Board that the plans and other documents officially submitted are in compliance with the established laws, regulations and specifications.
17. **CFR:** Refers to the Code of Federal Regulations.
18. **Class A Operator:** Individual who has primary responsibility to operate and maintain the UST System, in accordance with applicable requirements established by the EQB. The Class A Operator typically manages resources and personnel, such as establishing work assignments, to achieve and maintain compliance with regulatory requirements.
19. **Class B Operator:** Individual who has the day-to-day responsibility of implementing applicable UST regulatory requirements established by the EQB. The Class B Operator typically implements in-field aspects of operation, maintenance, and recordkeeping associated with the UST System.
20. **Class C Operator:** Employee responsible for initially addressing emergencies presented by a spill or release from an UST System. The Class C Operator typically controls or monitors the dispensing or sale of regulated substances.
21. **Community water system (CWS):** A public water system which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty five (25) year-round residents, in accordance with federal regulation (40 CFR 141.2).



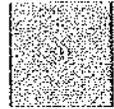
22. **Compatible:** Ability of two (2) or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the UST System under conditions likely to be encountered in the underground storage tank.
23. **Connected piping:** All underground pipelines 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 any individual UST System, the pipeline that joins the two (2) UST Systems should be allocated equally between them.
24. **Containment sump:** A liquid-tight container intended to prevent leaks and spills of regulated substances from piping, dispensers, pumps, and related components from entering the environment. Containment sumps are typically used underneath product dispensers and for enclosing the submersible turbine pump and piping connections at the top of an UST System.
25. **Controlling Interest:** Direct ownership of at least fifty (50) percent of the voting stock of another entity that owns or operates a facility. The owner or operator entity shall be considered as a subsidiary of the majority interest.
26. **Corrosion expert:** Person who, by means 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 pipelines systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal pipelines systems and metal tanks.
27. **CWA:** Refers to the Clean Water Act of 1977, as amended, (33 USC § 251 et seq.).
28. ***De Minimus.*** A very low concentration such that tanks with *de minimus* concentrations do not pose a negligible risk to human health and the environment. Examples of tanks which may qualify for the *de minimus* exclusion include tanks used to treat storm water and municipal wastewater and tanks that store potable water which has been previously disinfected with chlorine.
29. **Dielectric material:** Material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate UST Systems from the surrounding soils. Dielectric bushings are used to electrically isolate portions of the UST System (e.g., tank from pipelines).
30. **Discharge - see Release**



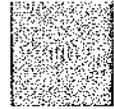
31. **Dispenser system:** Equipment located aboveground that meters the amount of regulated substances transferred to a point of use outside the UST system, such as a motor vehicle. This system includes the equipment necessary to connect the dispenser to the UST System.
32. **Emergency:** Any situation or series of situations, including releases or discharges, that constitute a threat or imminent danger to any person, property or resource, for which immediate attention is required. Emergency shall also be understood as any abnormality caused by a natural or technological event such as: a hurricane, tornado, storm, flood, earthquake, tsunami, landslide, drought, fire, explosion, accident or hazardous materials, among others.
33. **EP:** Refers to the federal legislation, known as the Energy Policy Act of 2005, as amended (42 U.S.C. §1320.1 et seq.). This Act prescribes new UST provisions for Subtitle I of RCRA, such as: operator training, secondary containment, public record, and delivery prohibition.
34. **Engineer:** Any natural person authorized to practice the profession of engineering in the Commonwealth of Puerto Rico.
35. **Environmental Public Policy Act:** Refers to Act No. 416-2004, as amended, of the Commonwealth of Puerto Rico.
36. **EPA:** Refers to the U.S. Environmental Protection Agency.
37. **Exam:** Test administered by the Board to assess the knowledge of a person as an Operator of a UST System. This Exam must, at least, evaluate the knowledge of Class A, Class B and Class C Operators, in accordance with the requirements of this Regulation.
38. **Excavation zone:** Volume containing the tank system and backfill material bounded by the ground surface, walls, and floor of the pit and trenches into which the UST System is placed at the time of installation.
39. **Executive Director:** Highest ranking official of the Environmental Quality Board, or to whom she delegates his authority.
40. **Existing UST System:** Tank system used to store regulated substances that were operating or for which the installation had commenced before the effective date of this Regulation.
41. **Facility:** Property where one (1) or more UST Systems were, is or could be located.
42. **Farm tank:** A tank used for storing crop products or food for animal husbandry.



43. **Field constructed tank:** A tank which is not factory assembled, and which is principally constructed, fabricated, or assembled at the same facility where the tank is subsequently placed into service.
44. **Financial Reporting Year:** The latest consecutive twelve-month period for which a report is prepared, which could be used to support a financial test. The year of the financial report thus comprise a fiscal or calendar year period.
45. **Financial Security Provider:** An entity that provides financial assurance to an owner or operator of a UST System through one of the mechanisms listed in this Regulation, including a guarantor, an insurer, a group that provides risk retention, a surety, an entity that issues a letter of credit or an entity that issues a mechanism required by the Commonwealth of Puerto Rico.
46. **Flow-through process tank:** 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.
47. **Free product:** A regulated substance that is present as a non-aqueous phase liquid (e.g., liquid not dissolved in water).
48. **Gasoline distributor:** Owner of the product or who buys the product (gasoline and other fuels) for resale, or the operator or owner of a tank truck who distributes the product to retail gasoline service stations.
49. **Gasoline station:** Establishment destined to the sale of retail gasoline and other fuels for motor vehicles.
50. **Gathering lines:** Any pipeline, equipment, facility, or building used in the transportation of petroleum or gas during the production or gathering operations of petroleum or gas.
51. **Geologist:** Any natural person authorized to practice the profession of geology in the Commonwealth of Puerto Rico.
52. **Governing Board:** Governing body and highest authority of the Environmental Quality Board established by the Environmental Public Policy Act.
53. **Hazardous Substance:** Any substance identified as hazardous under CERCLA and federal regulation (40 CFR Part 302).
54. **Hazardous Waste:** Any waste identified as hazardous under Subtitle C of RCRA and federal regulation (40 CFR Part 261.3).

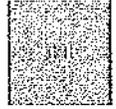


55. **Heating oil:** Petroleum that is No. 1, No. 2, No. 4 - light, No. 4 - heavy, No. 5 - light, No. 5 - heavy, and No. 6 technical grades of fuel oil; other residual fuel oil (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one of these fuels oils. Heating oil is typically used in the operation of heating equipment, boilers, or furnaces.
56. **Hydraulic lift tank:** 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.
57. **Identification Number:** Set of numbers, letters or a combination of both, assigned by the Board to a UST System facility.
58. **Independent Laboratory:** Location provided with the means to conduct research, experiments and works of a scientific or technical character, that is autonomous and self-employed, that does not have, by itself or its employees, conflicts of interest with the installation that has UST Systems regulated under this Regulation.
59. **Injection well:** A well for the underground injection of fluids, including all equipment and necessary accessories for the operation of the well.
60. **Interstitial space:** Area between the primary and secondary containment of a double-walled tank, double-walled piping, or other double-walled component. This area is designed to contain a leak from the primary containment and can be tested for a breach of its integrity.
61. **Liquid trap:** Sumps, well cellars, and other traps used in association with petroleum and gas production, gathering, and extraction operations (including gas production plants), for the purpose of collecting oil, water, and other liquids. These liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.
62. **LPAU:** Refers to Puerto Rico Act No. 170 of August 12, 1988, as amended, known as the Uniform Administrative Procedures Act.
63. **LUST:** Leaking Underground Storage Tank.
64. **Maintenance:** Routine management practices intended to prevent an UST System from releasing substances.
65. **Major Force :** Any event arising from causes beyond the control of the owner and operator or any entity controlled by the owner or operator, including but not limited to, contractors and subcontractors of the owner or operator, that delays or prevents the execution of any obligation, despite of the best efforts of the owner and operator to



meet the obligation. The "best efforts to fulfill the obligation" of the owner and operator include best efforts to anticipate any potential event, and best efforts to deal with the effects of any potential event (1) while it is occurring and (2) after the event, so that the delay is minimized to the greatest extent possible. Includes extreme weather conditions that make the scheduled excavation of tanks and pipes impossible or a major event, such as: floods or earthquakes which interrupts regular trading. Major force does not constitute financial inability to perform the required actions and unanticipated costs or expenses associated with or incremental execution.

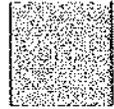
66. **Malfunction:** Refers to any failure of a UST System or any of its components that could cause a spill or release of product, which is not due to lack of maintenance or proper operation of the System.
67. **Major modification:** Changes that represent modifications to the design or operation of the UST System which affect and require revision, update, adjustment, correction or change of any information included in the permit application, permit, investigation plan, corrective action plan or other of the facility.
68. **Minor modification:** Changes that do not represent modifications to the design or operation of the UST System, but that require revision, update, adjustment, correction or change of any information included in the permit application, permit, investigation plan, corrective action plan or other of the facility.
69. **Monitoring System:** System capable of detecting leaks or discharge, or both, that is not an inventory control system, used in conjunction with an underground storage tank.
70. **Motor fuel:** Petroleum or a petroleum-based substance that is typically used in the operation of a motor engine, such as gasoline for motor vehicles, gasoline for airfracts, No. 1 or No. 2 diesel fuel, or any blend containing one or more of these substances (e.g., motor gasoline blended with alcohol).
71. **NACE:** Refers to the National Association of Corrosion Engineers known as NACE International.
72. **Tangible net worth:** The tangible assets that remain after deducting liabilities; such assets do not include intangibles such as goodwill of clients towards the company, nor rights to patents or royalties.
73. **New UST System:** A UST System that will be used to store regulated substances and whose installation approval commenced after the effective date of this Regulation.
74. **NFPA:** Refers to the National Fire Protection Association.
75. **Non-commercial purposes:** With respect to motor fuel means not for resale.



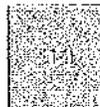
76. **Non-compliance:** Refers to: (1) failure to comply with any requirement of this Regulation, or (2) failure to implement or achieve conditions or actions required under this Regulation.
77. **Operational life:** Refers to the period beginning when installation of the UST System commences until the time the UST System is properly closed in compliance with this Regulation.
78. **Operator:** Any person in control of, or having responsibility for, the daily operation of the UST System.
79. **Overfill release:** Release that occurs when a tank is filled beyond its capacity, resulting in a discharge of the regulated substance to the environment.
80. **Owner:** Person that possess a UST System used for storage, or dispensing of regulated substances, or that possessed such UST System immediately before the discontinuation of its use.
81. **Permit:** Authorization, license, or document issued by the Board to implement the requirements of this Regulation.
82. **Person:** Individual, trust, firm, joint-stock company, federal agency, corporation, municipality, consortium, a joint venture, a commercial entity, the United States Government, and the Government of the Commonwealth of Puerto Rico.
83. **Petroleum Marketing Facilities:** Includes all facilities where petroleum is produced or refined, and all facilities that sell or transfer petroleum to other petroleum retailers or the public.
84. **Petroleum UST System:** A UST System that contains petroleum or a mixture of petroleum with *de minimus* quantities of other regulated substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, lubricants, petroleum solvents, and used oils.
85. **Pipe or Piping:** Hollow cylinder or the tubular conduit constructed of non-earthen materials, that routinely contains and conveys regulated substances from the underground tank to the dispenser or other end-use equipment. Such piping includes any elbows, couplings, unions, valves, or other in-line fixtures that contain and convey regulated substances from an underground tank to the dispenser or other end-use equipment. This definition does not include vent, vapor recovery, or fill lines.
86. **Pipeline facilities:** Are new and existing pipe rights-of-way and any associated equipment, facilities, or buildings; including gathering lines.



87. **Post-Secondary Institution:** Educational institution, public or private, composed by one or more institutional units, demanding as a requirement for admission the certificate or high school diploma or its equivalent and which academic offers conducts to at least an associate's degree; or in any way declare, promise, announce or express the intention of granting grades, diplomas, certificates, titles or other academic acknowledgement for higher education.
88. **Potable drinking water well:** Any hole (dug, driven, drilled, or bored) that extends into the earth until it meets groundwater which supplies water for a non-community public water system, or otherwise supplies water for household use (consisting of drinking, bathing, and cooking, or other similar uses). Such wells may provide water to entities such as a single-family residence, group of residences, businesses, schools, parks, campgrounds, and other permanent or seasonal communities.
89. **President of the Board:** President of the Governing Board of the Environmental Quality Board.
90. **Previously deferred UST Systems:** UST System that were exempt from complying with the Regulation for the Control of Underground Storage Tanks, No. 4362 of November 14, 1990, which are: hydrant fuel distribution systems located in airports, UST System built on the ground, wastewater treatment tank systems not regulated under section 402 or 307 (b) of CWA and treating controlled substances under this Regulation, UST System that store fuel to be used only in emergency power generators in nuclear power generating facilities and UST Systems containing radioactive material.
91. **Public water system (PWS):** A system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty five (25) individuals daily at least sixty (60) days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under control of the operator of such system and, any collection or pretreatment storage facilities not under such control that is used primarily in connection with such system. Such term does not include any "special irrigation district." A public water system is either a "community water system" or a "non-community water system."
92. **Puerto Rico Water Act:** Refers to Act No. 136 of June 3, 1976, as amended, known as the Conservation, Development and Use of Water Resources Act.
93. **Quality Assurance Project Process:** Written document that describes in detail the necessary technical activities for quality control and assurance that must be implemented to ensure the compliance of generated and processed results with the data quality objectives required by the Board.



94. **RBCA:** Refers to Risk Based Corrective Action.
95. **RCAAP:** Refers to the Regulation for the Control of Atmospheric Air Pollution, adopted by the Board.
96. **RCHSW:** Refers to the Regulation for the Control of Hazardous Solid Waste, adopted by the Board.
97. **RCRA:** Refers to the Resource Conservation and Recovery Act of 1976, as amended (42 USC § 6901 et seq.).
98. **Recognized Association:** A juridical person dedicated to a specific field, formed by a group of associates or partners, in pursuit of a purpose.
99. **Red tag:** A mechanism of identification that the Board places on the fill pipe of a tank as a preventive measure due to the existence of any of the enumerated conditions prescribed in Rule 927 of this Regulation that poses a risk to public health and safety. The tag or device is easily visible to the product deliverer and clearly states that it is prohibited to deliver, deposit, or accept product.
100. **Registered Existing UST System:** Tank system used to contain an accumulation of regulated substances that was operating or for which an installation had commenced before the effective date of this Regulation, and the owner and operator had obtained all authorizations from the Board.
101. **Registered existing UST System:** Refers to a UST System used to store regulated substances that was operating, or for which installation had commenced before the effective date this Regulation, and the owner and operator had obtained all authorizations from the Board.
102. **Regulated substance:** Petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons, such as motor fuels, jet fuel, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils and any substance defined in CERCLA; and petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).
103. **Release detection:** The act of determining whether a release of a regulated substance has occurred from a UST System into the environment or into the interstitial space between the UST System and its secondary barrier or secondary containment around it.
104. **Release:** Any spilling, leaking, emitting, discharging, escaping, leaching or disposing from an UST System into groundwater, surface water or subsurface soils.



105. **Repair:** Restore a tank, piping, spill prevention equipment, overfill prevention equipment, release detection equipment, and other UST System component, that has caused a release or a suspicious release of product from the UST System or that has failed to function properly.
106. **Replace:** Remove an existing tank and install another tank. In case of piping, remove fifty (50) percent or more of piping and install other piping, connected to a single tank. In case of tanks with multiple piping runs, this definition applies to each piping run individually.
107. **Residential tank:** Tank located on property used primarily for dwelling purposes.
108. **RMNHSW:** Regulations for the Management of Non-Hazardous Solid Waste, adopted by the Board.
109. **RWQS:** Refers to the Water Quality Standards Regulation adopted by the Board.
110. **SARA:** Refers to Superfund Amendment and Reauthorization Act.
111. **School:** All structures, including their annexes, gardens, recreational area and parking lot, used as a learning site regardless of the educational level of it or that a group of students from more than one educative level meet in one learning site.
112. **School hours:** The period, which covers the times of 6:00a.m. to 6:00p.m., during school days or working hours, according to Act No. 22-2000, as amended.
113. **Secondary containment or secondarily contained:** A release prevention and release control system for a tank and/or piping. These systems have an inner and outer barrier with an interstitial space that is monitored for leaks.
114. **Sensitive geologic areas:** Any of the following: (1) significant aquifers; (2) primary sand and gravel recharge areas; or (3) locations within a radius of 500 feet (152.40 m) of a public or private drinking water supply and sinkholes.
115. **Septic tank:** Water-tight, covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such receptacle is distributed for disposal through the soil and settled solids and scum from the tanks are pumped out periodically and hauled to a treatment facility.
116. **Significant aquifer:** Porous formation, identified by the latest current U.S. Geological Survey (USGS) maps, that contains significant recoverable quantities of water that may be used or are used as drinking water supplies.



117. **Significant non-compliance:** Refers to non-compliance associated with any part of this Regulation related to the requirements established under the EP, applicable to UST Systems.
118. **Spill:** See Release
119. **Storm water or wastewater collection system:** Piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation from and to retention areas or any areas designated for treatment. The collection of storm water and wastewater does not include treatment of these, except where it is incidental to its conveyance.
120. **Substantial Business Relationship:** Degree of a business relationship necessary, under applicable laws of the Commonwealth of Puerto Rico, to make a guarantee contract issued concomitant to that relationship be valid and be enforceable. A guarantee contract is issued "concomitant to that relationship", if it arises from and depends on existing economic transactions between the guarantor and the owner or operator.
121. **Substantial Governmental Relationship:** Extent of a governmental relationship necessary under applicable state law, to make an added guarantee contract issued incident to that relationship valid and enforceable. A guarantee contract is issued "incident to that relationship", if it arises from a clear commonality of interest in the event of an UST System release such as: coterminous boundaries, overlapping constituencies, common ground-water aquifer, or other relationship other than monetary compensation that provides a motivation for the guarantor to provide a guarantee.
122. **Surface impoundment:** Natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with artificial materials), that is not an injection well and uses the surface where it rests as a structural support to maintain its integrity and content.
123. **Tank:** A stationary device designed to contain or store a regulated substance accumulation and it is constructed of non-earthen materials, such as: concrete, steel and plastic, which provide structural support.
124. **Transfer of ownership:** A change of owner of a facility.
125. **UL:** Refers to the Underwriters Laboratories.
126. **Underground area:** An underground area, 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.
127. **UICR:** Refers to the Underground Injection Control Regulation, adopted by the Board.

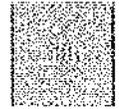


128. **Underground source of drinking water:** An aquifer or a portion of it that supplies water to any public or private potable water supply system; or contains a sufficient quantity of groundwater to supply to a public water system and currently supplies or could supply potable water for human consumption; or contains less than 10,000 mg/l total dissolved solids; and it is not an exempted aquifer, according with the Underground Injection Control Regulation.
129. **Underground Storage Tank or UST:** A tank or a combination of tanks, including underground pipes and equipment connected, used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected), is 10 percent or more beneath the surface of the ground.
130. **Unsaturated zone:** Is the subsurface containing water under pressure less than that of the atmosphere, including water held by capillary forces within the soil and containing air or gases generally under atmospheric pressure. This zone is located between the ground surface and the saturation zone (the water table) or phreatic surface.
131. **Upgrade:** Addition or retrofit of some systems such as cathodic protection, lining, or control of spill and overflow to improve the ability of an UST System to prevent releases of product.
132. **USGS:** Refers to the United States Geological Survey.
133. **UST System or Tank System:** One or more underground storage tanks, connected underground pipes, auxiliary equipment and containment system, if any.
134. **UST System Closure:** Process for which an owner or operator uninstalls, disconnects and removes (or seals) one (1) or more UST, underground piping and auxiliary equipment in order for, after such removal process (sealed), the UST System ceases to exist and the surrounding area where it was contained could be evaluated as required by this Regulation.
135. **UST System Closure Permit:** The legally enforceable authorization issued by the EQB to perform the closure activities in accordance with this Regulation.
136. **UST System for hazardous substances:** A UST System that contains a hazardous substance defined in CERCLA, except: any substance regulated as a hazardous waste under Subtitle C of RCRA, or any mixture of such substances and petroleum.
137. **UST System Installation:** Process by which an owner or operator places and connects in a specific piece of land one (1) or more Underground Storage Tanks, underground piping and auxiliary equipment in order for it to, after the installation process is completed, work jointly and interconnected as a UST System for storage of substances regulated under this Regulation.



138. **UST System Installation Permit:** The legally enforceable authorization issued by the EQB to perform installation activities in accordance with this Regulation.
139. **UST System Operation Permit:** The legally enforceable authorization issued by the Board to a facility after the UST System has been newly installed or for its operation according to this Regulation.
140. **Violation:** Non-compliance or significant non-compliance with any requirement or condition established under this Regulation and Section 1527 of the Energy Policy Act of 2005 that amends Subtitle I of the Solid Waste Disposal Act.
141. **Wastewater treatment tank:** An underground storage tank that is designed to receive and treat an effluent wastewater through physical, chemical, or biological methods.
142. **Well:** Any perforation, excavation or drilled hole, whose depth is greater than the surface dimension.

RULE 806 RESERVED



PART II UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION AND NOTIFICATION

RULE 807 PERFORMANCE STANDARDS FOR NEW UST SYSTEMS

Owners and operators of new UST Systems shall comply with the following requirements, in order to prevent releases caused by to structural failure, corrosion, spills or overfills:

A. TANKS

Each tank must be properly designed and constructed, and any of its underground portion that routinely contains a regulated substance must be protected from corrosion, in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified in this Rule. In addition, all new or replaced tanks whose installation began after the effective date of this Regulation, must have one of the following secondarily contained alternatives:

1. The tank is constructed of fiberglass-reinforced plastic; or
2. The tank is constructed of steel and is cathodically protected in the following manner:
 - a. The tank is coated with suitable dielectric material;
 - b. Field-installed cathodic protection systems are designed by a corrosion expert;
 - c. Impressed current systems are designed to allow determination of current operating status, as required in Part III of this Regulation; and
 - d. Cathodic protection systems are operated and maintained in accordance with Part III of this Regulation.
3. The tank is constructed of steel and is coated or jacketed with non-corrosive material; or
4. The tank is constructed of metal without additional corrosion protection measures provided that:
 - a. The tank is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release, due to corrosion during its operating life; and
 - b. Owners and operators maintain records that demonstrate compliance, for the remaining life of the tank; or



5. The tank construction and corrosion protection are determined by the Board to be designed to prevent the release or threatened release of any stored regulated substance, in a manner that is no less protective of human health and the environment than this Rule; or
6. The tank is secondarily contained. Secondary containment must be, periodically, tested in accordance with Part III of this Regulation. Secondarily contained tanks must meet the following:
 - a. Be able to contain regulated substances leaked from the primary containment until they are detected and removed; and
 - b. Be able to prevent the release of regulated substances to the environment, at any time during the operational life of the UST System.

B. PIPING

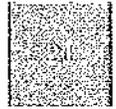
The piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed, and protected from corrosion, in accordance with a code of practice developed by a nationally recognized association or independent laboratory that performs these tests. The entire pipeline shall be replaced in its entirety when fifty (50) percent or more of a pipeline is replaced. Also all new or replaced piping where installation began after the effective date of this Regulation, must comply with one of the following requirements:

1. The piping is constructed of non-corrosive material; or
2. The piping is constructed of steel and cathodically protected in the following manner:
 - a. The piping is coated with a suitable dielectric material;
 - b. Field-installed cathodic protection systems are designed by a corrosion expert;
 - c. Applied current systems are designed in such a way that let you check the current status of system operation as required by Part III, and
 - d. Cathodic protection systems are operated and maintained in accordance with Part III of this Regulation.
3. The piping is constructed of metal without additional corrosion protection measures provided that:

- a. The piping is installed at a site that is determined by a corrosion expert to not be corrosive enough to cause it to have a release due to corrosion during its operating life; and
 - b. Owners and operators maintain records that demonstrate compliance for the remaining life of the piping.
4. The piping construction and corrosion protection are determined by the Board to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than the requirements in this Rule; or
 5. The piping is secondarily contained. Secondary containment must be periodically tested in accordance with Part III this Regulation. Secondarily contained piping must meet the following:
 - a. Be able to contain regulated substances leaked from the primary containment until they are detected and removed; and
 - b. Be able to prevent the release of regulated substances to the environment, at any time during the operational life of the UST System.

C. SPILL AND OVERFILL PREVENTION EQUIPMENT

1. To prevent spill and overflow associated with the regulated substance transfer to the UST System, owners and operators must use the following spill and overflow prevention equipment:
 - a. Spill prevention equipment that will prevent release of the regulated substance to the environment, when the transfer hose is detached from the fill pipe (e.g., a spill catchment basin); and
 - b. Overflow prevention equipment that will:
 - i. Automatically shut-off the flow into the tank when the tank is no more than ninety five (95) percent full.
 - ii. Alert the transfer operator when the tank is no more than ninety (90) percent full by restricting the flow into the tank or triggering a high-level alarm.
 - iii. Restrict flow thirty (30) minutes prior to overflowing; alert the transfer operator with a high-level alarm one (1) minute before overflowing, or automatically shutoff flow



into the tank, so that none of the fittings located on top of the tank are exposed to product line due to overfilling.

2. Owners and operators are not required to use the spill and overfill prevention equipment specified in this Rule, if:
 - a. The Board determines that the alternative equipment used provides equal or greater protection to human health and environment than the equipment specified in this Rule; or
 - b. The UST System is filled by transfers of no more than twenty five (25) gallons at one time.
3. Flow restrictors used in vent lines may not be used to comply with this Rule, when the overfill prevention equipment has been installed or replaced after the effective date of this Regulation.
4. Spill and overfill prevention equipment must be periodically tested in accordance with Part III of this Regulation.

D. INSTALLATION

1. No person can install a UST System without an installation permit issued by the Board in accordance with Part II of this Regulation. The installation application must be completed in accordance with the forms to be adopted by the Board.
2. All UST System must be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions.

E. CERTIFICATION OF INSTALLATION

Every UST System installation shall be inspected and certified by a person certified by the tank and piping manufacturers, or an installer that has been certified by the related tank and piping manufacturers. Once the installation work is complete, all owners or operators shall submit to the Board evidence of said certification jointly with the Operation Permit application.

F. DISPENSER SYSTEMS

From the effective date of this Regulation, each UST System must be equipped with under-dispenser containment for any new dispenser system installed.



1. A dispenser system is considered new when both the dispenser and the equipment needed to connect the dispenser to the UST System are installed on a facility. The equipment necessary to connect the dispenser to the UST System includes check valves, shear valves, unburied risers or flexible connectors, or other transitional components that are beneath the dispenser and connect the dispenser to the underground piping.
2. Under-dispenser containment must be liquid-tight on its sides, bottom, and at any penetrations. Under-dispenser containment must allow for visual inspection and access to the components in the containment system or be continuously monitored for leaks from the dispenser system.

RULE 808 UPGRADING OR RECONDITIONING OF EXISTING UST SYSTEM.

A. PERMITTED ALTERNATIVE

In accordance with Part VII of this Regulation, owners and operators must permanently close any UST System that does not meet the new UST System performance standards or has not been upgraded in accordance with this Rule.

B. TANK UPGRADING REQUIREMENTS

Steel tanks must be upgraded to meet one of the following requirements in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory:

1. **Interior Lining.** Tanks upgraded by internal lining must meet the following:
 - a. The lining was installed in accordance with the requirements of Part III of this Regulation, and
 - b. Within ten (10) years after the lining installation, and every five (5) years thereafter, the lined tank shall be internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications. If the internal lining is no longer performing in accordance with these specifications and cannot be repaired, then the lined tank must be permanently closed in accordance with Part VII of this Regulation.
2. **Cathodic Protection.** Tanks upgraded by cathodic protection must meet the requirements of Part II of this Regulation, and the integrity of the tank must have been ensured using one of the following methods:
 - a. The tank was inspected internally and evaluated before the installation of the cathodic protection system to assure that the tank is structurally sound and free of perforations caused by corrosion; or



- b. The tank had been installed for a period less than ten (10) years and is monitored monthly to verify releases, in accordance with Part IV of this Regulation; or
 - c. The tank had been installed for a period less than ten (10) years and has been tested to detect perforations caused by corrosion, performing two (2) integrity tests that meet the requirements of Part IV of this Regulation. The first integrity test must be performed before installing the cathodic protection system. The second test must be performed within three (3) and six (6) months, after the first operation of the cathodic protection system; or
 - d. The tank was evaluated to detect perforations caused by corrosion using a method that the Board has determined that it prevents releases, in a manner that provides equal or higher protection to human health and the environment than that provided in this Rule.
3. **Internal Lining combined with Cathodic Protection:** Tanks upgraded by cathodic protection and internal lining must meet the following:
- a. Internal lining was installed in accordance with the requirements of Part II of this Regulation; and
 - b. The cathodic protection system meets the requirements of Part II.

C. PIPING UPGRADING REQUIREMENTS.

Metal piping that routinely contains regulated substances and is in contact with the ground must be cathodically protected, in accordance with the corresponding codes of practice established by a nationally recognized association or an independent laboratory that performs tests and must comply with the requirements of Part II of this Regulation.

D. SPILL AND OVERFILL PREVENTION EQUIPMENT

To prevent spilling and overflowing associated with product transfer to the UST System, all existing UST System must comply with new UST System spill and overfill prevention equipment requirements specified in Part II of this Regulation.

E. UPGRADE REQUIREMENTS FOR PREVIOUSLY DEFERRED UST SYSTEMS

The fuel distribution system for hydrants located in airports, UST systems built on the ground, Tank Systems Wastewater Treatment unregulated under section 402 or 307 (b) of CWA; previously deferred whose installation began before the effective date of this Regulation, shall meet the following requirements in accordance with the dates set out in Part I of this Regulation or shall be permanently closed in accordance with Part VII of this Regulation.

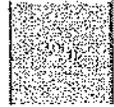


1. **Corrosion protection.** UST System components in contact with the ground that routinely contain regulated substances must meet one of the following requirements:
 - a. The new UST System performance standards for tanks and for piping at Part II of this Regulation; or
 - b. Be constructed of metal and cathodically protected according to a code of practice developed by a nationally recognized association or independent laboratory that performs tests, must meet the following:
 - i. Cathodic protection must meet the requirements of Part II of this Regulation, for tanks and for piping.
 - ii. Tanks greater than ten (10) years old without cathodic protection must be assessed, to ensure the tank is structurally sound and free of corrosion holes prior to adding cathodic protection. The assessment must be done by internal inspection or another method determined by the Board as adequate to assess the tank for structural soundness and corrosion holes.
2. **Spill and overflow prevention equipment.** To prevent spilling and overfilling associated with product transfer to the UST System, all previously deferred UST Systems must comply with new UST System spill and overflow prevention equipment requirements specified for Part II of this Regulation.

RULE 809 REQUIREMENTS FOR TANK VENDORS

- A. Any person who sells a tank intended to be used as an UST and it is regulated under this Regulation, must inform the purchaser of such tank of the owner's obligation to apply for the corresponding permits with the Board, in accordance with this Regulation.
- B. Any person who sells a tank intended to be used as an UST, that is regulated under this Regulation, must include the following language on its "Statement for Shipping Tickets and Invoices":

"The Resource Conservation and Recovery Act (RCRA), as amended, requires owners of certain underground storage tanks to notify the corresponding agencies of the existence of their tanks by May 8, 1986. In Puerto Rico, notifications through permit shall be provided to the Water Quality Area of the Environmental Quality Board. Refer to the U.S. Environmental Protection Agency's (EPA) regulations, issued on November 8, 1985 (40 CFR Part 280) to determine if you are affected by this law".



RULE 810 PERMITS FOR UST SYSTEMS

A. GENERAL CONDITIONS AND PROHIBITIONS

1. No person shall install, operate or close a UST System without previously obtaining a permit from the Board.
2. No person shall modify a UST System without previously obtaining a permit from the Board.
3. An incomplete application will not be considered until it is fully complete.
4. A copy of the Permit with all its conditions and attachments, including monitoring reports, escape detection reports, maintenance registers, and evidence of compliance with all state and federal financial responsibility requirements, shall be maintained at all times in the facility where the UST System is physically located.
5. Every permit application shall be signed by:
 - a. Natural or juridical person owner or operator of the UST System. In case of a juridical person, it must be signed by the highest ranking officer or its duly authorized representative; and
 - b. Person who completes the Permit Application.
6. The owner or operator shall notify in writing and coordinate with the EQB fifteen (15) working days before beginning any activity approved by a permit issued by the Board.
7. For activities, such as, those related to a closure permit, investigations and corrective actions, the owner or operator shall have the responsibility to coordinate with the EQB to ensure the presence of the technical personnel of the Board prior to begin these activities.
8. In all cases, the owner or operator must include a copy of the Permit Application and all its attachments on a compact disc in PDF digital format or any other portable data file format.

B. INSTALLATION PERMIT

The owner or operator must submit an Installation Permit application and it must be approved before the installation of the UST System can take place. Moreover, the owner or operator must ensure the following: (1) compliance with all applicable state and federal laws during the installation process of the UST System; (2) compliance with all health protection and safety standards and codes; and (3) compliance with all standards, guidelines, steps and instructions established by the companies that manufacture each equipment to be installed during the whole installation process, including pre and post installation.



1. **Installation of New UST Systems.** Before commencing construction of a new UST System, the owner or operator must complete the Installation Permit Application through a form to be adopted by the Board and include the following information:
 - a) Name, physical, postal and electronic address, and telephone numbers of:
 - i. Owner of the UST System
 - ii. Place where the UST System is physically located, and the type of the related business, if any;
 - iii. UST System operator;
 - iv. Contact person in case of an emergency, twenty four (24) hours a day;
 - v. Person who prepares the application.
 - b) Name, physical, postal and electronic address, telephone numbers and authorized representative of:
 - i. Natural or juridical person in charge of field activities;
 - ii. Natural or juridical person in charge of environmental supervision activities;
 - iii. Natural or juridical person in charge of health and safety activities;
 - iv. Natural or juridical person in charge of sampling activities;
 - v. Natural or juridical person in charge of laboratory activities;
 - vi. Natural or juridical person in charge of disposal of hazardous solid waste activities;
 - vii. Natural or juridical person in charge of disposal of non-hazardous solid waste activities.
 - c) Evidence of compliance with Article 4(B)(3) of the Environmental Public Policy Act.
 - d) Evidence of compliance with Act No. 161-2009, as amended, known as the Puerto Rico Permits Process Reform Act, and the regulations enacted or promulgated thereunder.



- e) For those UST Systems to be installed with a capacity of ten thousand (10,000) gallons or greater, proof of compliance with the requirement of obtaining an Emission Source Construction Permit under the Regulation for the Control of Atmospheric Air Pollution of EQB (RCAAP) shall be submitted.
- f) Installation Permit for UST Systems issued by the Puerto Rico Firefighters Corps.
- g) Evidence of financial responsibility or transmittal letter of the insurance company showing that the UST System to be installed will be covered by some of the financial responsibility mechanisms according to this Regulation.
- h) Construction plans (size 8.5" x 11"), clearly indicating the design criteria and details of the structural elements, anchoring, location of the UST System, piping, gas pumps, leak detection systems, prevention systems of overfilling and any auxiliary equipment. These plans should be duly sealed and signed by an engineer or architect licensed to practice their profession in the Commonwealth of Puerto Rico. The professional stamp and signature of the engineer or architect shall appear in original in all the pages of the construction plans or only in the first page, if the first page specifies the total number of pages.
- i) Copy of the professional license of the engineer or architect that certifies the plans or other documents.
- j) Copy of the technical specifications of the UST, piping, spills and overfills prevention system, leak detection system and all auxiliary equipment to be installed; this will complement the construction plans. These should be detailed and with specific instructions regarding installation methods, materials, equipment and construction procedures or connection to be used in a manner to ensure they are known, and all standards and guidelines of the manufacturers are followed throughout the whole installation process.
- k) Certification by a licensed professional of the material compatibility of the UST System with the substance to be stored in said system. Furthermore, include copy of the certification of the licensed professional.
- l) A map (size 8.5" x 11") at a scale of 1:2400 (one inch equals 200 feet) covering a radius of 1,000 feet (304.8 meters) and indicate the location of the project and of the following activities or resources (as applicable):

- Primary recharge areas
- Potable water treatment plants (private, public)
- Quarries
- Dams
- Rivers
- Sand or gravel pits
- Superficial body of water
- Coastal areas
- Public buildings



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| - Surface water drains or natural drainage cavities | - Landfill systems (municipal or private) | - Gas stations |
| - Water quality monitoring practice stations (surface or groundwater) | - Mines (superficial or underground) | - Housing |
| - Residential or day care facility for the elderly, disabled and/or children | - Schools and educational institutions | - Highways |
| - Abandoned injection or extraction wells | | - Local or neighboring roads |
| - Springs and waterholes | - Wastewater treatment plants (private, public) | - Power lines (aerial and underground) |
| - Churches and chapels | - Hospitals and Diagnostic and Treatment Centers | - Potable and sanitary water underground piping |
| - Lakes and reservoirs | - Wetlands and mangroves | - Floodplains |
| - Television cable lines (aerial and underground) | - Streams | - Water holding tanks (potable/wastewater) |
| - Monuments and historical sites | - Fiber optic lines (aerial and underground) | - Industrial zones |
| | - Telephone lines (aerial and underground) | - Estuaries |

- m) A topographic map (size 8.5" x 11") at a scale of 1:20,000 showing the exact location of the project, the existing or proposed ground elevations, that certifies and demonstrates that it is not an alluvial plain, and indicating the maximum flood level for that area.
- n) Geological survey, certified by an authorized professional to conduct such study, describing the geology and hydrology prevailing in the area where the UST System will be located, including soil type, plasticity, drainage, potential of erosion, permeability, available water capacity, groundwater (unsaturated water table or potentiometric surface metric, saturated zone, non-saturated zone (vadose zone), flow direction and/or hydraulic gradient), hydrological formations (texture, porosity, permeability and condition). The information should not be limited to formations, parameter and structures shown on the maps published by the USGS or the Soil Conservation Service of the USDA. In addition, include copy of the certification of the authorized professional shall be included.
- o) Description of the notification process and actions to take place in case of finding free product in the soil or groundwater, either as liquid or vapor, during the installation of the UST System.
- p) Health and Safety Plan that identifies and details the potential dangers to the environment and health as well as the methods to control them, protection equipment, actions in case of emergency and escape routes.
- q) Proof of payment of the Installation Permit Application fees.



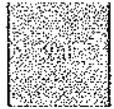
2. **Installation of New Tanks to Registered Existing UST Systems.** An owner or operator wishing to add one (1) or more new tanks to an existing registered UST System, shall comply with the requirements of this Rule for an Installation of New UST System Permit, and include, as part of the requirements, copy of the Operation Permit issued by the Board or copy of the last Certificate of Registration issued by EQB (the latter applies to existing UST Systems registered during a moratorium period).
3. **Installation of New Tanks to Unregistered Existing UST Systems.** An owner or operator wishing to add one (1) or more new tanks to an unregistered existing UST System, shall comply with the requirements of this Rule for a New UST System Operation Permit, and afterwards may apply for a New UST System Installation Permit. As part of the requirements of the permit application, the owner or operator shall include proof of payment of the additional fee prescribed in Rule 951 of this Regulation. This is for possessing an unregistered UST System or whose Certificate of Registration was expired at the effective date of this Regulation.
4. **UST Systems previously deferred.** An owner or operator of previously deferred UST Systems, shall submit an Installation Permit application to the Board.
5. **Duration and Extent of the Installation Permit.**
 - a) The Installation Permit will be effective for one (1) year.
 - b) The validity of the Installation Permit may be extended by the Board, if the owner or operator requests such extension, in writing, within sixty (60) days prior to the expiration date of the Installation Permit. The Board may extend the validity of the permit for a period not exceeding one (1) year, counted from the expiration date of the original Installation Permit. The application for extension of the Installation Permit shall include the following:
 - i. Copy of the Installation Permit issued by the Board.
 - ii. Explanatory memoranda indicating the reasons for the extension of the Installation Permit. If there are changes that constitute a modification (major or minor) to the original Installation Permit, such permit will not be extended and a Modification to the Installation Permit shall be requested.
 - iii. Proof of payment of the application fees for the extension of the Installation Permit.
 - c) If the Installation Permits have expired, while the installation work has not been completed, the owner or operator shall apply for a new Installation Permit, in accordance with this Regulation.



C. OPERATION PERMIT

Every owner or operator shall apply for and obtain an Operation Permit prior to operate any UST System. Furthermore, the owner or operator must ensure the following: (1) compliance with all applicable state and federal laws during the operation of a UST System; (2) compliance with all health protection and safety standards and codes; and (3) compliance with all operation standards, guidelines, steps and instructions for each equipment for the adequate performance of the UST System while it is operating.

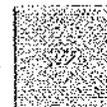
1. **Operation Permit for New UST Systems.** All Operation Permit applications shall include the following information:
 - a. Name, physical, postal and electronic address, and telephone numbers of:
 - i. Owner of the UST System
 - ii. Place where the UST System is physically located, and the type of the related business, if any;
 - iii. UST System operator;
 - iv. Contact person in case of an emergency available twenty four (24) hours a day;
 - v. Person who prepares the application.
 - b. For those UST Systems to be installed with a capacity of ten thousand (10,000) gallons or greater, proof of compliance with the requirement of obtaining an Emission Source Operation Permit under the RCAAP shall be submitted.
 - c. Evidence of financial responsibility according to the applicable mechanism that shows the UST System is covered by any of the financial responsibility mechanisms according to this Regulation.
 - d. Plans according to the work (as-built), including the location of the UST System, piping, fuel dispenser, leak detection systems, overfill prevention systems, and any auxiliary equipment. These plans shall be properly signed and sealed by an engineer or architect licensed to practice in the Commonwealth of Puerto Rico. The professional seal and signature of the engineer or architect shall appear in original in every page of the building plans or only on the first page, if the first page specifies the total number of pages.
 - e. Copy of the professional license of the engineer or architecture that certifies the plans or other documents.



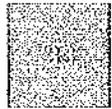
- f. Copy of the manufacturer's warranty together with the tally sheet related to the installation, of all the tanks, piping and auxiliary equipment installed.
- g. Copy of the initial integrity test that assessed that all underground storage tanks, underground piping and auxiliary equipment were properly connected and installed, and adequately operate as a UST System. These integrity tests must be performed by persons certified by the manufacturers of the equipment to be used to perform such tests. Also, a copy of the certification of the licensed professional who performed the test must be included.
- h. Certification that the whole UST System has been inspected, that all the installation process complied with the practice codes, methods, standards, guides, steps and instructions of the manufacturers, and that the UST System complies with all the requirements in this Regulation for its adequate performance. This certification must be made by a licensed professional engineer with experience installing UST Systems and certified by the tanks and pipes manufacturer, or by an installer certified by the manufacturers of the tanks and pipes. A copy of the certification of the licensed professional shall be included.
- i. Photographic evidence of the different stages of the installation of the UST System.
- j. Proof of Certification Training for Operator of every person involved in the operation of the UST System. This refers to Class A, B and C operators of the facility.
- k. Health and Safety Plan that identifies the potential dangers to the environment and health and the methods to control them, protection equipment, actions in case of emergency and escape routes.
- l. Proof of payment of the Operation Permit Application fees.

2. Operation Permit for Existing Registered UST Systems.

- a. The existing and registered UST Systems that, at the effective date of this Regulation, are in compliance with the annual certification (Effective Certificate of Registration), may benefit from a moratorium whereby EQB will certify the existing registered UST System for one (1) additional year. In order to obtain this certification, the owner or operator shall complete the certification form according to the process prescribed, prior to the effective date of this Regulation, and comply with the following requirements:



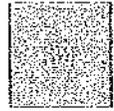
- i. Provide evidence of the financial responsibility effective for one (1) additional year that proves the existing registered UST System is covered by the applicable mechanism.
 - ii. Provide copy of the leak detector testing of the System used for the tanks, piping (pressure or suction) and leak detector, showing its integrity and that no release has occurred during the last year of operation. These tests must be performed by persons certified by the manufacturers of the equipment used for performing such tests. Also, include a copy of the certification of the licensed professional who performed the test.
 - iii. Provide evidence of the operation, monitoring y maintenance of the existing UST System registered during the last year of operation.
 - iv. Proof of payment of the fees corresponding to the annual certification.
 - b. Subsequent to the effective year of the Certificate of Registration issued as part of the moratorium, the owner or operator shall submit an application for Renewal of the UST System Operation Permit according to this Regulation. This moratorium applies only for the processing of the Operation Permit, provided that it does not exempt compliance with other provisions of this Regulation.
 - c. This moratorium does not apply to existing UST Systems, which at the effective date of this Regulation, did not comply with the annual certification (Certificate of Registration). For these existing UST Systems, an application for Renewal of UST System Operation Permit shall be submitted according to this Rule, and include proof of payment of the additional fees prescribed in Rule 951 of this Regulation, due for possessing an existing UST System that has not been registered or whose certificate of registration was expired by the effective date of this Regulation.
3. **Operation Permit for Unregistered Existing UST Systems.** When an owner or operator wishes to add one (1) or more new tanks to an unregistered existing UST System, the owner or operator shall comply with the requirements of this Rule for a New UST System Operation Permit, and afterwards may apply for a New UST System Installation Permit. As part of the requirements of the permit application, the owner or operator shall include proof of payment of the additional fee established in Rule 951 of this Regulation, this is for possessing an unregistered UST System or whose Certificate of Registration was expired at the effective date of this Regulation. Moreover, shall include the following information together with the Operation Permit Application:
 - a. Historical narrative of the facility from its beginning, which shall include:



- i. Changes and data of the owners throughout the time the UST System has operated.
 - ii. Leaking history, if any.
 - iii. Documents showing the corrective actions that were carried out to control leaks, if any.
- b. A map (size 8.5" x 11") at a scale of 1:2400 (one inch equals 200 feet) covering a radius of 1,000 feet (304.8 meters) and indicate the location of the project and of the following areas or resources (as applicable):

- | | | |
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| - Primary recharge areas | - Potable drinking water treatment plants (private, public) | - Quarries |
| - Dams | - Rivers | - Sand or gravel pits |
| - Superficial body of water | - Coastal areas | - Public buildings |
| - Surface water drains or natural drainage cavities | - Landfill systems (municipal or private) | - Gas stations |
| - Water quality monitoring practice stations (surface or groundwater) | - Mines (superficial or underground) | - Housing |
| - Residential or day care facility for the elderly, disabled and/or children | - Schools and educational institutions | - Highways |
| - Abandoned injection or extraction wells | | - Local or neighboring roads |
| - Springs and waterholes | - Wastewater treatment plants (private, public) | - Power lines (aerial and underground) |
| - Churches and chapels | - Hospitals and Diagnostic and Treatment Centers | - Potable and sanitary water underground piping |
| - Lakes and reservoirs | - Wetlands and mangroves | - Floodplains |
| - Television cable lines (aerial and underground) | - Streams | - Water holding tanks (potable/wastewater) |
| - Monuments and historical sites | - Fiber optic lines (aerial and underground) | - Industrial zones |
| | - Telephone lines (aerial and underground) | - Estuaries |

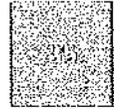
- c. A topographic map (size 8.5" x 11") at a scale of 1:20,000 showing the exact location of the project, the existing or proposed ground elevations, that certifies and demonstrates that it is not an alluvial plain, and indicating the maximum flood level for that area.



- d. Geological survey, certified by an authorized professional to conduct such study, describing the geology and hydrology prevailing in the area where the UST System will be located, including soil type, plasticity, drainage, potential of erosion, permeability, available water capacity, groundwater (unsaturated water table or potentiometric surface metric, saturated zone, non-saturated zone (vadose zone), flow direction and/or hydraulic gradient), hydrological formations (texture, porosity, permeability and condition). The information should not be limited to formations, parameters and structures shown on the maps published by the USGS or the Soil Conservation Service of the USDA. In addition, include copy of the certification of the authorized professional shall be included.
- e. Evidence of suspicion and/or confirmation of leaks occurred in the facility within the last three (3) years. If the facility is contaminated, submit evidence of any investigation, corrective action and progress reports performed in the last three (3) years.
- f. Evidence in writing for the last three (3) years of:
 - i. Records of monitoring, calibration and maintenance of leak detection systems (tank, piping, leak detector), prevention of spills and overfilling (secondary containment system), cathodic protection (if applicable).
 - ii. Inspection rounds, operation and maintenance.
- g. If the owner and operator of said existing UST Systems fail to show compliance with these additional requirements, they shall apply for a Closure Permit according to this Regulation.

4. Validity and Renewal of the Operation Permit.

- a. The Operation Permit of the UST System may be renewed by EQB, if the system was inspected by the Board at least on one (1) occasion during the validity of the Permit, and if in said inspection it was verified that the UST System complied with all the requirements of this Regulation. If from the inspection breach was found, then the owner or operator shall demonstrate that all required corrections were carried out and that the UST System is in compliance, prior to the renewal of the Operation Permit.
- b. The Operation Permit will be effective for three (3) years.
- c. The application for renewal of the Operation Permit shall be submitted to the Board at least sixty (60) days prior to the expiration date of the original Operation Permit. If the application for renewal of the Operation Permit is submitted and it meets all requirements within the specified period, the existing



Operation Permit will be extended until the Board confirms that the facility complies with this Regulation and issues a new Operation Permit.

- d. The Renewal Operation Permit application shall include the following information:
 - i. Name, physical, postal and electronic address, and telephone numbers of:
 1. Owner of the UST System
 2. Place where the UST System is physically located, and the type of the related business, if any;
 3. UST System operator;
 4. Contact person in case of emergency available twenty four (24) hours a day;
 5. Person who prepares the application.
 - ii. Name, physical, postal and electronic address, telephone numbers and authorized representative of:
 1. Natural or juridical person in charge of equipment maintenance;
 2. Natural or juridical person in charge of environmental compliance;
 3. Natural or juridical person in charge of health and safety during the operation.
 - iii. Evidence of compliance with Act No. 161-2009, as amended, and the regulations promulgated thereunder.
 - iv. For those UST Systems with a capacity of ten thousand (10,000) gallons or greater, proof of compliance with the requirement of obtaining an Emission Source Operation Permit under the RCAAP.
 - v. Evidence of financial responsibility according to the applicable mechanism showing that the UST System to be in operation is covered by any of the financial responsibility mechanisms according to this Regulation.
 - vi. Evidence of suspicion and/or confirmation of leaks occurred in the facility within the last three (3) years (if applicable). If the facility is



listed in LUST, submit evidence of any investigation, corrective action and progress reports performed in the last three (3) years.

- vii. Evidence in writing for the last three (3) years of:
 - 1. Records of monitoring, calibration and maintenance of leak detection systems (tank, piping, leak detector), prevention of spills and overfilling (secondary containment system), and cathodic protection (if applicable).
 - 2. Inspection rounds, operation and maintenance
 - viii. Copy of the integrity test that assessed that all underground storage tanks, underground piping and auxiliary equipment adequately operate as a UST System. These integrity tests must be performed by persons who are certified by the manufacturers of the equipment to be used to perform such tests. Also, a copy of the certification of the licensed professional who performed the test must be included.
 - ix. Copy of the Operation Permit approved by the Board or copy of the last Certificate of Registration issued by EQB (the latter applies to existing registered UST Systems in moratorium period).
 - x. Proof of Certification Training for Operator of every person involved in the operation of the UST System. This refers to Class A, B and C operators of the facility.
 - xi. Health and Safety Plan that identifies the potential dangers to the environment and health and the methods to control them, protection equipment, actions in case of emergency and escape routes.
 - xii. Proof of payment of the Operation Permit Application fees.
- e. In case of expired Operation Permits, the owner or operator shall request the Operation Permit for new UST Systems, submit all required information again and include, as part of the requirements, proof of payment of the additional fee established in Rule 951 of this Regulation, due to failure of renewing the Operation Permit within the period of time established in this Regulation.

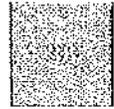
D. CLOSURE PERMIT

Prior to performing any type of activity for closure of a UST System, the owner or operator shall apply for and obtain a Closure Permit. For everything corresponding to the closure of UST Systems, the owner or operator shall follow everything established in Part VII of this Regulation and the

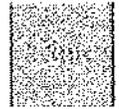


closure guide to be adopted by the Board. In addition to the Closure Permit, the owner or operator shall ensure the following: (1) compliance with all applicable state and federal laws during the closure of the UST System; (2) compliance with all health protection and safety standards and codes; and (3) compliance with all standards, guidelines, steps and instructions of the companies that manufacture each equipment to close during the closure process including pre and post removal.

1. **Closure Permit for Registered New and Existing UST Systems.** Every Closure Permit Application for new and existing UST Systems that are registered shall include the following information:
 - a. Name, physical, postal and electronic address, and telephone numbers of:
 - i. Owner of the UST System
 - ii. Place where the UST System is physically located, and the type of the related business, if any;
 - iii. UST System operator;
 - iv. Contact person in case of an emergency, twenty four (24) hours a day;
 - v. Person who prepares the application.
 - b. Name, physical, postal and electronic address, telephone numbers and authorized representative of:
 - i. Natural or juridical person in charge of field activities;
 - ii. Natural or juridical person in charge of environmental supervision activities;
 - iii. Natural or juridical person in charge of health and safety activities;
 - iv. Natural or juridical person in charge of sampling activities;
 - v. Natural or juridical person in charge of laboratory activities;
 - vi. Natural or juridical person in charge of disposal of hazardous solid waste activities;
 - vii. Natural or juridical person in charge of disposal of non-hazardous solid waste activities.
 - c. Evidence of compliance with Article 4(B)(3) of the Environmental Public Policy Act.



- d. Evidence of compliance with Act No. 161-2009, as amended, and the regulations promulgated thereunder.
- e. Historical narrative of the facility from its beginning, which shall include:
 - i. Changes and data of the owners throughout the time the UST System has operated.
 - ii. History of modifications, expansion, spills, investigation, corrective actions (as applicable). For these events, include a summary of field sampling and analytical that are available.
 - iii. Documents showing the corrective actions that were implemented to control leaks, if applicable.
 - iv. History of the UST System including: installation date, date when it was taken out of service, substances that were stored in the system (common and commercial name, and description thereof).
- f. Evidence of financial responsibility according to the applicable mechanism that shows that the UST System to be closed is covered by any of the financial responsibility mechanisms established in this Regulation.
- g. Plans according to the work (as-built), including the location of the UST System, piping, fuel dispensers, leak detection systems, overfill prevention systems, and any auxiliary equipment. These plans shall be properly sealed and signed by an engineer or architect licensed to practice in the Commonwealth of Puerto Rico. The professional seal and signature of the engineer or architect shall appear in original in every page of the building plans or only on the first page, if the first page specifies the total number of pages.
- h. Installation Diagram with the location and nomenclature of all sampling points identified according to the size of the excavation (identify dimensions), the manner the UST was placed, visual inspection of the excavation and the geology, topography or lithology of the area. Include Lambert coordinates of the location of the tanks and the sampling points.
- i. Copy of the table of sampling parameters, QA/QC samples, containers to be used, preservatives, sampling equipment, and other relevant data that is previously planned that may facilitate accelerate the sampling process.
- j. Copy of the professional license of the engineer or architect who certifies the plans or other documents.



- k. Evidence of suspicion and/or confirmation of leaks occurred in the facility within the last three (3) years. If the facility is listed in LUST, submit evidence of any investigation, corrective action and progress reports performed in the last three (3) years.
 - l. Evidence in writing for the last three (3) years of:
 - i. Records of monitoring, calibration and maintenance of leak detection systems (tank, pipe, leak detector), prevention of spills and overfilling (secondary containment system), cathodic protection (if applicable).
 - ii. Inspection rounds, operation and maintenance
 - m. Copy of the Operation Permit approved by the Board or copy of the last Certificate of Registration issued by EQB (the latter applies to existing registered UST Systems in moratorium period).
 - n. Certifications ACA 1A and ACA 2A duly completed.
 - o. Description of the notification process and actions to carry out in case of finding free product in the soil or groundwater, either as liquid or vapor, during the installation of the UST System.
 - p. Schedule with possible dates for the work to be performed for closure of the UST System.
 - q. Health and Safety Plan that identifies the potential dangers to the environment and health and the methods to control them, protection equipment, actions in case of emergency and escape routes.
 - r. In case of a site closure application, must include all relevant information supporting the fact that the UST System cannot be physically removed. The Board may require the removal of the tank and deny the site closure application if the Board understands that there are existing conditions adverse to health and/or the environment, such as evidence of leakage or spill, or if contaminated soil or water is discovered during the closure process.
 - s. Proof of payment of the fees corresponding to the Closure Permit Application.
2. Closure Permit for Registered Existing UST Systems. When an owner or operator wishes to close an existing UST System that is not registered, shall comply with the requirements of this Rule for a Closure Permit for existing UST Systems that are registered. As part of the requirements of the Closure Permit application, the owner or operator shall include proof of payment of the additional fee established in Rule 951 of this Regulation. This is for



possessing an unregistered UST System or whose Certificate of Registration was expired at the effective date of this Regulation. Moreover, the following information shall be included with the Closure Permit Application:

- a. Geological survey, certified by an authorized professional to conduct such study, describing the geology and hydrology prevailing in the area where the UST System will be located, including soil type, plasticity, drainage, potential of erosion, permeability, available water capacity, groundwater (unsaturated water table or potentiometric surface metric, saturated zone, non-saturated zone (vadose zone), flow direction and/or hydraulic gradient), hydrological formations (texture, porosity, permeability and condition). The information should not be limited to formations, parameter and structures shown on the maps published by the USGS or the Soil Conservation Service of the USDA. In addition, include copy of the certification of the authorized professional.
- b. In case of an abandoned UST System, and it is not possible to comply with any of the requirements established for a Closure Permit for existing registered UST Systems, the Board will accept an affidavit from the owner or operator stating the justified reasons for not knowing of the existence of the abandoned UST System, the reasons why it cannot meet with the requirement and an express assumption of responsibility of all actions related with respect to closure, including any investigation and corrective action necessary to perform.

3. Validity and Extension of the Closure Permit.

- a. The Closure Permit will be effective for one (1) year.
- b. The validity of the Closure Permits may be extended by the Board, if the owner requests such extension in writing within sixty (60) days prior to the expiration date of the Closure Permit. The Board may extend the effective term of the permit for a period not exceeding one (1) year, counted from the expiration date of the original Closure Permit. The application for extension of the Closure Permit shall include the following:
 - i. Copy of the Closure Permit issued by the Board.
 - ii. Explanatory memoranda indicating the reasons for the extension of the Closure Permit. If there are changes that constitute a modification (major or minor) to the original Closure Permit, such permit will not be extended and a Modification to the Closure Permit shall be requested.
 - iii. Proof of payment of the application fees for the extension of the Closure Permit.



- c. Closure Permits that have expired, while the closure work has not been completed, the owner or operator shall apply for a new Installation Permit, in accordance with this Regulation.

E. REPLACEMENT OF EXISTING UST SYSTEMS

1. **Replacement of Registered Existing UST Systems.** When a new UST System is to be installed in the same excavation, where a registered existing UST System was or is located, compliance with the requirements of this Rule for Installation of a new UST System Permit and a Closure Permit for registered existing UST Systems is required, and in addition:

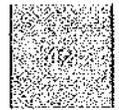
- a. If the existing registered UST System was permanently closed and it is not necessary additional measures such as Research Site and/or Corrective Actions; shall include as part of the requirements evidence that it obtained the letter of relief for the permanent closure of the existing registered UST System issued by EQB.

If the existing registered UST System was permanently closed and if from the closing process appears that the analytical results exceed the cleanup levels adopted by the EQB, could be installed the new UST System in the same excavation, as long as the owner or operator submits a Research Plan of the Area to determine the horizontal and vertical extent of contamination. The EQB will not accept as a justification using the new UST System installed as an impediment to perform activities in the area. If the owner or operator understands that it is not possible to perform activities of Research of the Area and/or Corrective Actions with the new installed UST System, he shall perform only the closure according with the procedures of the Board, and based on the results obtained, perform the activities of Research of the Area and/or Corrective Actions prior to installing the new UST System. The Board's objective is to prevent contaminated pits that may contribute to the contamination of the soil and groundwater.

2. **Replacement of unregistered existing UST Systems.** When a new UST System is to be installed in the same excavation where a unregistered existing UST System was or is located, it shall comply with the requirements of this Rule for replacement of existing registered UST Systems. In addition, as part of the requirements must include proof of payment of the additional fee established in Rule 951 of this Regulation; this is for possessing an unregistered UST System or whose Certificate of Registration was expired at the effective date of this Regulation.

F. MODIFICATION OF PERMITS.

When an owner or operator wishes to perform modifications (major or minor) to the UST System, to any Permit issued by the Board, within 30 (30) days prior to making such changes, the owner or operator shall complete a Modification Permit Application and meet the following requirements:



1. Copy of the Permit issued by the Board.
2. Explanatory memorandum indicating the reasons for the modification (major or minor) of the Permit, including a list of the documents that were modified and specifying the parts, sections or others that were modified. Include all modified documents in original that are affected by said modification.
3. Proof of payment of the fees corresponding to the Permit Modification.

G. SUSPENSION AND REVOCATION OF PERMITS.

The Board may revoke or suspend any issued Permit, in accordance with the requirements in this Regulation, the Environmental Public Policy Act and the Uniform Administrative Procedure Act.

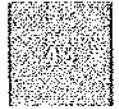
RULE 811 QUALITY ASSURANCE PROJECT PROCESS

A. GENERAL REQUIREMENTS

1. The owner or operator who performs sampling activities and sample analysis must comply with the procedure established in the closure guide adopted by the Board.
2. The Final Closure Report required by the closure guide adopted by the Board, must be submitted within the period of ninety (90) days after the closure of the UST System.
3. All analyses must be performed using the methods approved by the EPA.

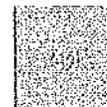
B. CORRECTIVE ACTION REQUIREMENTS

1. The corrective actions to be implemented must be approved by the Board and must follow the procedure established in the closure guide adopted by the Board. Corrective actions will be required when the results of sample analyses during a site assessment, closure, or release investigation of a UST System indicate levels that exceed any of the action levels established in Appendix I.
2. EQB may also consider other mechanisms of Corrective Action such as Risk Based Corrective Action (RBCA). The requirements for these other mechanisms will be included in the guidelines developed or adopted by the Board.
3. Clean-up levels to be used in corrective actions are those included in Appendix I, or the levels developed and adopted by the Board for other Corrective Actions Mechanisms such as Risk Based Corrective Action (RBCA).
4. The Corrective Actions approved by the Board, prior to the effective date of this Regulation, for Total Petroleum Hydrocarbons (TPH) in the tanks of gasoline, oil or diesel must demonstrate that the cleanup levels do not exceed the value of one hundred (100) ppm, in order for the levels to be acceptable for the Board.



5. The owner or operator that has undertaken corrective actions approved by the Board, prior to the effective date of this Regulation, for TPH in the tanks of gasoline, oil or diesel, has the alternative for the same Corrective Action, to use the levels of cleaning of Appendix I, as long as the Board approves the modification of the parameters in the corresponding Corrective Action.
6. All Corrective Actions, in addition to compliance with this Rule for the parameters in Appendix I, must comply with all federal and state regulations, for other parameters not regulated under this Regulation and for the ones contamination is found.

RULE 812 RESERVED



PART III GENERAL OPERATING REQUIREMENTS

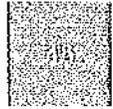
RULE 813 SPILL AND OVERFILL CONTROL

- A. Owners and operators must ensure that releases due to spills or overfills do not occur, and that the volume available in the tank is greater than the volume of product to be transferred to the tank, before the transfer is made. The transfer operation shall be monitored periodically, to prevent overfilling and spilling.
- B. The owners and operators are responsible for reporting, investigating, and clean up any spill and overfill in accordance with Part V of this Regulation.

RULE 814 OPERATION AND MAINTENANCE OF CORROSION PROTECTION

All owners and operators of metal UST Systems with corrosion protection must ensure that releases due to corrosion are prevented until the UST Systems is permanently closed or undergoes a change-in-service, pursuant to Part VII of this Regulation. To those effects, they shall comply with the following requirements

- A. All corrosion protection systems must be operated and maintained, to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground.
- B. All UST Systems equipped with cathodic protection systems must be inspected and certified for proper operation, by a qualified cathodic protection tester in accordance with the following requirements:
 - 1. Frequency. All cathodic protection systems must be tested within six (6) months of installation and, at least, every three (3) years thereafter;
 - 2. Inspection Criteria. The criteria that are used to determine that the cathodic protection is adequate, as required by this Rule, must be in accordance with a code of practice developed by a nationally recognized association.
- C. UST Systems with impressed current cathodic protection systems must be inspected every sixty (60) days to ensure that the equipment is functioning properly.
- D. For UST Systems using cathodic protection, records of the operation of the cathodic protection must be maintained, in accordance with Part III this Regulation, to demonstrate compliance with the performance standards in this Rule. These records must include the following:
 - 1. The results of all the inspections required in section C of this Rule; and



2. The results of all testing required in this Rule.

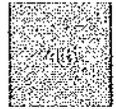
RULE 815 COMPATIBILITY

- A. Owners and operators must use an UST Systems, made of or lined with materials that are compatible with the substance stored in the UST System.
- B. Owners and operators storing any regulated substance containing greater than ten (10) percent ethanol or greater than twenty (20) percent biodiesel, or any other regulated substance identified by the Board, must use one or more of the following methods to demonstrate UST System compatibility with these regulated substances:
 1. Certification or listing of UST Systems components by a nationally recognized testing laboratory, for use with the regulated substance stored;
 2. Equipment or component manufacturer approval. The manufacturer's approval must be in writing, indicate an affirmative statement of compatibility, specify the range of biofuel blends the component is compatible with; or
 3. Another method determined by the Board that protects human health and the environment even more than the methods listed in this Rule.

RULE 816 REPAIRS ALLOWED

Owners and operators must ensure that repairs to the UST System will prevent releases due to structural failure or corrosion during the whole time the UST System is used to store regulated substances. The repairs must meet the following requirements:

- A. Repairs to UST Systems must be conducted in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory that performs this type of repairs.
- B. Repairs to fiberglass-reinforced plastic tanks may be made by the manufacturer's authorized representatives or in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory that performs this type of work.
- C. Metal pipe sections and fittings that have released product as a result of corrosion or other damage must be replaced. Non-corrodible pipes and fittings must be repaired in accordance with the manufacturer's specifications.
- D. Repaired tanks and piping must be tightness-tested in accordance with Part IV within thirty (30) days following the date of the completion of the repair, except as provided below. The



certified results of the mechanical integrity tests must be submitted to the Board within twenty (20) calendar days after the test date:

1. When the repaired tank is internally inspected in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory; or when
 2. The repaired portion of the UST Systems is monitored monthly for releases in accordance with the method specified in Part IV;
 3. UST Systems with secondary containment must be tested as specified in Part III within thirty (30) days following the completion of any repair
- E. Within six (6) months following the repair of any cathodically protected UST System, the cathodic protection system must be tested in accordance with Part III to ensure that it is operating properly.
- F. The repaired spill or overfill prevention equipment must be tested within thirty (30) days of its repairs in accordance with Part III, to ensure it is operating properly.

RULE 817 REPORTING AND RECORDKEEPING

Owners and operators of UST Systems shall allow Board personnel, advisors and representatives to perform inspections, monitoring, and testing and must cooperate with requests for document submission of the monitoring and testing required of the owner or operator pursuant to Puerto Rico Environmental Public Policy Act and this Regulation.

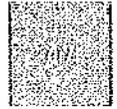
A. REPORTING.

Owners and operators must submit the following information to the Board:

1. Copy of all the UST System Permits.
2. Reports of all releases including suspected releases (Part V), spills and overfills (Part V), and confirmed releases (Part VI);
3. Corrective actions planned or taken including initial abatement measures , free product removal, investigation of soil and groundwater cleanup, corrective action plan (Part VI);

B. RECORDKEEPING

Owners and operators must maintain the following information:



1. A corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used (Part II);
2. Documentation on the operation of corrosion protection equipment (Part III);
3. Documentation of compatibility for UST Systems (Part III); owners and operators must conserve the records of each repair until the UST system is permanently closed or undergoes a change-in-service pursuant to this Regulation.
4. Records for all UST System equipment installed or replaced after the effective date of this Regulation (Part III);
5. Documentation on UST System repairs (Part III); including records of all equipment or components installed or replaced after the effective date of this regulation. At a minimum, each record must include the date of installation or replacement, name of the manufacturer, and model.
6. Documentation of compliance for spill and overfill prevention equipment (Part III);
7. Documentation of compliance for tanks, piping, and containment sumps using interstitial monitoring (Part III);
8. Documentation of periodic walkthrough inspections (Part III);
9. Recent compliance with release detection requirements (Part IV);
10. Results of the site evaluation conducted at a permanent closure (Part VII); and
11. Documentation of operator training (Part III).
12. Copy of the current financial liability policy
13. Copy of the Operating Permit

C. AVAILABILITY AND MAINTENANCE OF RECORDS

Owners and operators must conserve at the facility where the UST System is installed, the required records to be available for inspection by Board representatives, as required:

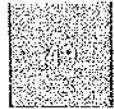
1. At a readily available alternate site.



2. In the case of permanent closure records required under Part VII, owners and operators are also provided with the additional alternative of mailing closure records to the Board if they cannot be kept at the site or an alternative site as indicated above. All documents must be submitted to the Board in Portable Document Format (PDF), or any other electronic data format approved by the Board

RULE 818 PERIODIC TESTING OF SPILL AND OVERFILL PREVENTION EQUIPMENT

- A. Owners and operators of UST Systems with spill and overfill prevention equipment must meet the following requirements to ensure the equipment is operating properly and will prevent releases to the environment by complying with the following requirements
 1. Spill prevention equipment (such as a catchment basin, spill bucket, or other spill containment device) must prevent releases to the environment by meeting one of the following:
 - a. The spill prevention equipment has two (2) walls and the space between the walls is monitored continuously to ensure the integrity of the inner and outer walls is maintained; or
 - b. The spill prevention equipment is tested at installation and at least once every twelve (12) months to ensure the spill prevention equipment is liquid tight by using vacuum, pressure, or liquid testing in accordance with one of the following criteria:
 - i. Requirements developed by the manufacturer (Owners and operators may use this option only if the manufacturer has developed testing requirements);
 - ii. Code of practice developed by a nationally recognized association or independent testing laboratory; or
 2. Overfill prevention equipment must be tested at installation and at least once every three years. At a minimum, testing must ensure that overfill prevention equipment is set to activate at the correct level specified in Part II and will activate when regulated substance reaches that level. Testing must be conducted in accordance with one of the criteria in this Rule.
- B. Owners and operators must conserve the following records in accordance with Part II, for spill and overfill prevention equipment:
 1. All records of spill prevention equipment testing and overfill prevention equipment testing must be conserved for three (3) years; and

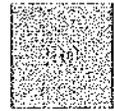


2. For spill prevention equipment not tested every twelve (12) months, documentation showing that the spill prevention equipment has two walls and is monitored continuously. Owners and operators must conserve this documentation for as long as the spill prevention equipment is monitored continuously, and for three (3) additional years after continuous monitoring ends.

RULE 819 PERIODIC TESTING OF SECONDARY CONTAINMENT

A. Owners and operators of UST Systems with secondary containment using interstitial monitoring must ensure the integrity of all interstitial areas (including all containment sumps used for interstitial monitoring).

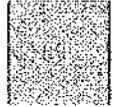
1. Tanks must meet one (1) of the following:
 - a. The interstitial space is continuously monitored; or
 - b. The interstitial space is not continuously monitored and the integrity of the interstitial space is verified at least once every three (3) years by using vacuum, pressure, or liquid testing in accordance with one of the following criteria:
 - i. Requirements developed by the manufacturer (Owners and operators may use this option only if the manufacturer has developed integrity testing requirements);
 - ii. Code of practice developed by a nationally recognized association or independent testing laboratory; or
 - iii. Requirements determined by the Board to be no less protective of human health and the environment than the requirements listed in this Rule;
2. Piping must meet one (1) of the following:
 - a. The interstitial space is continuously monitored using vacuum, pressure, or a liquid-filled interstitial space; or
 - b. The interstitial space is monitored using an interstitial monitoring method not listed in this Rule and the integrity of the interstitial space is ensured at least once every three years by using vacuum, pressure, or liquid testing in accordance with one (1) of the criteria listed in this Rule; and
3. Containment sumps must meet one of the following:
 - a. The containment sump has two walls and the space between the walls is continuously monitored; or



- b. The containment sump is tested at least every three (3) years to ensure the containment sump is liquid tight by using vacuum, pressure, or liquid testing in accordance with one of the criteria listed in this Rule.
- B. Owners and operators of UST Systems using interstitial monitoring must begin meeting this requirement on the effective date of this Regulation. .
- C. Owners and operators must conserve the following records in accordance with Part III, for the time frames indicated for each tank, piping, and containment sump that uses interstitial monitoring:
1. Records of interstitial space testing must be conserved for three (3) years; or
 2. As applied, records demonstrating: the tank is using continuous interstitial monitoring; the piping is using continuous interstitial monitoring with vacuum, pressure, liquid-filled interstitial space; and the containment sump has two (2) walls and uses continuous interstitial monitoring. Owners and operators must conserve these records for as long as the tank, piping, or containment sump uses one of these continuous methods of interstitial monitoring, and for three (3) additional years after continuous monitoring ends.

RULE 820 PERIODIC OPERATION AND MAINTENANCE WALKTHROUGH INSPECTIONS

- A. To properly operate and maintain UST Systems, owners and operators must meet with all of the following:
1. Conduct a walkthrough inspection at least once every thirty (30) days that, at a minimum and as appropriate to the facility, checks the following equipment as specified:
 - a. Spill prevention equipment - open and visually check for any damage; remove any liquid or debris; check each fill cap to make sure it is securely on the fill pipe; and for spill prevention equipment with continuous interstitial monitoring, check for a leak in the interstitial area;
 - b. Sumps - open and visually check for any damage, leaks to the containment area, or releases to the environment; remove any liquid (in contained sumps) or debris; and for sumps with continuous interstitial monitoring, check for a leak in the interstitial area;
 - c. Dispenser cabinets - open and visually check for any damage, leaks to the containment area, or releases to the environment; remove any liquid (in dispensers with under-dispenser containment) or debris; and for under-dispenser containment with continuous interstitial monitoring, check for a leak in the interstitial area;



- d. Monitoring/observation wells - check covers to make sure they are secured;
- e. Cathodic protection - check to make sure impressed current cathodic protection rectifiers are on and operating; and ensure records of three (3) year cathodic protection testing and sixty (60) day impressed current system inspections are reviewed and current; and
- f. Release detection systems - check to make sure the release detection system is on and operating with no alarms or other unusual operating conditions present; check any devices such as tank gauge sticks, groundwater bailers, and hand-held vapor monitoring devices for operability and serviceability; and ensure records of release detection testing are reviewed monthly and current; or

2. Conduct operation and maintenance walkthrough inspections according to a standard code of practice developed by a nationally recognized association or independent testing laboratory that are comparable to this Rule.

B. Owners and operators must conserve records in accordance with Part III of this Regulation, operation and maintenance walkthrough inspections for three (3) years. The record must include a listing of each area checked, whether each area checked was acceptable or needed to have any action taken, and a description of any actions taken to correct an issue.

RULE 821 RESERVED

RULE 822 RESERVED

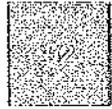
RULE 823 RESERVED

RULE 824 RESERVED

RULE 825 RESERVED

RULE 826 RESERVED

RULE 827 RESERVED

**PART IV RELEASE DETECTION****RULE 828 GENERAL REQUIREMENTS FOR ALL UST SYSTEM**

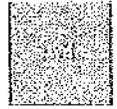
- A. An owner and operator of new and existing UST Systems must provide a method or a combination of methods for release detection that:
1. Can detect releases from any part of the tank or the connected underground piping that contain product;
 2. Are installed and calibrated in accordance with the manufacturer's instructions;
 3. Are operated and maintained, that the electronic and mechanical components are tested for proper operation, in accordance with any of the following criteria: manufacturer's instructions; a code of practice developed by a nationally recognized association or independent testing laboratory.
- A. The method or combination of methods of release detection of the UST System will be tested annually, to verify proper operation. Evidence of such test, must be presented to the Board as an attachment to the Operating Permit Renewal Application. The test must meet the following components and criteria:
- a. Automatic tank gauge and other controllers: test alarm; verify system configuration; test battery backup;
 - b. Probes and sensors: inspect for residual buildup, ensure floats move freely; ensure shaft is not damaged; ensure cables are free of kinks, bends, and breaks; test alarm operability and communication with controller;
 - c. Line leak detector: test operation to meet criteria in this Part by simulating a leak; inspect leak sensing O-ring; and
 - d. Vacuum pumps and pressure gauges: ensure proper communication with sensors and controller.
- C. The method or combination of Methods must meet the performance requirements in this Part, as applicable, with any performance claims and the method followed to reach such conclusion, in writing by the equipment manufacturer or installer. In addition, the methods listed in this Part, must be capable of detecting the leak rate or quantity specified for that method in the corresponding Rule with a probability of detection of 0.95 and a probability of false alarm of 0.05.



- D. When a release detection method, operated in accordance with the performance standards in this Part, indicates a release may have occurred, the owner and operator must notify the Board in accordance with Part V of this Regulation.
- E. Owners and operators of airport hydrant fuel distribution systems, UST Systems with field-constructed tanks, and Tank Systems Wastewater Treatment that are not regulated under section 402 or 307 (b) of CWA and that process regulated substances under this Regulation, shall meet the leak detection requirements of this Part, in accordance with the following Table 2:

Table 2. Progressive Dates for Release Detection System Compliance.

TYPE OF UST SYSTEM	TIME FRAME AFTER EFFECTIVE DATE OF THIS REGULATION	DESCRIPTION OF REQUIREMENT
Piping associated with airport hydrant fuel distribution systems and field constructed tanks according to Part IV, for piping release detections.	Within three (3) years.	Conduct one piping tightness test according to Part IV using the maximum detectable leak rates for semiannual testing. For piping segments not capable of meeting the 3.0 gallon per hour leak rate, owners and operators may use a leak rate of up to 6.0 gallons per hour.
	Between six (6) years and seven (7) years.	Conduct one (1) bulk piping tightness test according to Part IV using the maximum detectable leak rates for semiannual testing.
	After the seven (7) year.	Conduct bulk piping tightness testing according to Part IV.
Bulk piping associated with airport hydrant fuel distribution systems and field constructed tanks not using Part IV for piping release detection	Within three (3) years	Perform release detection according to this Part.
Underground tanks associated with hydrant fuel distribution systems and field constructed tanks	Within three (3) years	Perform release detection according to this Part.
Tank Systems Wastewater Treatment unregulated under section 402 or 307 (b) of CWA and process controlled substances under this Regulation.	Within three (3) years	Perform release detection according to this Part.



- F. Any UST System that cannot meet the requirements of this Part, shall complete permanent closure procedures described in Part VII of this Regulation.

RULE 829 REQUIREMENTS FOR PETROLEUM UST SYSTEMS

Owners and operators of petroleum UST Systems must provide release detection for tanks and piping in accordance with this Rule.

A. TANKS

Tanks must be monitored for releases as follows:

1. Tanks installed at the effective date of this Regulation, must be monitored for releases at least every thirty (30) days, using one of the allowable methods listed in Part IV of this Regulation, except:
 - a. UST Systems that comply with the performance standards in Part II and with the monthly inventory control requirements described in Part IV, may use tank tightness testing (conducted in accordance with Part IV) at least every five (5) years to ten (10) years after the tank was installed or upgraded under Part II, whichever is later;
 - b. Tanks with capacity of 550 gallons or less and tanks with a capacity of 551 to 1,000 gallons that meet the tank diameter criteria in Part IV may use manual tank gauging (performed in accordance with Part IV).
 - c. Field constructed tanks greater than 50,000 gallons may use the alternative release detection requirements in Part IV; and
 - d. Tanks using Part IV to monitor for releases, must begin using one of the methods listed in Part IV not later than the effective date of this Regulation.
2. Tanks installed after the effective date of this Regulation must be monitored for releases using interstitial monitoring at least every thirty (30) days in accordance with Part IV.

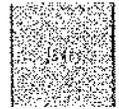
B. PIPING

Underground piping that routinely contains petroleum must be monitored for releases in compliance with one of the following requirements:

1. Piping installed at the effective date of this Regulation must meet one of the following:



- a. Pressurized Piping. Underground piping that conveys petroleum under pressure must:
 - i. Be equipped with an automatic line leak detector installed in accordance with Part IV; and
 - ii. Have an annual line tightness test or have monthly monitoring performed in accordance with Part IV.
 - b. Suction Piping: Underground piping that conveys petroleum under suction must either have a line tightness test conducted at least every three (3) years and in accordance with Part IV, or use a monthly monitoring method conducted in accordance with Part IV. No release detection is required for suction piping that are designed and constructed to comply with the following standards:
 - i. The below-grade piping operates at less than atmospheric pressure;
 - ii. The below-grade piping is sloped so that the contents of the pipe will drain back into the storage tanks if the suction is released;
 - iii. Only one check valve is included in each suction line;
 - iv. The check valve is located directly below and as close as practical to the suction pump; and
 - v. A method is provided that allows to easily determine if that compliance with the paragraphs of this Rule has been achieved.
 - c. Associated piping. Underground piping associated with airport hydrant fuel distribution systems and field constructed tanks must meet one of the following release detection requirements:
 - i. The requirements in this Rule; or
 - ii. The alternative release detection requirements of this Part.
2. Piping installed or replaced after the effective date of this Regulation must meet one of the following:
- a. Pressurized piping must be monitored for releases using interstitial monitoring at least every thirty (30) days in accordance with Part IV and be equipped with an automatic line leak detector in accordance with Part IV.



- b. Suction piping must be monitored for releases using interstitial monitoring at least every thirty (30) days in accordance with Part IV. No release detection is required for suction piping that meets the requirements in section (1)(b) above for this Rule.
- c. Underground bulk piping associated with airport hydrant fuel distribution systems and field constructed tanks must meet the requirements in this Rule.

RULE 830 REQUIREMENTS FOR HAZARDOUS SUBSTANCES UST SYSTEMS

An owner and operator of a UST System that stores hazardous substances must comply with all requirements of UST Systems that store petroleum and petroleum derived substances.

RULE 831 METHODS OF RELEASE DETECTION FOR TANKS

Each release detection method for tanks used to meet the requirements of Part IV, except field constructed tanks installed before the effective date of this Regulation with a capacity greater than 50,000 gallons that comply with Part IV, must be conducted in accordance with the following requirements:

A. METHODS TO DISCONTINUE

The methods mentioned in Rule 831 (B)-(D) must be discontinued within three (3) years of the effective date of this Regulation and an alternate method from Rule 831 (E)-(J) shall be implemented.

B. INVENTORY CONTROL

Product inventory control (or another test of equivalent performance) that detect a release of at least 1.0 percent of flow-through plus one hundred thirty (130) gallons on a monthly basis must be performed monthly in the following manner:

1. Inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tank must be recorded each operating day;
2. The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one eighth (1/8) of an inch;
3. The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery;



4. Deliveries are made through a drop tube that extends to within one foot of the tank bottom;
5. Product dispensing is metered and recorded within the local standards for meter calibration or an accuracy of six (6) cubic inches for every five (5) gallons of product withdrawn; and
6. The measurement of any water level in the bottom of the tank is made to the nearest one eighth (1/8) of an inch at least once a month.

C. VAPOR MONITORING

Testing or monitoring for vapors within the soil excavation area must meet the following requirements:

1. The materials used as backfill must be sufficiently porous (e.g., gravel, sand, crushed rock) to readily allow diffusion of vapors from releases into the excavation zone;
2. Stored regulated substance, or a tracer compound placed in the UST System, must be sufficiently volatile (e. g., gasoline) so that, in the event of a release from the tank, vapor levels are detectable by the monitoring devices located in the excavation zone;
3. The measurement of vapors by the monitoring device is not affected by the groundwater, rainfall, or soil moisture or other known interference in such a way that a release could go undetected for more than thirty (30) days;
4. The level of background contamination in the excavation zone will not interfere with the method used to detected releases from the tank;
5. The vapor monitors are designed and operated to detect any significant increase in concentration above background of the regulated substances stored in the UST System, a component or components of that substance, or a substance introduced in the UST System as an tracer compound;
6. The UST excavation zone must be assessed to ensure compliance with the requirements in paragraphs E.1 through E.4 of this Rule; and
7. Monitoring wells are properly and clearly identified and secured to prevent unauthorized access and tampering.

D. GROUNDWATER MONITORING

Testing or monitoring for liquids in the groundwater must meet the following requirements:



1. The regulated substance stored is insoluble in water and has a specific gravity of less than one (1);
2. Groundwater is never more than twenty (20) feet from the ground surface and the hydraulic conductivity of the soil between the UST System and the monitoring wells or devices is not less than 0.01 cm/sec (e.g., the soil should consist of gravel, coarse to medium sands, coarse silts or other permeable materials);
3. The slotted portion of the monitoring well pipe must be designed to prevent the migration of surrounding soils or filter pack into the well and to allow entry of regulated substances on the water table into the well under both high and low groundwater conditions.
4. Monitoring wells shall be sealed from the ground surface to the top of the filter pack;
5. Monitoring wells or devices shall intercept the excavation area or be as close to it as is technically feasible;
6. The continuous monitoring devices or manual methods used should detect the presence of at least one-eighth (1/8) of an inch of free product on top of the groundwater in the monitoring wells;
7. Within and immediately below the UST System excavation zone, the site shall be assessed to ensure compliance with the requirements in this Rule and to establish the number and positioning of monitoring wells or devices that will detect releases from any portion of the tank that routinely stores product; and
8. Monitoring wells are to be clearly identified and protected to avoid unauthorized access without prior authorization as well as tampering.

B. MANUAL TANK GAUGING

Manual tank gauging must meet the following requirements:

1. Tank liquid level measurements are taken at the beginning and ending of a period of at least thirty six (36) hours during which no liquid shall be added to or removed from the tank;
2. Level measurements are based on an average of two (2) consecutive stick readings at both the beginning and ending of the period;



3. The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one eighth (1/8) of an inch;
4. A release is suspected and the requirements of Part V are carried out, when the variation between beginning and ending measurements exceeds the weekly or monthly standards shown in the following table:

**Table 3 Weekly or Monthly Standards and Difference between Initial and Final Readings
According to the Nominal Capacity of the Tank.**

NOMINAL TANK CAPACITY	MINIMUM DURATION OF TEST	WEEKLY STANDARD (ONE TEST)	MONTHLY STANDARD (FOUR TEST AVERAGE)
550 gallons or less	36 hours	10 gallons	5 gallons
551-1,000 gallons (when tank diameter is 64")	44 hours	9 gallons	4 gallons
551-1,000 gallons (when tank diameter is 48")	58 hours	12 gallons	6 gallons

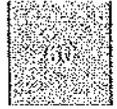
5. Tanks with a capacity for 550 gallons or less and tanks with a capacity for 551 to 1,000 gallons that meet the tank diameter criteria in the table in this Rule may use this as the sole method of release detection. Tanks with a capacity greater than 550 gallons, that not meet the tank diameter criteria in the table in this Rule, may not use this method to meet the requirements of this Part.

F. TANK TIGHTNESS TESTING

Tank tightness testing (or another test of equivalent performance) must be capable of detecting a leak rate of 0.1 gallon per hour from any portion of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table. These tests shall be performed by a person certified by the manufacturer of the equipment used to perform such mechanical integrity testing. The owner or operator must provide, if required by the EQB, copy of the integrity testing and the certification of the person who performed such testing.

G. AUTOMATIC TANK GAUGING

Equipment for automatic tank gauging to test loss of product and conduct inventory control must meet the following requirements:

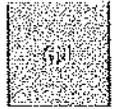


1. The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product; and
2. The test must be performed with the system operating in one of the following modes:
 - a. In tank static testing conducted on a periodic basis; or
 - b. Continuous detection of leaks in tank operating on an uninterrupted basis or operating within a process that allows the system to gather accumulative measurements to determine the leak status of the tank at least once every thirty (30) days.

H. INTERSTITIAL MONITORING

Interstitial monitoring between the UST System and a secondary barrier immediately around or under it may be used, but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that contains the regulated substance and meets one (1) of the following requirements:

1. For double walled UST System, the sampling or testing method can detect releases through the inner wall in any portion of the tank that routinely contains the regulated substance;
2. For UST System with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the UST System and the secondary barrier;
 - a. The secondary barrier around or beneath the UST System consists of artificially constructed material that is sufficiently thick and impermeable to direct a release to the monitoring point and allow its detection;
 - b. The barrier is compatible with the regulated substance stored so that a release from the UST System will not cause a deterioration of the barrier allowing a release to pass through undetected;
 - c. For cathodically protected tanks, the secondary barrier must be installed in a manner that does not interfere with the proper operation of the cathodic protection system;



- d. The testing or sampling method used is not affected by the groundwater, rainfall, or soil moisture or other known interference in such a way that a release could go undetected for more than thirty (30) days;
 - e. The site is assessed to ensure that the secondary barrier is always above the groundwater and not in flood plain, unless the barrier and monitoring system are designed for use under such conditions;
 - f. Monitoring wells are properly and clearly marked and secured to avoid unauthorized access and tampering.
3. For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner, and the liner is compatible with the substance stored.
 4. For UST System using continuous vacuum, pressure, or liquid-filled methods of interstitial monitoring, the method must be capable of detecting a breach in both the inner and outer walls of the tank and piping.

I. STATISTICAL INVENTORY RECONCILIATION

Statistically based testing or monitoring methods must meet the following requirements:

1. Report a quantitative result with a calculated leak rate;
2. Have the capacity to detect a leak rate of 0.2 gallons per hour; and
3. Use a threshold that does not exceed one-half the minimum detectible leak rate.

J. OTHER METHODS

Any other type of release detection method, or combination of methods, can be used if:

1. It can detect a leak rate of 0.2 gallon per hour or a release of one hundred fifty (150) gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05; or
2. The Board may approve another method if the owner and operator can demonstrate to the Board's satisfaction that the method can detect a release as effectively as any of the methods allowed in this Rule. In comparing methods, the Board may consider the volume of the release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and



operator must comply with any conditions imposed by the Board on its use to ensure the protection of human health and the environment.

RULE 832 METHODS OF RELEASE DETECTION FOR PIPING

Each method of release detection for piping used to meet the requirements in this Part, except bulk piping that meets Part IV, must be conducted in accordance with the following:

A. AUTOMATIC LINE LEAK DETECTORS

Methods which alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering audible or visual alarms may be used only if they detect leaks of three (3) gallons per hour at ten (10) pounds per square inch line pressure within one (1) hour. An annual test of the operation of the leak detector must be conducted in accordance with this Part.

B. LINE TIGHTNESS TESTING

A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at one and one-half (1 1/2) times the operating pressure.

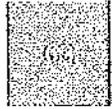
C. APPLICABLE TANK METHODS

The methods in Rule 831.E-J may be used for piping, if they are designed to detect a release from any portion of the underground pipelines that routinely contains regulated substances, except as described in Rule 829 (A).

RULE 833 RELEASE DETECTION RECORDKEEPING

All UST System owners and operators must keep records in accordance with Part III to demonstrate compliance with all applicable requirements of this Part. These records must include the following:

- A.** All written performance claims pertaining to any release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer. These documents must be kept for three (3) years of the date of the installation;
- B.** The results of any sampling, testing or monitoring must be kept for at least three (3) years, or for another reasonable period of time determined by the Board, except as follows:
 - 1.** The results of annual operation tests conducted in accordance with Part IV must be maintained for three (3) years. At a minimum, the results must list each component tested, indicate whether each component tested meets criteria in Part IV or needs to have action taken, and describe any action taken to correct an issue; and



2. The results of tank tightness testing or bulk tank tightness testing conducted in accordance with Part IV must be submitted to the Board with the Operation Permit.
- C. Copy of all written documentation of calibrations, maintenance and repairs of release detection equipment kept in the facility; which must be kept for at least three (3) years after the service work is completed.

RULE 834 ALTERNATIVE METHODS OF RELEASE DETECTION FOR FIELD CONSTRUCTED TANKS

Owners and operators of field-constructed tanks with a capacity greater than 50,000 gallons shall use one or more of the following alternate methods of release detection:

- A. Conduct an annual bulk tank tightness test that can detect a 0.5 gallon per hour leak rate;
- B. Use an automatic tank gauging system to perform release detection at least every thirty (30) days that can detect a leak rate less than or equal to one (1) gallon per hour. This method must be combined with a bulk tank tightness test that can detect a 0.2 gallon per hour leak rate performed at least every three (3) years;
- C. Use an automatic tank gauging system to perform release detection at least every thirty (30) days that can detect a leak rate less than or equal to two (2) gallons per hour. This method must be combined with a bulk tank tightness test that can detect a 0.2 gallon per hour leak rate performed at least every two (2) years; or
- D. Another method approved by the Board if the owner or operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in this Rule. In comparing methods, the Board may consider the size of release that the method can detect and the frequency and reliability of detection. If the method is approved, the owner and operator must comply with any conditions imposed by the Board on its use.

RULE 835. ALTERNATIVE METHODS OF RELEASE DETECTION FOR BULK PIPING

Owners and operators of underground piping associated with airport hydrant fuel distribution systems and field constructed tanks may use one or more of the following alternate methods of release detection:

- A. Perform a semiannual or annual bulk line tightness test associated to a pressure as or greater than the operating pressure in accordance with the following table. Bulk piping segments \geq 100,000 gallons not capable of meeting the maximum three (3.0) gallon per hour leak rate for the semiannual test may be tested at a leak rate up to six (6.0) gallons per hour according to the schedule in Part IV;

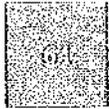
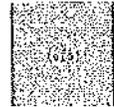


Table 4 Maximum Detectable Leak Rate per Volume of the Section evaluated.

TEST SECTION VOLUME (GALLONS)	SEMIANNUAL TEST	ANNUAL TEST
	MAXIMUM DETECTABLE LEAK RATE (GALLONS PER HOUR)	MAXIMUM DETECTABLE LEAK RATE (GALLONS PER HOUR)
< 50,000	1.0	0.5
≥ 50,000 to < 75,000	1.5	0.75
≥ 75,000 to < 100,000	2.0	1.0
≥ 100,000	3.0	1.5

- B. Perform continuous interstitial monitoring designed to detect a release from any portion of the underground piping that routinely contains product in accordance with Part IV;
- C. Use an automatic line leak detector that alerts the operator to the presence of a leak by restricting or shutting off flow of regulated substances through piping or triggering an audible or visual alarm. This method may be used only if it can detect a leak of three (3) gallons per hour at ten (10) pounds per square inch line pressure within one (1) hour or its equivalent. When using this method, the following must also be met:
1. Perform continuous interstitial monitoring, designed to detect a release from any portion of the underground piping that normally contains product, in accordance with Part IV at least every three (3) months; or
 2. Conduct an annual test of the operation of the leak detector in accordance with Part IV; or
- D. Another method approved by the Board, if the owner or operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in this Rule. In comparing methods, the Board may consider the size of release that the method can detect and the frequency and reliability of being detected. If the method is approved, the owner and operator must comply with any conditions imposed by the Board for its use.

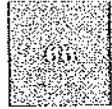
**PART V RELEASE REPORTING, INVESTIGATION AND CONFIRMATION****RULE 837 REPORTING OF SUSPECTED RELEASES**

Owners and operators must report in writing to the Board within a period of twenty four (24) hours; and comply with the procedures prescribed in Part V for any of the following circumstances:

- A. The discovery by the owner, operator or any other person of the release of regulated substances at the facility where the UST is located or in its surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface waters).
- B. Unusual operating conditions observed by owners or operators (such as erratic operation of product dispensing equipment, sudden loss of product from the UST System, an unexplained presence of water in the tank, or water or product in the interstitial space of secondarily contained systems), unless the system equipment is found to be defective but not leaking, and it is immediately repaired or replaced, in which case a written report must be submitted to the Board within a period no more than five (5) days from the date when the release was detected.
- C. Monitoring results, including alarms, from a release detection method required under Part IV, which indicate a release may have occurred unless:
 - 1. The monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and other additional monitoring does not confirm the initial result; or
 - 2. In the case of inventory control, a second month of data does not confirm the initial result.
- C. In case of subsections C.1 and C.2, that the release is confirmed, a written report must be submitted to the Board within a period of five (5) days from the date that the release was detected.

RULE 838 INVESTIGATION DUE TO OFF SITE IMPACTS

When required by the Board, owners and operators of UST System must follow the procedures in Part V to determine if the UST System is the source of off-site impacts. These impacts include the discovery of regulated substances (such as the presence of free product or vapors in soils, basements, sewer and utility lines, nearby surface and drinking waters, and monitoring wells) that has been observed by the Board or brought to its attention by another person.

**RULE 839 RELEASE INVESTIGATION AND CONFIRMATION STEPS**

Unless the Corrective Action is initiated in accordance with Part VI of this Regulation, owners and operators must immediately investigate and if it is confirmed the suspected releases of regulated substances, must report it according with Part V, immediately by writing to the Board, using either the following steps or another procedure approved by the Board.

A. SYSTEM TEST

Owners and operators must conduct tests, according to the requirements for tightness testing in Part IV, or for UST System with secondary containment and interstitial monitoring, the integrity testing specified in Part III that determine whether a leak exists in that portion of the tank that routinely contains the regulated substance, the attached delivery piping, or a breach of the interstitial space.

1. If the system test confirms a leak, owners and operators must repair, replace, upgrade, or close the UST System. In addition, owners and operations must begin Corrective Action in accordance with Part VI of this Regulation if the test results for the system, tank, or delivery piping indicate that a release exists.
2. Further investigation will not be required, if the test results of the system, tank, or delivery piping do not indicate that a release exists and if there is no evidence of environmental contamination confirming the presence of a release.
3. Owners and operators must conduct a site check as described in this Rule, if the test results of the system, tank, and delivery piping do not indicate that the existence of a release but exists evidence of environmental contamination which gives room for the suspicion that a release exists.

B. SITE CHECK

Owners and operators must take samples, in accordance with Part IV of this Regulation, to confirm the presence of a release where contamination is most likely to be present at the UST facility. In selecting sample types, sample locations, and measurement methods, owners and operators must consider the nature of the stored substance, the type of initial release or cause for suspicion, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence and source of the release.

1. If the test results for the excavation zone or the UST location confirm that a release has occurred, the owners and operators must begin corrective action in accordance with Part VI;

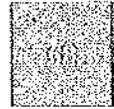


2. If the test results for the excavation zone or the UST site do not confirm that a release has occurred, further investigation is not required.

RULE 840. REPORTING AND CLEANUP OF SPILLS AND OVERFILLS

- A. The owners and operator of the UST System must contain and immediately clean up any spill or overfill, and notify the Board in writing within a period of twenty four (24) hours, using the Spill Notification Form. This notification must be provided to the Board through fax, email or personal delivery. The owner and operator must begin corrective actions in accordance with Part VI of this Regulation in the following cases:
 1. Spill or overfill of petroleum and its derivatives that result in a release to the environment that exceeds twenty five (25) gallons, or that causes a violation to the general standards for oil and grease established by the RWQS, as amended, on nearby surface water; and
 2. Spill or overfill of a hazardous substance that result in a release to the environment that equals or exceeds its reportable quantity under CERCLA.
- B. The owner and operator of the UST System must contain and immediately clean up any spill or overfill of petroleum and its by-products that is less than twenty five (25) gallons, and a spill or overfill of a hazardous substance that is less than the reportable quantity. If cleanup cannot be accomplished within the period of twenty four (24) hours, the owner and operator must immediately notify the Board in writing.
- C. Pursuant to 40 CFR 302.6 and 355.40, a release of a hazardous substance equal to or in excess of its reportable quantity must be reported immediately to the National Response Center under CERCLA, and to the Board and any other local authorities under Title III of SARA.

RULE 841 RESERVED



**PART VI RELEASE RESPONSE AND CORRECTIVE ACTION FOR UST SYSTEMS CONTAINING
PETROLEUM OR HAZARDOUS SUBSTANCES**

RULE 842 GENERAL

The owners and operators of UST System that store petroleum or hazardous substances shall, in response to a confirmed leak of an UST System, meet the requirements of this Part.

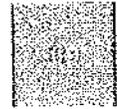
RULE 843 INITIAL RESPONSE

Upon confirmation of a release in accordance with Part V, or after a release from the UST System is identified, owners and operators must perform the following initial response actions within twenty four (24) hours of a release.

- A. Notify the Board immediately via telephone and writing, completing the Spill Notification Form.
- B. Take immediate action to prevent any further release of the regulated substance into the environment; and
- C. Identify and mitigate fire, explosion, and vapor hazards.

RULE 844 INITIAL ABATEMENT MEASURES, SITE CHECK, AND FREE PRODUCT REMOVAL

- A. Unless directed to do otherwise by the Board, owners and operators must perform the following abatement measures:
 - 1. Remove as much of the regulated substance from the UST System as is necessary to prevent further release to the environment;
 - 2. Visually inspect any aboveground releases or exposed underground releases and prevent further migration of the released substance into surrounding soils and groundwater;
 - 3. Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the UST System excavation zone and entered into subsurface structures (such as sewers or basements);
 - 4. Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement, or Corrective Action activities. If these remedies include treatment or disposal of soils, the owner and operator must comply with all applicable Board and other local and federal agency requirements; and



5. Investigate to determine the possible presence of free product, and start free product removal as soon as possible in accordance with this Rule.
- B. Within a period of twenty (20) days from the release confirmation, owners and operators must submit to the Board a report summarizing the initial abatement steps taken according to the requirements in this Rule and any other information or data resulting from this activity. At sites where investigations carried out under this Part indicate the presence of free product, the owners and operators must remove the free product. To comply with the requirements of this Rule, owners and operators must:
1. Conduct free product removal in a manner that minimizes the spread of contamination into uncontaminated zones, by using recovery and disposal techniques appropriate to the hydrogeological conditions at the site, and that properly treats, discharges, or disposes of recovery byproducts in compliance with the regulations of the Commonwealth of Puerto Rico and federal regulations. If these activities include groundwater monitoring and extraction wells, the owners or operators must comply with the procedures established by the Puerto Rico Water Act.
 2. Use abatement of free product migration as a secondary objective in designing the free product removal system.
 3. Handle any flammable product in a safe and competent manner to prevent fires or explosions.
- C. Within forty five (45) days after release confirmation, or in accordance with a reasonable schedule established by the Board, owners and operators must submit to the Board a report summarizing the initial abatement steps taken under this Rule, free product removal action, and any other information or data resulting from this activity. The report must include the following information regarding the free product removal action:
1. The name of the persons responsible for implementing the free product removal measures;
 2. Estimated quantity, type, and thickness of the free product observed or measured in wells, boreholes, and excavations;
 3. Type of free product recovery system used;
 4. Whether any discharge will take place on site or off site during the recovery operation, and where this discharge will be located;
 5. Type of treatment applied to, and the effluent quality expected from, any discharge;



6. Steps that have been or are being taken to obtain necessary permits for drilling and installation of groundwater monitoring and extraction wells, and for any discharge; and
7. Disposal of the recovered free product.

RULE 845 SITE INVESTIGATION PLAN FOR SOIL AND GROUNDWATER CLEANUP

A. The Board may require owners and operators to submit a Site Investigation Plan in order to determine the full extent and location of soils contaminated by the release and the presence and concentrations of dissolved product contamination in the groundwater. Owners and operators must submit a Site Investigation Plan for the Board's approval in accordance with the closure guidelines adopted by the Board. This Plan must include a description of the work to be done at the site and the surrounding areas possibly affected by the release, if any of the following conditions exist:

1. There is evidence that groundwater wells have been affected by the release (e.g., as found during releases confirmation or previous corrective action measures);
2. Free product found needs recovery action in compliance with this Part;
3. There is evidence that contaminated soils may be in contact with groundwater (e.g., if evidence is found while conducting initial response measurements or investigations required under this Part); and
4. The Board requests an investigation, based on the potential effects of contaminated soil or groundwater on nearby surface waters and groundwater resources.
5. The Board requests an investigation, based on the results of Part VI.

B. Upon approval of the Site Investigation Plan by the Board, owners and operators must implement the plan, including modifications to the plan made. They must sample, evaluate, and report the results of implementing the Plan, in accordance with what the Board authorized and according to the forms adopted by the Board.

RULE 846 CORRECTIVE ACTION PLAN

A. The Board may require an owner and operator to submit additional information or to develop and submit to the Board a Corrective Action Plan for responding to contaminated soils and groundwater. If a Corrective Action Plan is required, the owner and operator must submit the plan according for the Board's approval according to closure guidelines adopted by the Board.



- B. The Board will approve the Corrective Action Plan only after ensuring that implementation of the plan will adequately protect human health, safety, and the environment. In making this determination, the Board will consider the following factors as appropriate:
1. The physical and chemical characteristics of the regulated substance, including its toxicity, persistence, and potential for migration;
 2. The hydrogeological characteristics of the facility and the surrounding area;
 3. The proximity, quality, and current and future uses of nearby surface water and groundwater;
 4. The potential effects of residual contamination of nearby surface water and groundwater;
 5. An exposure assessment; and
 6. Any information assembled in compliance with this Part.
- C. As soon as the Corrective Action Plan is approved by the Board, the owner and operator shall implement the Plan. The owner and operator must take samples, evaluate and report the results of the implementation of the Plan in accordance with the Board's authorization.

RULE 847 PUBLIC PARTICIPATION

- A. For each confirmed release that requires a Corrective Action Plan, the Board must provide notice to the public by means designed to reach the public directly affected by the release and the Corrective Actions planned. This notice may include, but is not limited to, public notice in local newspapers, public service announcements, letters to individual households, or personal visits.
- B. The Board will make sure that site release information and the Corrective Action Plan are made available to the public for inspection.
- A. The Board will notify the affected community the implementation of an approved Corrective Action Plan that does not achieve the established cleanup levels in the Plan and if termination of the corrective actions is under consideration of the Board. This notification may be through public notice in local newspapers, public service announcements, letters to the residents, or personal visits.
- B. Provided, that all applicable costs of any notification will be the responsibility of the owner and operator.



RULE 848 RISK BASED CORRECTIVE ACTION.

The Board shall require Corrective Action when the results of the analysis of samples taken during an investigation of a UST System escape indicate the levels exceed any Corrective Action levels established in Table 2 of this Regulation. The Board may also consider other mechanisms of Corrective Action such as Risk Based Corrective Action (RBCA). The requirements for these other mechanisms will be included in the guidelines developed or adopted by the Board.

RULE 849 RESERVED

**PART VII OUT OF SERVICE UST SYSTEM AND CLOSURE****RULE 850 TEMPORARY CLOSURE OF UST SYSTEM**

- A. During the temporary closure of a UST System, the owner or operator must continue operation and maintenance of corrosion detection and protection in accordance with Part III of this Regulation, and any release detection in accordance with Part IV of this Regulation. In addition, Parts V and Part VI of this Regulation must be complied with, if a release is suspected or confirmed. However, release detection is not required as long as the UST System is empty. The UST System is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent of weight of the total capacity of the UST System, remain in the system.
- B. When a UST System is temporarily closed for three (3) months or more, the owners and operators must also comply with the following requirements:
1. Leave vent lines open and functioning; and
 2. Cap and secure all other lines, pumps, man ways, and ancillary equipment.
- C. When an UST System is temporarily closed for more than twelve (12) months, the owners and operators must permanently close the UST system if it does not meet the performance standards in Part II of this Regulation for new UST System, and also the upgrading requirements in Part II, except the requirements established for the spill and overfill equipment. Owners and operators must permanently close the substandard UST System at the end of this twelve (12) month period in accordance with Part VII, unless the Board provides an extension of twelve (12) months temporary closure period. Owners and operators must complete a site assessment in accordance with this Part before such an extension can be applied for, and request the extension by filling out the forms that will be adopted by the Board.

RULE 851 PERMANENT CLOSURE AND CHANGES IN SERVICE

- A. Before any permanent closure activities or changes in service, the owners and operators, must apply for and obtain a Closure Permit from the Board in accordance with Part II of this Regulation. In addition, they must comply with the requirements established in this Rule. The excavation area evaluation required under this Rule must be performed after obtaining the Closure Permit.
- B. During the permanent closure of a UST, the owners and operators must empty and clean the UST by extracting all liquids and accumulated sludge. All UST taken out of service permanently must be removed from the ground.



1. For any on site closure, the Board will evaluate any petition made by the owner on a case by case basis. The petition must provide a justification for the closure in place and submit all relevant information as an attachment to the Closure Permit Application.

To make the determination, the Board will consider, among others, the following factors:

- a. The UST System is beneath structures, and the removal of the UST System can compromise the stability of a structure.
- b. The removal of the UST System can compromise human health or the environment.
- C. The owners and operators before a change-in-service, must empty and clean the tank by removing all liquid and accumulated sludge and conduct a site investigation and corrective action in accordance with Part VI. If the UST System is removed, it must be disposed in accordance with the established closure guidelines adopted by the Board.
- D. If after obtaining a Closure Permit by the Board, while performing removal works, an unknown abandoned UST System is discovered inside the site, the owner must petition a Modification of the Closure Permit before proceeding with any action on said UST.
- E. In order to obtain a Closure Permit for the abandoned UST System, the owner or operator must provide proof of a financial liability policy as part of the requirements of the Closure Permit. If it is not possible to obtain the financial liability policy, the owner or operator must present a sworn declaration expressing the reasons why the existence of this abandoned UST System was unknown, the reasons why a financial liability policy cannot be obtained, and express that owner or operator will be responsible of all actions related with respect to the closing, including any necessary corrective action.

RULE 852 ASSESSING THE SITE AT CLOSURE OR CHANGE IN SERVICE

- A. The owners and operators before permanent closure or a change in service is completed, must perform the corresponding sampling procedure in accordance with the closure guidelines adopted by the Board. In selecting sample types, samples locations, and sampling methods, owners and operators must consider the method of closure, the nature of the stored substance, the type of backfill, the depth of the groundwater level, and other factors appropriate for identifying the presence of a release. The requirements of this Rule are satisfied if one (1) of the external release detection methods allowed is operating in accordance with the requirements in Part IV at the time of closure, and indicates no release has occurred.
- B. If contaminated soils, contaminated groundwater, or free product as a liquid or vapor is discovered in accordance with paragraph A of this Rule, owners and operators must begin corrective action in accordance with Part VI of this Regulation.



RULE 853 APPLICABILITY TO PREVIOUSLY CLOSED UST SYSTEMS

The owners and operators of a UST System that was permanently closed without obtaining the permission of the Board, after the effective date of this Regulation, shall assess the area where the UST System stood, and must request a Closure Permit in accordance with Part VII of this Regulation.

RULE 854 CLOSURE RECORDS

A. Owners and operators must maintain closure records, in accordance with Part III of this Regulation, for the purpose of demonstrating compliance with closure requirements under this Part of the Regulation. The records also must be maintained for at least three (3) years after completion of permanent closure or change in service in one (1) of the following alternatives:

1. By the owners and operators who responsible for closure of the UST System.
2. By the current owners and operators of the UST System site.
3. If the records cannot be maintained at the facility, they shall be sent to the Board by mailing these records in PDF format or other accepted electronic format.

B. The results of all activities conducted during the closure must be submitted through the Closure Final Report, which must be submitted to the Board in accordance with the closure guidelines and forms adopted by the Board.

RULE 855 RESERVED

**PART VIII REGISTRATION REQUIREMENTS AND PROCEDURES****RULE 856 REGISTRATION OF UST SYSTEM**

A. Any owner or operator of an existing UST System not registered before the effective date of this Regulations, must submit to the Board an Operation Permit application and demonstrate compliance with various installation and operating requirements, including compliance with Rule 950. Otherwise, such UST Systems must submit a Closure Permit Application and comply with such requirements in this Regulation.

RULE 857 RESERVED**RULE 858 REGISTRATION RESPONSIBILITY**

It is the responsibility of the owner and operator of the UST System to notify its existence to the Board and obtain an Operation Permit. When the Board is unable to determine who the owner of a UST System is or this matter is in legal dispute, it will be the responsibility of the owner of the land or premise where UST System is physically located to obtain an Operation Permit for all UST Systems located at the land or premise.

RULE 859 UST FACILITY IDENTIFICATION NUMBER

The Board will issue an Installation Permit or an Operation Permit accordingly, which will designate an identification number to each site. This identification number must be used in all permit applications, permit modifications, and in all written or verbal communications concerning the site.

RULE 860 CHANGES IN THE FACILITIES DATA

- A. The owner or operator of a UST System must notify the Board, through a Modification of the Operation Permit form to be adopted by the Board, of any change of owner or operator at the facility within thirty (30) days after the date of the signing of the sale or lease contract. If there is a change of title ownership of the installation, evidence of such change must be presented to the Board as part of the documents to be included in the Modification of the Operation Permit.
- B. The Board will issue to the new owner or operator a new Operation Permit including all corresponding modifications.
- C. All modifications to the Operation Permit, whether mayor or minor, relating to the use and operation of the UST System will require the presentation of a Modification of the Operation Permit within on or before thirty (30) days before performing such changes.



RULE 861 RESERVED

RULE 862 RESERVED



PART IX FINANCIAL RESPONSIBILITY

RULE 863 RESPONSIBILITY AND EXEMPTIONS

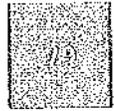
- A. This Part applies to owners and operators of all petroleum or petroleum derived products stored on an UST System installed in the Commonwealth of Puerto Rico, except as otherwise provided in this Rule.
- B. If the owner and the operator of a UST System that stores petroleum or petroleum derived products are different persons, only one of them will have to demonstrate financial responsibility. However, in case of non-compliance, both the owner and the operator will be legally responsible.
- C. State and federal government entities whose debts and liabilities are the debts and liabilities of the Commonwealth of Puerto Rico or the United States of America are exempt from the requirements of this Part.
- D. The requirements of this Part do not apply to owners and operators of any UST System described in Rule 803(B).
- E. The information required in this Part shall be submitted using forms approved by the EPA that comply with the laws and regulations of the Commonwealth of Puerto Rico or those adopted by the Board.

RULE 864 COMPLIANCE DATES

The owners and operators of an UST System that stores regulated substances shall meet the requirements of this part at the effective date of this Regulation.

RULE 865 AMOUNT AND SCOPE OF REQUIRED FINANCIAL RESPONSIBILITY

- A. Owners or operators of petroleum underground storage tanks must demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum UST's.
- B. Owners or operators of petroleum UST Systems must demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the UST System that stores petroleum in at least the following annual aggregate amounts:
 - 1. For owners or operators of 1 to 100 petroleum UST, \$1.0 million; and



2. For owners or operators of 101 or more petroleum UST: \$2.0 million.
- C. If an owner and operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for different UST Systems that store petroleum or petroleum products, the total annual amount required will be based on the number of tanks covered by each of the separate mechanisms or by a combination thereof.
- D. If the owner or operator uses separate mechanisms or separate combinations of these to demonstrate financial responsibility must:
1. Take corrective action;
 2. Compensate third parties for bodily injury and property damage caused by sudden accidental releases; or
 3. Compensate third parties for bodily injury and property damage caused by non-sudden accidental releases, the quantity of security provided by each mechanism or a combination of mechanisms must be the full amount specified in this Rule.
- E. The owners and operators shall review the total security amount that the policy provides, whenever they purchase or install additional underground tanks to store petroleum or petroleum products.
- F. The amount of financial liability coverage required for incident and for each total by year, do not limit, in any way, the personal liability of the owner and operator.

RULE 866 ALLOWABLE MECHANISMS AND COMBINATIONS OF MECHANISMS

- A. The owner and operator, may use one or any combination of the mechanisms listed in this Part, to demonstrate financial responsibility for one (1) or more underground storage tanks.
- B. An owner and operator may use a guarantee or surety bond to establish financial responsibility, only if they comply with the legislation of the Commonwealth of Puerto Rico.
- C. An owner and operator may use self-insurance in combination with a guarantee for the purpose of meeting the requirements of the financial test under this Part, only if the financial statements of the owner or operator are not consolidated with the financial statements of the guarantor.

RULE 867 FINANCIAL TEST OF SELF-INSURANCE

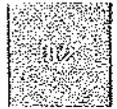
- A. An owner and operator may satisfy the requirements of this part by presenting the financial evidence, based on the financial statements of the last three (3) accounting years.

- B. The financial statements submitted by the owner and operator must demonstrate tangible net worth of at least ten (10) times ten (10) million dollars or more;
1. The total sum of the applicable amount required by this Part, based on the number of underground storage tanks for which a financial test is used to demonstrate financial responsibility to the EPA or the Board, under this Part.
 2. The sum of the estimated cost of the corrective action, the current estimated cost of closure and post-closure activities and the covered amount for liability, for which a financial test is used to demonstrate financial responsibility to the EPA will be in accordance with 40 CFR Parts 264.101 , 264.143 , 264.145 , 265.143 , 265.145 , 264.147 and 265.147 or to the Board.
 3. The owner and operator must have a letter signed by the chief financial officer.
 4. The owner and operator must annually submit to the Board copies of the financial documents filed with the Securities and Exchange Commission of the United States, the Administration on Energy Information or the Rural Electrification Service; or what is annually reported to be the tangible net worth to a bonds accrediting company, which shall assign a financial rating of 4A or 5A.
 5. The financial end year accounting report, should be audited by an independent auditor and may not include an adverse opinion of the auditor, release of liability or a reservation on business continuity.
- C. The owner or operator shall meet the financial test requirements of 40 CFR Part 264 147 (f) (1) by substituting the appropriate amounts specified in said Part by the amount of liability coverage whenever specified in this Rule.
1. Financial end year accounting report of the owner and operator shall be audited by an independent certified public accountant and must be accompanied by the certified public accountant's report that conducted the audit.
 2. A Company's financial end year accounting report may not include auditor's adverse opinion, release of liability or a reservation on business continuity.
 3. The owner and operator must submit a letter signed by the financial officer chief, drafted in accordance with the laws and regulations of the Commonwealth of Puerto Rico.
 4. If the financial reports of the owner and operator are presented annually with the Securities and Exchange Commission of the United States, the Energy Information Administration or The Rural Electrification Service, the owner and operator must obtain a special report by an independent certified public accountant that states the following:

- i. The accountant has compared the data provided in the letter from the Chief Financial Officer of the company, which specified that they were derived from the financial statement of the most recent accounting year of the owner or operator , with the amounts shown in such financial statement , and
 - ii. In connection with this comparison, no issue arose that led to believe that the data provided in the letter should be adjusted.
- D. In order to demonstrate that the financial test requirements of this Rule have been met, the finance director of the owner and operator must prepare and sign a confirmation letter in accordance to the laws and regulations of the Commonwealth of Puerto Rico, within one hundred twenty (120) days after the end of the fiscal year. The fiscal year is defined as the twelve (12) month period for which the financial reports were prepared.
- E. If the owner and operator using the test to provide financial responsibility finds that he no longer meets the requirements of the financial test based on the year-end financial report, the owner and operator must obtain an alternate cover within one hundred fifty (150) days prior to the end of the year for which the financial reports have been prepared.
- F. The President of the Board may require the owner and operator reports that show their financial condition at any time it deems appropriate. If the Chairman of the Board, based on such reports or other information concludes that the owner or operator and guarantor no longer meets the financial test requirements of this Part , the owner or operator must obtain an alternate cover within thirty (30) days after being notified by registered mail of such finding.
- G. If the owner and operator fails to obtain alternate assurance within one hundred fifty (150) days after finding that he or she no longer meets the financial test requirements based on the year-end financial report, or within thirty (30) days after the President of the Board's notification that he or she no longer meets the requirements of the financial test, the owner or operator shall notify the Chairman of the Board of such failure within a period of ten (10) days.

RULE 868 CORPORATE GUARANTEE

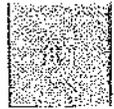
- A. An owner or operator may satisfy the requirements of this Part by obtaining a guarantee that conforms to the requirements of this Rule. The guarantor must be:
 1. A firm that:
 - a. Possesses a controlling interest in the owner and operator; or



- b. Is controlled through stock ownership by a common parent firm that possesses a controlling interest in the owner or operator.
2. A firm engaged in a substantial business relationship with the owner or operator and issuing the guarantee as an act incident to that business relationship.
- B.** Within one hundred twenty (120) days after the closing of the fiscal year, the guarantor must demonstrate that it meets the financial test criteria of Rule 867 based on year-end financial statements for the latest completed financial reporting year by completing the letter from the chief financial officer described in Rule 867 (D), and must forward the letter to the owner or operator. If the guarantor fails to meet the requirements of the financial test at the end of any financial reporting year, within one hundred twenty (120) days after the end of the financial reporting year, the guarantor shall send a notice to the owner or operator by certified mail and before cancellation or nonrenewal of the guarantee. If the President of the Board notifies the guarantor that they no longer meet the requirements of the financial test of Rule 867 (B), or (C) and (D), the guarantor must notify the owner or operator within ten (10) days of receiving such notification from the Board. In both cases, the guarantee will terminate one hundred twenty (120) days after the date the owner or operator receives the notification, as evidenced by the return receipt. The owner or operator must obtain alternate coverage.
- C.** The guarantee must be drafted in accordance with the laws and regulations of the Commonwealth of Puerto Rico.
- D.** An owner and operator who uses a guarantee to satisfy the requirements of Rule 865 must establish a stand-by trust fund when the guarantee is obtained. Under the terms of the guarantee, all amounts paid by the guarantor under the guarantee will be deposited directly into the stand-by trust fund in accordance with instructions from the Executive Director of the Board under Rule 878. This stand by trust fund must meet the requirements specified in Rule 873.

RULE 869 INSURANCE AND RISK RETENTION GROUP COVERAGE

- A.** An owner and operator may satisfy the requirements of Rule 865 by obtaining liability insurance, from a qualified insurer or risk retention group that conforms to the requirements of this Rule. Such insurance should be in the form of a separate insurance policy, or an endorsement to an existing insurance policy.
- B.** Each insurance policy must be issued with an endorsement or evidenced by an insurance certification. Such documents should be drafted in accordance with the laws and regulations of the Commonwealth of Puerto Rico.



- C. Each insurance policy must be issued by an insurer or risk retention group that, at least, is authorized to conduct transactions in the field of insurance or eligible to provide insurance as an excess insurer or surplus lines in one or more states.

RULE 870 SURETY BOND

- A. An owner and operator may satisfy the requirements of Rule 865 by obtaining a surety bond that conforms to the requirements of this Rule. The Surety Company issuing the bond must be among those listed as acceptable sureties on the latest issued federal bonds of the U.S. Department of the Treasury.
- B. The bond shall be drafted in accordance with the laws and regulations of the Commonwealth of Puerto Rico.
- C. Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. In all cases, the surety's liability is limited per occurrence and annual aggregate penalty sums.
- D. The owner and operator who uses a surety bond to satisfy the requirements of Rule 865 must establish a stand-by trust fund when the surety bond is acquired. Under the terms of the bond, all amounts paid by the surety under the bond will be deposited directly into the stand-by trust fund in accordance with instructions of the Board under Rule 878. This stand-by trust fund must meet the requirements specified in Rule 873.

RULE 871 LETTER OF CREDIT

- A. An owner and operator may satisfy the requirements of Rule 865 by obtaining an irrevocable stand-by letter of credit that conforms to the requirements of this Rule. The issuing institution must be an entity that has the authority to issue letters of credit in the jurisdiction of Puerto Rico and whose letter of credit operations are regulated and overseen by a federal agency or agency of Puerto Rico.
- B. The letter of credit must be written according to the laws and regulations of the Commonwealth of Puerto Rico.
- C. An owner and operator who uses a letter of credit to satisfy the requirements of Rule 865 must also establish a stand by trust fund when the letter of credit is acquired. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Executive Director of the Board will be deposited by the issuing institution directly into the stand-by trust fund in accordance with instructions from the Executive Director of the Board under Rule 878. This stand-by trust fund must meet the requirements specified in Rule 873.



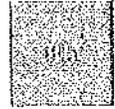
- D. The letter of credit must be irrevocable with a term specified by the issuing institution. The letter of credit must provide that credit be automatically renewed for the same term as the original term, unless, at least one hundred twenty (120) days before the current expiration date, the issuing institution notifies the owner or operator by certified mail of its decision not to renew the letter of credit. Under the terms of the letter of credit, the one hundred twenty (120) days will begin on the date when the owner or operator and the Board receives the notice, as evidenced by the return receipt.

RULE 872 TRUST FUND

- A. An owner and operator may satisfy the requirements of Rule 865 by establishing a trust fund that conforms in accordance with the Act Number 219 of 2012, known as: "Puerto Rico's Trust Fund Act", by a notarized public document. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal agency, or by the Board in which the fund is established.
- B. The wording of the trust agreement must be identical to the wording specified in Rule 873 (B) and must be accompanied by a formal certification of acknowledgement as specified in Rule 873 (B).
- C. The trust fund, when established, must be funded for the full required amount of coverage, or funded for part of the required amount of coverage and used in combination with other mechanisms that provide the remaining required coverage.
- D. If the value of the trust fund is greater than the required amount of coverage, the owner or operator may submit a written request to the President of the Board for release of the funds that may be in excess.
- E. If other financial responsibility, as specified in this Rule, is substituted for all or part of the trust fund, the owner or operator may submit a written request to the President of the Board for release of the excess.
- F. Within sixty (60) days after receiving a request from the owner or operator for release of funds as specified in paragraphs D or E of this Rule, the President of the Board will instruct the trustee to release to the owner and operator such funds as the President of the Board specifies in writing.

RULE 873. STAND BY TRUST FUND

- A. An owner or operator using any one of the mechanisms authorized by this Part, must establish a stand-by trust fund when the authorized mechanism is acquired. The trustee of the stand-by trust fund must be an entity with the authority to act as a trustee and whose trust operations



are regulated and examined by a federal agency or by the Board, in which the fund is established.

- B. The alternate trust agreement must be drafted in accordance with the laws and regulations of the Commonwealth of Puerto Rico.
- C. The alternate trust agreement must be accompanied by an official certificate of recognition drafted in accordance with the laws and regulations of the Commonwealth of Puerto Rico.
- D. The Executive Director of the Board shall order the trustee to reimburse the alternate trust fund balance to the financial responsibility provider, if the President determines that it will not incur in additional costs for corrective action, or that no third party claims will occur as a result of an escape covered by a financial responsibility mechanism for which the alternate trust fund was established.
- E. An owner and operator may establish a trust fund as the depository mechanism for all funds assured in compliance with this Rule.

**RULE 874 SUBSTITUTION OF FINANCIAL RESPONSIBILITY MECHANISMS BY THE OWNER
OR OPERATOR**

- A. An owner and operator may substitute any alternate financial responsibility mechanisms as specified in this Part, provided that at all times he maintains an effective financial responsibility mechanism or combination of mechanisms that satisfies the requirements of Rule 865.
- B. After obtaining alternate financial responsibility as specified in this Part, an owner or operator may cancel a financial such mechanism by providing notice to its provider and the Board.

**RULE 875 CANCELLATION OR NONRENEWAL BY PROVIDER OF FINANCIAL
RESPONSIBILITY**

- A. Except as otherwise provided, a provider of financial responsibility may cancel or fail to renew and responsibility mechanism by sending a notice of termination by certified mail to the owner and operator.
 - 1. Termination of a guarantee, a surety bond, or a letter of credit may not occur until one hundred twenty (120) days after the date on which the owner and operator receives the notice of termination, as evidenced by the return receipt.
 - 2. Termination of insurance, or risk retention group coverage, except for non-payment or misrepresentation by the insured, or state-funded assurance, shall not occur until sixty (60) days after the date on which the owner and operator receives the notice of termination, as evidenced by the return receipt. Termination for non-payment of premium or



misrepresentation by insured shall not occur until a minimum of ten (10) days after the date on which the owner or operator receives the notice of termination, as evidenced by the return receipt.

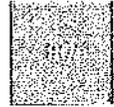
- B. If a provider of financial responsibility cancels or fails to renew for reasons other than incapacity of the provider as specified in this Rule, the owner or operator must obtain alternate coverage as specified in this Rule within sixty (60) days after receipt of the notice of termination.

RULE 876 REPORTING BY OWNER AND OPERATOR

- A. When the owner and operator identify a leak originating from the UST System, besides complying with the notification requirements established in Rules 840 and 843 of this Regulation, as they apply, shall present to the Board evidence of the financial responsibility within thirty (30) days after the leak has been identified.
- B. If the owner and operator does not count with financial responsibility, as required in this Part, must, within the period of thirty (30) days after identifying the leak, , provide the Board with the following:
- a. Bankruptcy proceedings in accordance with Title 11 of the U.S. Code have been initiated, either voluntarily or involuntarily, identifying the financial responsibility provider as the debtor.
 - b. Suspension or revocation of the authority of a financial responsibility provider to issue a financial responsibility mechanism.
 - c. Failure of a surety to comply with the requirements of financial proof.
 - d. Other incapacity of the provider of financial responsibility; or
- C. The Board may require at any time that an owner and operator provide evidence of financial responsibility or any other information relevant to this Part, as described in this Part.

RULE 877 RECORDKEEPING

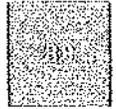
- A. Owners and operators must conserve evidence of all financial responsibility mechanisms used to demonstrate financial responsibility under this Part for all UST's subject to this Regulation, until released from the requirements of this Part under Rule 879. The owner and operator must conserve such evidence at the UST System site.
- B. An owner and operator must conserve the following types of evidence of financial responsibility:



1. An owner and operator using an assurance mechanism specified in this Part must conserve a copy of the instrument, as specified.
2. An owner and operator using a financial test or guarantee must conserve a copy of the chief financial officer's letter based on year-end financial statements for the most recent completed financial reporting year. Such evidence must be filed no later than one hundred twenty (120) days after the end of the financial reporting year.
3. An owner and operator using a guarantee, surety bond, or letter of credit must conserve a copy of the signed stand by trust fund agreement and copies of any amendments to the agreement.
4. An owner and operator using an insurance policy or risk retention group coverage must conserve a copy of the signed insurance policy or risk retention group coverage policy, with the endorsement or certificate of insurance and any amendments to the agreements.
5. An owner and operator covered by any assurance of the Commonwealth of Puerto Rico must conserve on file a copy of any evidence of coverage supplied by or required by the Government of Puerto Rico.
6. An owner and operator using an assurance mechanism, must conserve an updated copy of a certification of financial responsibility according to the laws and regulations of the Commonwealth of Puerto Rico.
7. The owner and operator must update this certification whenever the financial responsibility mechanism(s) used to demonstrate financial responsibility change(s).

RULE 878 DRAWING ON FINANCIAL RESPONSIBILITY MECHANISMS

- A. The Executive Director of the Board may require the guarantor or the institution issuing a letter of credit to certify the amount of financial security fund if:
 1. The Executive Director of the Board determines or suspects that a release from an UST System covered by the mechanism has occurred and for which the owner and operator are notified.
 2. The owner and operator have notified the Executive Director of the Board, under Part V or VI, of a release from an UST System covered by the mechanism.
- B. The President of the Board can withdraw funds from a trust if:



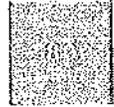
1. The President of the Board makes a final determination that a release has occurred and immediate or long term corrective action is necessary for the release, and the owner and operator, after being served properly and after being given the opportunity to meet, have not performed any corrective action, as required by Part VI of this Regulation, or
 2. The President of the Board has received either:
 - a. A certification by the owner, the operator, and a third party Plaintiff through their respective legal representation, which establishes that a claim for damages to third parties must be paid. The certification must be drafted in accordance with the laws and regulations of the Commonwealth of Puerto Rico.
 - b. Official notification of a final judgment against the owner and operator for bodily injury or property damage, caused by an accidental release from an USI covered by a financial responsibility mechanism under this part.
- C. If the President of the Board determines that the amount of corrective action costs and third party liability claims eligible for payment under paragraph B, may exceed the balance of the stand-by trust fund and the obligation of the provider of financial responsibility, the first priority for payment shall be the corrective actions costs necessary to protect human health and the environment. The President of the Board shall pay third party liability claims in the order in which the Board receives the certifications as per paragraph B(2)(a) and corresponding court orders as per paragraph B(2)(b).

RULE 879 RELEASE FROM THE REQUIREMENTS

The owner and operator shall not be required to maintain financial responsibility for a UST System as required under this Part of the Regulation, if it has been permanently closed, and no other UST System is installed on the site, and the owner has received a release from the Board; or after the corrective actions have been completed, and no other UST System is installed on the site, and has received a release from the Board as required in Part VII of this Regulation.

RULE 880 BANKRUPTCY OR OTHER INCAPACITY OF OWNER AND OPERATOR OR PROVIDER OF FINANCIAL RESPONSIBILITY

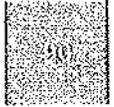
- A. If the owner or operator has filed for bankruptcy under any of the chapters, according to Title 11 of the U.S. Code, they shall immediately notify the Board by certified mail.
- B. If the guarantor has filed for bankruptcy under any of the chapters, according to Title 11 of the U.S. Code, he shall immediately notify the owner, operator and the Board by certified mail, as per the specified terms of the issued guarantec.



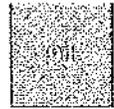
- C. An owner and operator who obtains financial responsibility by a mechanism other than the financial test of self-insurance will be deemed to be without the required financial responsibility in the event of a bankruptcy or incapacity of its provider of financial responsibility, or a suspension or revocation of the authority of the provider of financial responsibility to issue a guarantee, insurance policy, risk retention group coverage policy, surety bond, or letter of credit. The owner or operator must obtain alternate financial responsibility as specified in this Part within ten (10) days after receiving notice of such an event. If the owner or operator does not obtain alternate coverage within ten (10) days after such notification, he must notify the President of the Board.
- D. Within ten (10) days after receipt of notification that a Puerto Rico assurance provider has become incapable of covering the costs of the corrective actions or third-party compensation costs, the owner and operator must obtain alternate financial responsibility.

RULE 881 REPLENISHMENT OF GUARANTEES, LETTERS OF CREDIT, OR SURETY BONDS

- A. If at any time after a stand-by trust is funded upon the instruction of the President of the Board, with funds drawn from a guarantee, letter of credit, or surety bond, and the amount in the stand-by trust is reduced below the full amount of coverage required, the owner or operator shall by the anniversary date of the financial mechanism from which the funds were drawn:
 - 1. Replenish the value of financial responsibility to equal the full amount of coverage required, or
 - 2. Acquire another financial responsibility mechanism for the amount by which funds in the stand-by trust have been reduced.
- B. For purposes of this Rule, the full amount of coverage required is the amount of coverage to be provided by Rule 865 of this Part of the Regulation. If a combination of mechanisms were used to provide the assurance funds, which were drawn upon, replenishment shall occur by the earliest anniversary date among the mechanisms.



RULE 882	RESERVED
RULE 883	RESERVED
RULE 884	RESERVED
RULE 885	RESERVED
RULE 886	RESERVED
RULE 887	RESERVED



PART X REQUIREMENTS FOR UST SYSTEM OPERATORS

RULE 888 GENERAL REQUIREMENT FOR ALL UST SYSTEMS

All owners and operators of UST Systems, must designate Class A Operators, Class B Operators, and Class C Operators, that meet the requirements of this Part.

RULE 889 DESIGNATION OF OPERATORS

UST Systems owners and operators must designate:

- A. At least one (1) Class A Operators and one (1) Class B Operator for each UST or group of UST Systems at a facility; and
- B. Each individual who meets the definition of Class C Operator at the UST facility as a Class C Operator.

RULE 890 REQUIREMENTS FOR OPERATOR TRAINING

UST System owners and operators must ensure Class A, Class B, and Class C Operators meet the requirements of this Part. Any individual designated for more than one operator class must successfully complete the Examination and Certification Process required by the Board, according to the class operator in which the individual is designated.

A. CLASS A OPERATORS

Each Class A Operator designated must be trained and pass an Exam, through an Examination and Certification Process required by the Board, in accordance with this Part.

- 1. At a minimum, the Examination and Certification Process required by the Board for Class A Operators must provide general knowledge of the following:
 - a. Basic concepts of an UST Systems and its components;
 - b. Operation and maintenance;
 - c. Spill and overfill prevention;
 - d. Release detection and related reports;
 - e. Corrosion protection and related tests;
 - f. Emergency response;

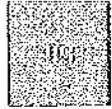


- g. Product and equipment compatibility;
 - h. Financial responsibility;
 - i. Notification and storage tank registration;
 - j. Temporary and permanent closure;
 - k. Related reporting and recordkeeping;
 - l. Environmental and regulatory consequences of releases; and
 - m. Training requirements for Class B and Class C Operators.
2. At a minimum, the Examination and Certification Process required by the Board must evaluate Class A Operators to determine these individuals have the knowledge and skills to make informed decisions regarding compliance and determine whether appropriate individuals are fulfilling the operation, maintenance, and recordkeeping requirements for UST Systems in accordance with this Rule.

B. CLASS B OPERATORS

Each Class B Operator designated must be trained and pass an Exam, through an Examination and Certification Process required by the Board, in accordance with this Part.

1. At a minimum, the Examination and Certification Process required by the Board for Class B Operators must provide general knowledge of the following:
 - a. Basic concepts of an UST Systems and its components;
 - b. Operation and maintenance;
 - c. Spills and overfill prevention;
 - d. Release detection and related reports;
 - e. Corrosion protection and related tests;
 - f. Emergency response;
 - g. Product and equipment compatibility;



- h. Reporting and recordkeeping;
 - i. Environmental and regulatory consequences of releases; and
 - j. Training requirements for Class C Operators.
2. At a minimum, the Examination and Certification Process required by the Board must evaluate Class B Operators to determine these individuals have the knowledge and skills to implement applicable UST regulatory requirements in the field on the components of typical UST Systems or, as applicable, site specific equipment used at an UST facility in accordance with this Part.

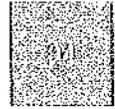
C. CLASS C OPERATORS

Each Class C Operator designated must be trained and pass an Exam, through an Examination and Certification Process required by the Board, in accordance with this Part.

1. At a minimum, the Examination and Certification Process required by the Board for the Class C Operator must have general knowledge of the following:
 - a. Emergencies, including but not limited to the immediate notification requirements;
 - b. Alarms caused by spills or releases from the UST System;
 - c. Basic concepts of an UST Systems and its components;
 - d. Environmental and regulatory implications of the releases.
2. At a minimum, the Examination and Certification Process required by the Board must evaluate Class C Operators, to determine these individuals have the knowledge and skills to take appropriate action in response to emergencies or alarms caused by spills or releases from an UST Systems.

RULE 891 ACTUALIZATION OF OPERATOR TRAINING

As part of the Operation Permit renewal process, owners or operators must present evidence of up to date training and recertification of Class A, Class B, and Class C Operators of UST Systems. In case of noncompliance of this Rule, the owners and operators shall give assurance to the Board that the training for Class A, Class B, and Class C Operators has been updated according to this Part, and within thirty (30) days after the Board has determined that the facility is in noncompliance. At a minimum, the review must cover the topics determined to be in noncompliance.



RULE 892 DOCUMENTATION

Owners and operators of an UST System must conserve a list of the designated Class A, Class B, and Class C Operators and of those records verifying that training and retraining, as applicable, have been completed, in accordance with Part III of this Regulation, which states as follows:

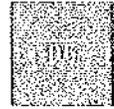
A. THE LIST MUST:

1. Identify all current Class A Operators, Class B Operators, and Class C Operators at the facility
2. Include names, class of operator trained, date of assumed duties, date of each completed review and training, or retraining.

B. Records confirming completion of training or retraining must be in paper form or as an electronic record for Class A, Class B, and Class C Operators. The records, at a minimum, must identify the name of the trainee, date trained, and operator training class completed. Owners and operators must conserve these records for as long as Class A, Class B, and Class C Operators are designated.

RULE 893 RESERVED

RULE 894 RESERVED



PART XI EXAMINATION AND CERTIFICATION PROCESS FOR UST SYSTEM OPERATORS

RULE 895 TRAINING PROGRAM PROVIDERS

- A. The operators can take the operator training course with any recognized provider of such courses. These training courses must comply with the minimum requirements of this Regulation regarding general knowledge for Operators of UST Systems for each of the different classes.
- B. The Board may provide the training courses for Operators of UST Systems for the different classes.

RULE 896 EXAMINATION AND CERTIFICATION PROCESS

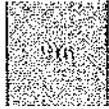
A. PETITION

Every person that is interested in obtaining an operator certification must present a petition to the Board in the following manner:

1. A petition in the form that will be approved by the Board with the required information duly signed by the petitioner. This information will include the name, physical, postal and electronic mail address, contact phone numbers, and the category for which certification is petitioned.
2. A certification from the training program provider that will serve as evidence that the petitioner took the operator training course according to the class for which examination is required by the Board, and that the training program complies with the minimum requirements of this Regulation.

B. EXAMINATION FEES

Any petitioner that requests an operator certification before the Board must pay an examination fee and a certification fee for each operator category. The fee quantities shall be established by the Board, provided such fees will not be reimbursed.



C. THEORETICAL AND PRACTICAL CURRICULUM.

The operators will be evaluated in the subsequent categories and according to the following subjects:

1. Class A Operators:

- a. Basics of a UST System and components
- b. Spill prevention, overflow prevention, detection of leaks
- c. Corrosion prevention, emergency response
- d. Product and equipment compatibility
- e. Financial responsibility
- f. Registration and Permit System for UST Systems by the Board
- g. Temporary and Permanent Closure
- h. Reports and related records retention
- i. Environmental and regulatory consequences due to leaks
- j. Training requirements for Class B Operators and Class C Operators
- k. Roles and responsibilities of UST System Operator
- l. Information on regulated substances in UST Systems and adverse effects to health and the environment
- m. Information on the UST Regulation, other regulations and federal and state guidelines
- n. Inspection methods of UST Systems
- o. UST System Operation methodology
- p. Preparation of inspection reports
- q. Recordkeeping - files and records maintenance
- r. Interpretation of inspection reports and risk assessment
- s. Recognition and control of risks arising from UST Systems
- t. Methods of mitigation, cleanup and risk reduction of UST Systems

2. Class B Operators:

- a. Basics of a UST System and components
- b. Operation and maintenance
- c. Prevention of spills and overfills
- d. Leak detection and reports
- e. Corrosion protection and related tests
- f. Emergency response
- g. Product compatibility and equipment
- h. Reports and related records retention
- i. Environmental and regulatory implications of the leaks
- j. Training requirements for Class A Operators and Class C Operators
- k. Roles and responsibilities of a UST System Operator
- l. Information on regulated substances in UST Systems and adverse effects to health and the environment



- m. Information on the UST Regulation, other regulations and federal and state guidelines
- n. Maintenance of files and records

3. Class C Operators:

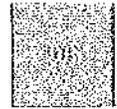
- a. Basics of a UST System and components
- b. Operation and maintenance
- c. Emergencies
- d. Alarms caused by spills or leaks of a UST System
- e. Basic concepts about UST Systems and its components
- f. Environmental and regulatory consequences due to leaks
- g. Training requirements for Class A Operator and Class B Operator
- h. Roles and responsibilities of UST Systems and adverse effects to health and the environment
- i. Information on regulated substances in UST Systems and adverse effects to health and the environment
- j. Information on the UST Regulation, other regulations and federal and state guidelines
- k. Maintenance of files and records

D. EVALUATION OF THE EXAMINATION PETITION

- a. The Board will review the examination petition and the documents presented in accordance to this Rule.
- b. If a deficiency is noted, the Board will notify the petitioner. The petition along with all documentation will be returned and the petitioner will be required to submit a new petition. The submittal of the petition to the Board does not constitute the examination or certification.

E. SYSTEM EVALUATION

- c. For each course offered, the Board will conduct a skills assessment by way of a closed book exam.
- d. The exam for Class A Operator will consist of a minimum of fifty (50) multiple choice questions. For the other categories (Class B and Class C) the exams will consist of a minimum of twenty five (25) multiple choice questions each.
- e. To successfully pass the exam, the candidate must have seventy percent (70%) or higher of correct answers.
- f. In the case that the exam is not approved as required, the participant will be allowed to perform the exam again, up to two (2) times. The participant will have to take the full course with any course provider before repeating the exam for a third time.

**F. EXAMINATION CERTIFICATION**

- a. After the petitioner demonstrates that he/she has met all the requirements of the Examination and Certification process, including the relevant exam, the Board will certify the petitioner as an Operator according to the category.
- b. To certify compliance, the Board will issue to each participant a UST Operator certificate, according to the category. The certificate shall contain the following:
 - i. Name, address, and the last four (4) digits of the Social Security number of the participant
 - ii. Date of the approved examination, according to its class
 - iii. The certification number of the participant
 - iv. Name and signature of the Board's designated representative
 - v. Expiration date of the certificate, which is three (3) years from the date it was issued
 - vi. Any other information deemed necessary
- c. The Board will assign to all certified operators a certification number and will hand out a certificate according to its class.
- d. All certificates shall expire three (3) years from the date it was issued. The work performed by the UST Systems Operator after the three (3) years and prior to renewal of the certificate shall constitute a violation of this Regulation.
- e. All operators must comply with the requirements of this Rule to maintain the certification as a UST System Operator, according to the category.

RULE 897 PERSONS TRAINED BEFORE THE EFFECTIVE DATE OF THIS REGULATION

- A. Any person who has received an UST System Operator training from any training school provider during the twelve (12) months prior to the effective date of this Regulation, may apply for a Provisional Certification to the Board, if the following requirements are met:
 1. Submit a completed application, signed by the applicant, with all required information according to this Rule.
 2. A certification, current within the last twelve (12) months before the effective date of this Regulation, from a training school provider that certifies that the person took the training for the Class for which the Provisional Certification is sought, and that the training satisfies the minimum requirements of this Rule.
- B. For the persons who apply and meet the requirements of this Rule, the Board will issue a Provisional Operator Certification for a twelve (12) month period, effective from the date of



issuance. Before the expiration date, the provisionally certified operator shall complete the Board's Examination and Certification Process set by this Regulation.

- C. The persons that took a UST System Operator training course within the twelve (12) month period before the effective date of this Regulation, will have twelve (12) months from the training certification date, to apply for a Provisional Certification.

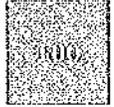
**RULE 898 SUSPENSION, REVOCATION AND MODIFICATION OF AN UST SYSTEM
OPERATOR CERTIFICATION**

- A. The Board may investigate the actions of any person certified as an UST System Operator. The Board may suspend, revoke or modify the certification of a certified operator, when it is determined the he/she:

1. Obtained documents by fraudulent means
2. Obtained the certification by fraudulent means or false representations of the certification requirements, or documents related to education, training or experience
3. Worked as an UST System Operator without a valid certification
4. Allowed the use or duplication of the certification
5. Failed to comply with adequate rules and work practices as provided in this Regulation
6. Violated federal or state laws and regulations related to UST Systems Operation
7. Used people that were not certified to perform works that required certification
8. Committed any other act that caused personal injury, or put at risk the health, welfare and public safety

- B. Any person or entity that have knowledge that the UST System Operator has incurred in any irregularities while working with an UST System, must notify the Board immediately

- C. When a UST System Operator Certification is revoked, the person may qualify only after a minimum period of six (6) months and up to five (5) years maximum, at the discretion of the Board, counted from the date of revocation.



- RULE 899 RESERVED
- RULE 900 RESERVED
- RULE 901 RESERVED
- RULE 902 RESERVED
- RULE 903 RESERVED
- RULE 904 RESERVED
- RULE 905 RESERVED
- RULE 906 RESERVED
- RULE 908 RESERVED
- RULE 909 RESERVED



PART XII GENERAL PROVISIONS

RULE 910 MONITORING, RECORDKEEPING, REPORTING, SAMPLING AND TESTING METHODS

A. MONITORING, RECORDKEEPING, AND REPORTING.

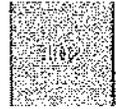
The Board may require the owner and operator of an UST facility the use and maintenance of monitoring equipment and to keep records. In addition, prepare and submit those periodic reports required under this Regulation that the Board deems necessary.

B. SAMPLE COLLECTION AND ANALYSIS

1. All sample collection, preservation, and analysis of samples shall be carried out in accordance with test methods and procedures specified in closure guidelines adopted by the Board, the EPA regulations (40 CFR Parts 141 to 257) and as provided for by the American Society for Testing Materials (ASTM), which are accepted by the Board.
2. All chemical analyses shall be certified by a chemist licensed in Puerto Rico. In addition, Standard Operating Procedures (SOPs) and the Quality Assurance/Quality Control (QA/QC) Program of the laboratory that performed the analyses shall, also, be provided.
3. Laboratories may initially submit to the Board the SOPs and QA/QC procedures being implemented by them. Annually, the laboratories shall review such documents, update them and submit them again, if these have been revised. If no revisions were necessary, the corresponding laboratories shall submit a certification to the Board indicating that the SOPs and QA/QC procedures being implemented have not been modified.

C. CERTIFICATION OF RECORDS AND REPORTS.

All records and reports required by this Regulation shall be submitted with a sworn statement of the owner and operator or of a highest-ranking official representing the person or entity that owns or operates the facility. Such sworn statement shall attest to the veracity, correctness, and completeness of such records and reports. If the owner or operator is a corporation, the highest-ranking official will be the Board of the corporation, or the Vice-President, or the highest ranking corporate officer with an office in Puerto Rico, or a duly authorized representative upon presentation of delegation documents. An official of equivalent rank may attest to records and reports of organizations other than corporations.



D. CERTIFICATION OATH.

The person responsible for signing the records and reports shall make the following certification:

“I certify that all information submitted in this document, and all corresponding attachments are accurate, true and complete. The information provided has been presented without the intent to lessen the facts or commit fraud. I am aware that on discovery of any deceit or fraud related with documents I signed, I will be subjected to penalties, including fines, imprisonment or both.”

RULE 911 EQUIPMENT MALFUNCTION REPORTING

- A. In the event that any UST System pollution control equipment or other related equipment breaks down, malfunctions, ruptures, releases or is rendered partially or totally inoperative in such a manner as to cause a release of the regulated substance, or any monitoring or other information indicating that the regulated substance may present a risk to an underground source of drinking water; the owner or operator responsible for such equipment, or facility shall report immediately, verbally and in writing, to the Board within a twenty four (24) hour period following the event. Such notification must provide all pertinent available facts, including the estimated duration of the non-compliance or malfunction, according to this Regulation.
- B. The owner and operator shall take all technically feasible steps to minimize or correct any adverse impact on the environment.
- C. The owner and operator shall notify the Board in writing within five (5) days after the occurrence of an incident using the procedure established in the Part V, although corrective action is initiated in accordance with Part VI of this Regulation.

RULE 912 CONFIDENTIALITY OF THE INFORMATION

- A. All information, records or reports received, or presented to the Board, under the provisions of this Regulation, shall be available to the public to be examined and reproduced. Any person that submits information to the Board will be able to claim confidentiality for all or part of the submitted information through a written declaration that expresses all the specific reasons that merit confidentiality. If the information submitted to the Board is not accompanied with the written confidentiality claim, the information may be made public without prior notice to the person that submitted the information.
- B. All confidentiality claims shall abide by Law 416 of 2004, as amended, known as: “The Environmental Public Policy Act”, and the Resolutions adopted by the Governing Board of the EQB, thereunder.



RULE 913 RIGHT OF ENTRY TO INSPECT

- A. The owner and operator will allow the entry and inspection of the Board Officials upon presentation of their credentials and subject to pertinent provisions of the Environmental Public Policy Act. During such inspection the Board Officials have the authority to:
1. Enter without prior notice, to any premise on which an UST System is located or in which any record required to be maintained under this Regulation is located;
 2. Inspect and copy any record(s) required by the Board or by this Regulation and to inspect and review any facility, equipment or test procedures regulated or required under this Regulation; and
 3. Conduct any sample or monitoring procedure of any substance or parameter in any location, with the purpose of assuring compliance with the provisions of this Regulation.

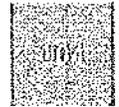
RULE 914 RESERVED

RULE 915 ORDERS OF CONSENT

- A. The Board may consider the following criteria to determine if an order of consent should be issued:
1. Violations that are clear and that can be easily verifiable;
 2. Violations that are easily correctable; and
 3. First time violators.
- B. The amount of penalties imposed will be issued by the Board by way of a Resolution adopted by the Governing Board.

RULE 916 NOTICE OF VIOLATION AND ADMINISTRATIVE ORDER

- A. Whenever the Board determines that provisions of this Regulation have been violated, the Board may issue a written notice of violation to the alleged offender.
- B. Every notice of violation shall specify the violation with reference to the provisions infringed, and the requirements or measures the Board estimates necessary to attain compliance. The notification of violation will concede a period of thirty (30) days to correct the specified violations.



- C. The Board may issue Orders to Do, to Show Cause, Cease and to Desist, or take any other action in accordance with the Environmental Public Policy Act.

RULE 917 CLOSURE OF A FACILITY OR AN UST SYSTEM

- A. The Board may order the closure of a facility or UST System found in violation of the provisions of this Regulation and any other applicable law.

RULE 918 PENALTIES AND DAMAGE ACTIONS RECOVERY

A. PENALTIES

The Board may impose administrative penalties for any violation of the provisions of this Regulations and orders and decisions under its laws or regulations. Administrative penalties can amount to twenty five thousand dollars (\$ 25,000) per day for each violation. Each day for which the violation persists shall be consider a separate violation.

B. CONTUMACY

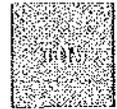
In cases where contumacy is incurred, perpetration or continuance of acts where there is already a penalty, or failure to comply with any order or resolution issued, the Board may impose an additional administrative penalty that will not exceed fifty thousand dollars (\$50,000) per each day of violation.

C. CRIMINAL SANCTIONS

1. **Violations of this Regulation.** Any violation of this Regulation or to any authorization or permit issued under this Regulation shall constitute a misdemeanor, and shall be subject to the penalties prescribed by the Environmental Public Policy Act.
2. **Violations of the certification process.** Any person who violates the provisions of this Regulation for the certification process, or providing a false representation, certification, or statement under this Regulation, or that provides false representation in any report required by the Board, is subject to the applicable penalties according to the Environmental Public Policy Act.

D. Recovery Actions

The Board, represented by the Secretary of the Department of Justice of the Commonwealth of Puerto Rico, by the Board attorneys, or by a particular contracted attorney, may file civil actions for damages in any court of the Commonwealth of Puerto Rico or the United States of America to recover the totality of the damages caused to the environment or the natural resources while incurring in any violation to the disposition of this Regulation.



RULE 919 RESERVED

RULE 920 INTERPRETATION OF THE REGULATION

The provisions of this Regulation will be interpreted liberally in order to guarantee due process of law, and to comply with the objectives of the Environmental Public Policy Law and LPAU. However, when two or more rules or statutory provisions applicable to the same factual situation are conflicting, or in contradiction of each other, the rule or statutory provision that establishes the stricter requirement will prevail.

RULE 921 DEROGATION

This Regulation derogates any prior disposition, Resolution, agreement or regulation of the Board that is inconsistent with it. Specifically, this Regulation derogates the Underground Storage Tanks Control Regulation, No. 4362 of November 14, 1990.

RULE 922 SEPARABILITY CLAUSE

If any provision of this Regulation is legally contested, and the Court declares any provision of this Regulation illegal or unconstitutional, such declaration or sentence shall not affect the other provisions of this Regulation, each one being considered as separate.

RULE 923 EFFECTIVENESS

This Regulation shall go into effect thirty (30) days after the date of its filing at the Commonwealth of Puerto Rico's State Department, in conformity with LPAU.

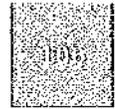
RULE 924 PUBLIC RECORD

The Board shall have available a public record indicating the number of active regulated UST facilities, and the status of these facilities with respect to inspections and summary information pertaining to release sources and causes, known as the LUST list.

RULE 925 ADOPTED LANGUAGE TO THIS REGULATION

The Spanish language version, is adopted by the Board as the Regulation. If there is a translation in the English language, and if there is any difference with the version adopted by the Board, the Spanish version prevails.

RULE 926 RESERVED

**PART XIII PROHIBITION AGAINST FUEL PRODUCTS FILLING AND DISPATCHED (RED TAG)****RULE 927 CRITERIA TO DETERMINE THAT A UST IS INELIGIBLE TO OPERATE**

The Board will determine that a UST is ineligible to operate when it determines the existence of any of the following conditions:

1. Failure to appropriately operate or maintain the leak detection equipment
2. Failure to appropriately operate or maintain the leak prevention equipment, the overfill equipment, or the corrosion equipment
3. Failure to maintain financial responsibility
4. Failure to protect from corrosion a buried flexible metal connector
5. If the required leak prevention equipment has not been installed
6. If the required overfill prevention equipment has not been installed
7. If the required leak detection equipment has not been installed
8. If the required corrosion protection equipment has not been installed

RULE 928 MECHANISMS TO IDENTIFY A UST AS INELIGIBLE

- A. When the Board's technical personnel finds conditions that are in violation of this Part, the President or the authorized official will determine that the UST is ineligible by issuing an Emergency Order which shall order that the UST be red tagged. Such order shall warn the owner or operator of his right to request an adjudicative hearing in accordance with the provisions set forth by LPAU.
- B. The red tag that is fixed on the UST, will avoid the dispatch of the regulated substance that the UST System contains. The red tag will be fixed to the filling tube that does not comply with the regulatory criteria, it will be tamperproof, and will clearly identify that the UST does not meet the dispatch, filling, and acceptance product conditions.
- C. Within five (5) days after notification of the Emergency Order, the owner or operator may submit a written document detailing his posture regarding such order; and how the noted deficiencies have been corrected. The written document shall include the reasons and basis, along with the corresponding evidence, as to why the UST System can be reclassified as eligible.

RULE 929 PROCESS TO RECLASSIFY A UST FROM INELIGIBLE TO ELIGIBLE

After the Board evaluates the arguments set forth by the owner or operator as to why reclassification should be granted, and after verifying that the noted deficiencies have been corrected, the ineligible classification will be left without effect, and the red tag will be removed.



**RULE 930 PROCESS TO APPLY THE PROHIBITION AGAINST FILLING AND DISPATCHING
FUEL PRODUCTS IN RURAL AND REMOTE AREAS**

- A. In those cases where the ineligible criteria of Rule 927 are found on a site that lies on a rural or remote area, the Board may delay the tagging of a UST System for a maximum period of one hundred eighty (180) days after determining that:
1. No imminent danger exists for the public safety and security
 2. Such action will risk the availability or access to fuel products in any rural or remote area.

RULE 931 GENERAL PROHIBITIONS FOR FILLING AND DISPATCHING FUEL PRODUCTS

- A. It is prohibited to dispatch, fill, or accept a regulated substance in an UST System which the Board has determined that it does not comply with conditions for filling and dispatching fuel products.
- B. No owner or operator will receive a regulated substance for any UST that has been marked with a red tag dispatch prohibition.
- C. No person that sells a controlled substance shall dispatch or allow the dispatch of fuel products to any UST that has been marked with a red tag.
- D. It is prohibited for any person, besides an authorize Board official, to remove, manipulate, destroy or tamper with a red tag of that has been fixed to an UST System.

RULE 932 RESERVED

RULE 933 RESERVED

RULE 934 RESERVED



PART XIV GENERAL PROHIBITIONS

RULE 935 GENERAL PROHIBITION AGAINST SURFACE AND COASTAL WATERS POLLUTION.

No person shall cause or allow a spill or release of regulated substances from an UST System into surface or coastal waters of the Commonwealth of Puerto Rico.

RULE 936 GENERAL PROHIBITION AGAINST GROUNDWATER POLLUTION

No person shall cause or allow the contamination of an existing or potential groundwater source of drinking water.

RULE 937 GENERAL REQUIREMENT FOR COMPLIANCE WITH REGULATION

No person shall cause or allow the installation, operation or closure of an UST System in violation of this Regulation, or other applicable laws or regulations of the Commonwealth of Puerto Rico.

RULE 938 GENERAL PROHIBITION ON HANDLING OF REGULATED SUBSTANCES

No person shall cause or allow the installation, operation or closure of an UST System without taking all practicable measures to control fires, explosions, releases and spills. Regulated substances shall be transported, stored processed and disposed, in such manner, that it do not cause a hazard to health, the environment or public safety.

RULE 939 GENERAL PROHIBITION AGAINST ILLEGAL OPERATION OF AN UST SYSTEM

No person shall install, operate, modify, close, investigate, or perform corrective actions of an UST System without prior authorization from the Board.

RULE 940 GENERAL PROHIBITION AGAINST UST SYSTEM SITTING IN FLOOD AREAS

- A. No person shall install or allow the installation or operation of a UST System in flood areas that limit the flow of water or reduce the temporary water storage capacity of the flood plain, so as to pose a hazard to human health, wildlife, ground or superficial water resources, except for facilities with existing UST Systems that comply with Part IV of this Regulation.
- B. No person shall cause or allow installation of a new UST System at a distance less than four (4) feet between the tank bottom and the water table, unless it is a double walled UST with an interstitial detection system or a UST system that provides the same protection as a double walled UST System and complies with the requirements of this Regulation.



**RULE 941 PROHIBITIONS FOR THE OPERATION OF RETAIL GASOLINE SERVICE STATIONS,
GASOLINE SERVICE STATIONS THAT SUPPLY GOVERNMENT VEHICLES,
PRIVATE ORGANIZATIONS AND MOTOR VEHICLE DEALERS**

A. DURING SCHOOL HOURS

1. No owner and operator of retail gasoline service station or gasoline service stations that serve government vehicles, private organizations and dealers of motor vehicles established before January 26, 2004, located within a radius of thousand (1,000) feet from a public or private school or a post-secondary institution, shall perform the following activities:
 - a. Receive gasoline or any other fuel in their tanks; perform cleaning activities; maintenance or any other action that involves opening and leaving exposed fuel tanks, except in those activities covered in Part III of this Regulation.
 - b. No gasoline distributor shall serve any owner and operator of retail gasoline service station, gasoline service stations that supply government vehicles, private organizations and motor vehicle dealers that are within a radius of a thousand (1,000) feet from a public, private school or a post-secondary institution.

B. PROHIBITIONS FOR LOCATING RETAIL GASOLINE SERVICE STATIONS

No person shall establish a new retail gasoline service station in a radius of a thousand (1,000) feet from a public or private school or a post-secondary institution.

C. EXEMPTIONS

Due to geographical limitations, the municipalities of Vieques and Culebra are exempted of complying with the provisions in paragraphs A and B of this Rule.

RULE 942 RESERVED

RULE 943 RESERVED

RULE 944 RESERVED



PART XIV FEES

RULE 945 RESERVED

RULE 946 FEES FOR PERMIT, EXTENSIONS, RENOVATIONS, MODIFICATIONS, AND REVIEW OF REPORTS AND PLANS

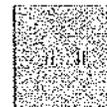
The Board establishes that any owner and operator who submits an application for: initial registration, Installation Permit, Closure Permit, Operating Permit, Renewal Permit, Extension Permit, Modification Permit, must pay a fee for processing the application along with a fee depending on the type of application. Such charges are summarized in the following Table.

Table 5. Fees for Permit Application and Processing

Volume in Gallons		Application Processing	Installation, Closing, and Extension Permits	Operation and Renovation Permits	Modification of Minor Permits	Modification of Major Permits
Non-Gas stations	5,000 or less	\$50.00*	\$50.00**	\$150.00**	\$50.00**	\$150.00**
	5,001 to 15,000	\$50.00*	\$100.00**	\$300.00**	\$50.00**	\$150.00**
	15,001 to 100,000	\$50.00*	\$200.00**	\$600.00**	\$50.00**	\$150.00**
	100,001 or more	\$50.00*	\$400.00**	\$1,200.00**	\$50.00**	\$150.00**
Gas stations		\$50.00*	\$150.00**	\$300.00**	\$50.00**	\$150.00**
*Installation fee						
**The fee will be multiplied with the amount of tanks to be installed or closed.						
***Fees must be multiplied with the quantity of UST that are at the site						

RULE 947 FEES FOR REVIEW OF REPORTS AND PLANS

Every person that submits a Plan, Report or Results of a Plan must pay a nonrefundable administrative fee of fifty (50) dollars for the processing of the application.



RULE 948 RESERVED

RULE 949 RESERVED

RULE 950 TEST AND ANALYSIS FEES

A. The owner and operator of the facility shall pay a fee to cover the costs of monitoring practice, analysis and testing by the Board.

1. After concluding the tests, the Board will provide written notice to the owner or operator of the facility concerning the fee to be paid.
2. These fees must be paid within thirty (30) days after the billing date.
3. After payment of the corresponding test or analysis fee has been received, the Board will provide a copy of the report to the facility owner or operator.

RULE 951 PENALTY FOR EXISTING UST SYSTEMS THAT ARE NOT REGISTERED

Any owner or operator that submits a Permit Application for an existing UST System that has not been registered, or who's Registration Certificate has expired at the effective date of this Regulation shall pay an additional fee, non-refundable of two hundred and fifty (\$250) dollars. Also, any owner or operator that submits an application or permit renovation issued by the Board that expired before the application or permit submittal shall pay a non-refundable penalty charge of two hundred and fifty (\$250) dollars per Permit.

RULE 952 RESERVED

RULE 953 RESERVED

RULE 954 RESERVED

APPENDIX I

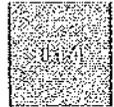
Trace Levels for Underground Storage Tanks (UST) System Sites

Chemicals of Concern	CAS Num.	Soil (mg/kg)			Groundwater (mg/L)			Class SG ^f
		Residential ^a	Industrial ^a	Groundwater Protection ^{a,c}	Maximum Contamination Level	Potable Water ^d		
Benzene ^g	71-43-2	1.2	5.1	0.0026	0.005	N/A	0.005	
Toluene	108-88-3	490	4,700	0.69	1	N/A	1	
Ethylbenzene ^g	100-41-4	5.8	25	0.78	0.7	N/A	0.53	
Xylenes (mixed)	1330-20-7	58	250	9.8	10	N/A	---	
Ethylene Dibromide (ED) ^{b, g}	106-93-4	0.036	0.16	0.000014	0.000052	N/A	---	
1,2-cis-Dichloroethylene ^{g, h}	156-59-2	16	230	0.021	0.07	N/A	---	
1,2-trans-Dichloroethylene ^{g, h}	156-60-5	160	2,300	0.029	0.1	N/A	0.0038	
Methyl Tertiary Butyl Ether (MTBE) ^g	1634-04-4	47	210	0.0032 ^e	---	0.014	---	
Tertiary Butyl Alcohol (TBA)	75-65-0	--- ⁱ	--- ⁱ	--- ⁱ	---	---	---	
Ethanol	64-17-5	---	---	--- ^j	--- ^j	---	---	
Acenaphthene	83-32-9	350	4500	220 ^k	---	0.053	0.67	
Anthracene	120-12-7	1700	23000	5.8 ^{c, k, l}	---	0.18	8.3	
Benzo(a)Anthracene ^g	56-55-3	0.15	2.9	0.12 ^{c, k, m}	---	0.000034	0.000038	
Benzo(a)pirene ^g	50-32-8	0.015	0.29	0.24	0.0002	N/A	0.000038	
Benzo(b)fluoranthene ^g	205-99-2	0.15	2.9	0.041 ^{c, k, n}	---	0.000034	---	
Benzo(g,h,i)pirene	191-24-2	--- ^{i, o}	--- ^{i, o}	--- ^{i, o}	--- ^{i, o}	--- ^{i, o}	---	
Benzo(k)fluoranthene ^g	207-08-9	1.5	29	0.40 ^{c, k, p}	---	0.00034	0.000038	
Chrysene ^g	218-01-9	15	290	1.2 ^{c, k, q}	---	0.0034	0.000038	
Fluoranthene	206-44-0	230	3000	8.9 ^{c, k, r}	---	0.08	0.13	
Fluorine	86-73-7	230	3000	0.54 ^{c, k, r}	---	0.029	1.1	
Naphthalene ^g	91-20-3	3.8	17	0.00054 ^{c, k, s}	---	0.00017	---	
Peranthrene	85-01-8	2,100 ^k	4,300 ^k	660 ^k	0.018 ^k	N/A	---	
Pyrene	129-00-0	170	2300	1.3 ^{c, k, t}	---	0.012	0.83	
Lead	7439-92-1	400	800	14	0.015		0.015	



Notes:

- ^a The Screening Levels [Screening Levels (SLs) were obtained from the "Regional Screening Level (RSL) Summary Table" (TR = 10^{-6} , HQ = 0.1) May 2014 (USEPA, 2014a).
- ^b Synonym: 1,2-Dibromoethane = DBE
- ^c Protection of Groundwater based on Maximum Contamination Level (MCL).
- ^d Screening Levels for potable water were selected because the MCL is not available.
- ^e Risk based Screening Level for groundwater protection because MCL is not available.
- ^f Water quality criteria for a body of water with an SG classification as per the Regulation on Water Quality set forth by the EQB on March 2010.
- ^g COC's are carcinogens, and as per the RBCA guidelines they were multiplied by 10 to adjust to the risk goal of 1×10^{-5} vs. 1×10^{-6} as used by RSL.
- ^h Isomers of (DCE (1,2-DCA))
- ⁱ Cleanup Levels exist for the state of Florida: http://www.dep.state.fl.us/waste/quick_topics/rules/documents/62-777/62-777_TableI_GroundwaterCTLs.pdf & http://www.dep.state.fl.us/waste/quick_topics/rules/documents/62-777/62-777_TableII_SoilCTLs.pdf), estos son:
- Groundwater Criteria - Cleanup Target Level: 1.4 mg/L;
 - Soil Clean-up Target Level: Direct Exposure - Residential: 3,200 mg/kg; Direct Exposure - Industrial: 380,000 mg/kg; Leachability based on Groundwater Criteria: 5.7 mg/kg
- ^j Maximum cleanup levels that exist for the state of Florida are:
- Groundwater Criteria - Cleanup Target Levels: 1.4 mg/L
 - Soil Clean-up Target Level (Leachability based on Groundwater Criteria): 40 mg/kg
- ^k Screening Levels for the state of Louisiana. Louisiana Department of Environmental Quality (LDEQ) RECAP Table 1. Screening Standards for Soil and Groundwater. www.deq.state.la.us/portal/Portals/0/technology/recap/2003/RECAP%202003%20Text%20Table%201.pdf
- ^l Cleanup or Screening Levels for TBA:
- In the state of Florida: Soil Clean-up Target Level: Leachability based on Groundwater Criteria: 2,500 mg/kg
 - In the state of Louisiana ("screening level"): 120 mg/kg
- ^m Screening Levels for Benzene(a) anthracen in the state of Louisiana is 330 mg/kg.
- ⁿ Screening Levels for Benzene(b) fluoranthene in state of Louisianam is 220 mg/kg.
- ^o Benzene(g, h, i) pyrene levels only exist for the state of Florida:
- Groundwater Criteria - Cleanup Target Levels: 0.21 mg/L.
 - Soil Clean-up Target Level: Direct Exposure - Residential: 2,500 mg/kg; Direct Exposure - Industrial: 52,000 mg/kg; Leachability based on Groundwater Criteria: 32,000 mg/kg
- ^p Screening Levels for Benzo(k)fluoranthene in the state of Louisiana is 120 mg/kg.
- ^q Cleanup or Screening Levels for Crisantheyne in:



- State of Florida: Soil Clean-up Target Level: Soil Clean-up Target Level: Leachability based on Groundwater Criteria: 77 mg/kg
- State of Louisiana ("screening level"): 76 mg/kg
- Screening Levels for Fluoranthene y Fluorine in the state of Louisiana is 230 mg/kg.
- Screening Levels for Nafthalene in the state of Louisiana is 1.5 mg/kg.
- Screening Levels for Pyrene in the state of Louisiana is 1,100 mg/kg.

COMMONWEALTH OF PUERTO RICO
OFFICE OF THE GOVERNOR
ENVIRONMENTAL QUALITY BOARD

Pursuant to and in accordance with the Environmental Public
Policy Act (Law No. 416 of September 22, 2004, as amended),

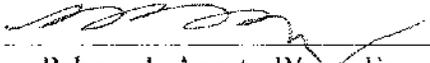
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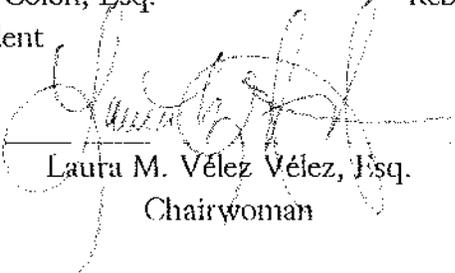
Regulation for the Control of the Underground Storage Tanks

Has been promulgated by Resolution Number R-14-47-1 to comply with environmental
public policy by ensuring the proper management of underground storage tanks systems and
preventing, controlling, mitigating current or potential soil and surface and ground waters.

Dated this December 19, 2014


Suzette M. Melendez Colón, Esq.
Vice-President


Rebeca I. Acosta Pérez, Esq.
Associate Member


Laura M. Vélez Vélez, Esq.
Chairwoman



A VISO AMBIENTAL

VISTA PÚBLICA SOBRE LA ADOPCIÓN DEL REGLAMENTO PARA EL CONTROL DE TANQUES DE ALMACENAMIENTO SOTERRADOS

La Junta de Calidad Ambiental (JCA), a tenor con la facultad que le confiere su Ley Orgánica, Ley Número 416 del 22 de septiembre de 2004, según enmendada, conocida como la Ley sobre Política Pública Ambiental, y conforme a las disposiciones aplicables de la Ley Número 170 del 12 de agosto de 1988, según enmendada, conocida como la Ley de Procedimiento Administrativo Uniforme, Ley Número 454 del 28 de diciembre de 2000, mejor conocida como Ley de Flexibilidad Administrativa y Reglamentaria para el Pequeño Negocio, la Parte 280 del Capítulo 40 del Código de Reglamentos Federales (40 CFR) de 1988 y la Ley Federal conocida como *Energy Policy Act 2005* (42 USC § 13201 *et seq.*), propone la adopción del Reglamento para el Control de Tanques de Almacenamiento Soterrados

El reglamento propuesto tiene el propósito de proteger el medio ambiente y la salud humana de los escapes provenientes de los Tanques de Almacenamiento Soterrados (TAS), establecer las normas mínimas para los sistemas de TAS, tales como: instalación, operación, sistemas de detección de escape y cierre de los mismos, requisitos de registros, así como identificar y distinguir propietarios, establecer los requisitos de operadores y la acreditación de programas de adiestramiento, entre otros y los plazos para que éstos puedan cumplir con los requisitos reglamentarios aplicables. Además, establece los procedimientos y los requisitos para el trámite de permisos, de notificación, investigación, confirmación de escapes, respuesta a escapes y las acciones correctivas para responder a la contaminación de suelo y aguas subterráneas.

La Vista Pública sobre la adopción del reglamento será celebrada en la JCA, Salón de Vistas Públicas, Piso 4, Edificio de Agencias Ambientales Cruz A. Matos, Ave. Ponce de León 1375, Urbanización San José Industrial Park, San Juan, Puerto Rico.

FECHA: 14 de marzo de 2014
HORA: 9:00 A.M.

La vista se extenderá mientras haya deponentes presentes. De no haber deponentes presentes una hora después de comenzada la vista, la misma se declarará desierta y los trabajos serán levantados. Cualquier persona que desee comentar sobre el reglamento propuesto, deberá comparecer a la Vista Pública mediante la solicitud de turno a la Oficina de Vistas Públicas de la JCA al teléfono (787) 767-8181, extensión 6149 o remitir sus comentarios por escrito sobre el reglamento propuesto durante los próximos treinta (30) días a partir de la publicación de este aviso a la siguiente dirección electrónica retas@jca.gobierno.pr o por correo a la siguiente dirección:

JUNTA DE CALIDAD AMBIENTAL
P. O. BOX 11488
SAN JUAN PUERTO RICO 00910

ATENCION: OFICINA DE VISTAS PÚBLICAS

Copias del reglamento propuesto, documentos relacionados y el Análisis de Flexibilidad Administrativa y Reglamentaria para el Pequeño Negocio están disponibles para revisión del público en la Biblioteca Ambiental y en el Salón de Vistas Públicas ubicados en el Piso 4 del Edificio de Agencias Ambientales Cruz A. Matos, Av. Ponce de León 1375, Urbanización San José Industrial Park y en las Oficinas Regionales de la JCA:

Oficina Regional de Ponce
Centro de Distribución, Suite 404
Avenida Santiago de los Caballeros 3199
Ponce, Puerto Rico 00716-2018
Tel: (787) 840-4070

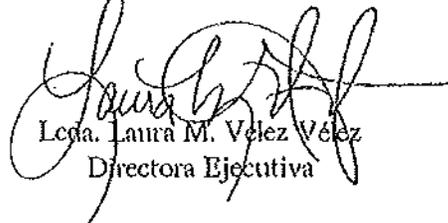
Oficina Regional de Arecibo
Ave. San Patricio 44
Marginal Carretera 2, Km 80.6
Arecibo, Puerto Rico 00614-3971
Tel: (787) 880-0013

Oficina Regional de Mayagüez
Carretera 2, Km 159
Suite 201
Mayagüez, Puerto Rico 00682
Tel: (787) 833-1188

Oficina Regional de Guayama
Carretera 3, Km 134.3
Barrio Algarrobo
Guayama, Puerto Rico 00784
Tel: (787) 864-7111

Oficina Regional de Humacao
Ave. Boulevard del Río, Ramal 3
Desvío Sur
Humacao, Puerto Rico 00791
Tel: (787) 785-2818

También, el reglamento propuesto está disponible a través de la siguiente dirección electrónica: <http://www2.pr.gov/agencias/jca/LeysesReglamentos/Pages/EnmiendasyReglamentosPropuestos.aspx>. Copias de los documentos antes mencionados estarán a la venta de lunes a viernes entre las 8:00 a.m y 4:00 p.m., en las oficinas antes mencionadas.



Lcda. Laura M. Vélez Vélez
Directora Ejecutiva

Este aviso se emite en conformidad con la Ley Número 416 del 22 de septiembre de 2004, según enmendada, Ley sobre Política Pública Ambiental, y la Sección 2.1 de la Ley Número 170 del 12 de agosto de 1988, Ley de Procedimiento Administrativo Uniforme, según enmendada.



COMMONWEALTH OF
PUERTO RICO
Environmental Quality Board

ENVIRONMENTAL NOTICE

PUBLIC HEARING FOR ADOPTION OF
THE UNDERGROUND STORAGE TANKS CONTROL REGULATION

The Environmental Quality Board (EQB), pursuant to the powers conferred by Law Number 416 of September 22, 2004, as amended, known as the Environmental Public Policy Act, and according to the applicable provisions of Law Number 170 of August 12, 1988, as amended, known as the Uniform Administrative Procedure Act, Law Number 454 of December 28, 2000, known as the Regulatory and Administrative Flexibility Act for the Small Business, and the Part 280 of Title 40 of the Code of Federal Regulations (40 CFR), 1988 and the Federal Law known as the Energy Policy Act, 2005 (42 USC § 13201 *et seq.*), proposes the adoption of the Underground Storage Tanks Control Regulation.

The proposed regulation is intended to protect the environment and human health from leaks from Underground Storage Tanks (UST), establish minimum standards for UST systems, such as installation, operation, leak detection and spill prevention systems and closing of UST, the requirements for notification, and identify and distinguish owners, establish the requirements for operators and the accreditation of training programs, among others and provide the time for the regulated community can meet the applicable regulatory requirements. It also establishes procedures and permits requirements, the requirement for notified, investigate and confirm leak, and the correctives actions to respond to soil and groundwater contamination.

The Public Hearing regarding the proposed regulation will be held in the EQB, Public Hearings Hall, 4th Floor, Cruz A. Matos Environmental Agencies Building, 1375 Ponce de León Avenue, Urb. San José Industrial Park, San Juan, Puerto Rico.

DATE: March 14, 2014
TIME: 9:00 A.M.

The hearing will be extended as long as there are deponents present. If there are no deponents present within one hour after the commencement of the hearing, it will be declared empty and the hearing will be adjourned. Any person that wishes to present comments with respect to the proposed regulation should attend the public hearing and are encouraged to request a turn in the Public Hearings Office of the EQB by calling telephone (787) 767- 8181, extension 6149 or by submitting written comments regarding the proposed regulation within thirty (30) days period following the publication of this notice to the following electronic address rctas@jca.gobierno.pr or by mail to the following address:

ENVIRONMENTAL QUALITY BOARD
PO BOX 11488
SAN JUAN PUERTO RICO 00910

ATTENTION: PUBLIC HEARINGS OFFICE

Copies of the proposed regulation, related documents and the Analysis of Regulatory and Administrative Flexibility for the Small Business will be available at the Environmental Library and the Public Hearings Hall located at 4th Floor of the Cruz A. Matos Environmental Agencies Building, 1375 Ponce de León Avenue, Urb. San José Industrial Park and at the Regional Offices of the EQB:

Ponce Regional Office
Distribution Center, Suite 404
3199 Santiago de los Caballeros Avenue
Ponce, Puerto Rico 00716-2018
Phone: (787) 840-4070

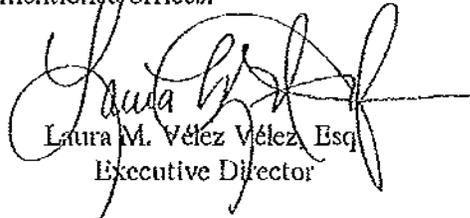
Arecibo Regional Office
44 San Patricio Ave.
Marginal State Road 2, Km 80.6
Arecibo, Puerto Rico 00614-3971
Phone: (787) 880-0013

Mayagüez Regional Office
State Road 2 Km 159, Suite 201
Mayagüez, Puerto Rico 00682
Phone: (787) 833-1188

Guayama Regional Office
State Road 3 Km. 134.3
Algarrobo Ward
Guayama, Puerto Rico 00784
Phone: (787) 864-7111

Humacao Regional Office
Boulevard del Rio Avenue, Ramal 3
South By Pass
Humacao, Puerto Rico 00791
Phone: (787) 785-2818

Also, the proposed regulation is available at the following electronic address: <http://www2.pr.gov/agencias/jca/LeyesyReglamentos/Pages/EnmiendasyReglamentosPropuestos.aspx>. Copies of the aforementioned documents can be purchased from Monday to Friday between 8:00 a.m. and 4:00 p.m., at the above mentioned offices.



Laura M. Vélez Vélez, Esq.
Executive Director

This notice has been issued pursuant to Law Number 416 of September 22, 2004, as amended, Environmental Public Policy Act, and Section 2.1 of Law Number 170 of August 12, 1988, as amended, Uniform Administrative Procedure Act.

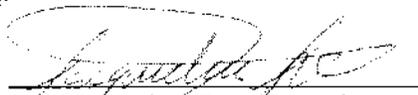
COMMONWEALTH OF PUERTO RICO
OFFICE OF THE GOVERNOR
ENVIRONMENTAL QUALITY BOARD

SUPLETORY SHEET

1. Title of Regulation: Regulation for the Control of Underground Storage Tanks
2. Date of approval: December 19, 2014 (R-14-47-1)
3. Officials whom approved: EQB Governing Board composed by:
Laura M. Vélez Vélez - Chairwoman
Suzette M. Meléndez Colón - Vice President
Rebecca I. Acosta Pérez - Associate Member
4. Office where approved: Environmental Quality Board, Environmental Agencies Building Cruz A. Matos, Urb. San José Industrial Park, 1375 Ponce de León Ave., San Juan, Puerto Rico
5. Date of public notice: February 10, 2014
6. Reference of the legal authority to promulgate this Regulation: Law No. 416-2004, as amended, known as Environmental Public Policy Act
7. Regulation number:
8. Date of filing:
9. Date of effectiveness: 30 days after filing of this Regulation in the Department of State
10. Reference to all other regulation which has been amended or derogated by the adoption or promulgation of this Regulation: Regulation for the Control of Underground Storage Tanks (Regulation No. 4362)

CERTIFICATION

I certify that the procedures followed for the adoption of this regulation were accomplished in accordance with the Commonwealth of Puerto Rico Uniform Administrative Procedure Act, Law No. 170 of August 12, 1988, as amended, 3 L.P.R.A. § 1121 *et seq.*



Jacqueline Trigo Dietrich

Secretary

Governing Board

Environmental Quality Board