

Subchapter 2: DEFINITIONS

As used in these rules, all terms not defined herein shall have the meaning given them in **40 CFR Part 280**.

"**Agency**" means the Vermont agency of natural resources.

"**Ancillary equipment**" means any devices including, but not limited to, piping, fittings, flanges, valves, and pumps used in association with an underground storage tank system.

"**Business days**" means all days except Saturdays, Sundays, and holidays recognized by the State of Vermont.

"**Carrier**" means a person who transports and transfers a regulated substance from a bulk liquid transport vehicle to an underground storage tank.

"**Category one underground storage tank**" means any underground storage tank, regardless of its capacity, except:

- (a) Fuel oil storage tanks used for on-premises heating purposes; or
- (b) Farm or residential tanks used for storing motor fuel.

"**Category two underground storage tank**" means any underground storage tank with a capacity greater than 1100 gallons that is a farm or residential motor fuel tank.

"**Category three underground storage tank**" means any underground storage tank used to store fuel oil for on-premises heating that:

- (a) Has a capacity greater than 1100 gallons; or
- (b) Is located at a public building.

"**Category four underground storage tank**" means any underground storage tank with a capacity equal to or less than 1100 gallons that is either a farm or residential motor fuel tank or a fuel oil storage tank used for on-premises heating.

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

"**CERCLA**" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et. seq. (also known as "Superfund").

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“Class A operator” means the individual or individuals designated by the permittee to have primary statutory and regulatory responsibility for the maintenance and operation of the facility. A “class A operator” may hold more than one class of operator position.

“Class B operator” means the individual or individuals designated by the permittee to implement applicable regulatory requirements and implementation of the daily aspects of operation, maintenance, and recordkeeping for the facility. A “class B operator” may hold more than one class of operator position.

“Class C operator” means the individual or individuals designated by the permittee to have primary responsibility for responding to alarms, emergencies presented by releases or spills, and other problems associated with the operation of the facility. A “class C operator” may hold more than one class of operator position.

“Change-in-service” means a change in the use of an underground storage tank system which results in a change in the category of that system (e.g., converting a category one retail kerosene tank to a category three or four tank used for domestic heating purposes).

“Class I liquid” means any liquid that has a flash point below 100 degrees Fahrenheit (37.8 degrees Celsius) measured using a closed-cup testing method, and a Reid vapor pressure not exceeding 40 psia (2068.6 mm Hg) at 100 degrees F (37.8 degrees C).

“Commencement of construction” means the initiation of excavation activity such as breaking concrete or asphalt, digging turf or soil, or otherwise removing cover material for the purpose of installing, repairing, replacing, upgrading or closing an underground storage tank system.

“Compatible” means that two or more substances maintain their respective physical and chemical properties upon contact with one another under conditions encountered within or around an underground storage tank system for the design life of that system.

“Construction permit” means a permit issued by the Secretary under the authority of **10 V.S.A. § 1927** for the construction or substantial alteration of a category one underground storage tank system.

“Containment manhole” means a liquid-tight chamber that surrounds the fill pipe of an underground storage tank that is designed to contain any regulated substance released from a transfer hose at, or immediately following, the time of transfer of regulated substance to the underground storage tank.

“Continued use” means the use of an underground storage tank system, after closure of that system, to store a non-regulated substance (e.g., using a tank to store water for fire fighting purposes).

“Corrosion Protection” means the use of a technology, material, or method of construction to prevent any metallic component of an underground storage tank system

from corroding (e.g., cathodic protection, the use of fiberglass-reinforced plastic or other polymer resins when constructing tanks or piping).

“Dispenser” means a device that is used to transfer regulated substances from an underground storage tank system to a point of use outside of the tank system (e.g., a dispenser is used to transfer motor fuel from an underground storage tank system to the fuel tank of a motor vehicle).

“Drop Tube” means a tube fitted inside the fill pipe of an underground storage tank system, which extends from the top of the fill pipe to within six inches of the bottom of the tank.

“Empty” when referring to an underground storage tank, means a condition in which regulated substance has been removed from the tank to the extent that no more than 1 inch of residue, or 0.3 percent by weight of the total capacity of the underground storage tank, remains in the system.

“Existing underground storage tank system” means any underground storage tank system that was installed prior to July 1, 2007.

“Facility” means the property where an underground storage tank system is located.

“Farm tank” means a tank located on a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. A farm tank must be located on the farm property. “Farm” includes fish hatcheries, rangeland and nurseries with growing operations.

“Free product” means a regulated substance that is present in the environment as a non-aqueous phase liquid (i.e., liquid not dissolved in water).

“Hazardous substance” means any substance designated as such under §101(14) of CERCLA.

“Interstitial space” means the space between the primary and secondary barriers of a secondarily contained system (e.g., the interstitial space of a double-wall tank is the space between the two walls of the tank).

“Lining” means a liquid-tight non-corrodible material that is bonded firmly to the interior surface of a tank, and that is compatible with any material stored in the tank.

“Liquid-tight” means impervious to the passage of water and/or a liquid regulated substance.

“Manifold” means piping and other ancillary equipment that connect two or more underground storage tanks designed to contain the same material. Multiple tanks that are

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connected by a manifold function as a single tank. A manifold is also referred to as a “siphon bar.”

“**Motor fuel**” means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No.1 or No. 2 diesel fuel or any blend containing diesel fuel, or any grade of gasohol, or any other regulated substance typically used in the operation of an engine.

“**New facility**” means a property that has not had an underground storage tank system in use for ten years or more prior to July 1, 2007, and where a person has applied for an underground storage tank permit.

“**New underground storage tank system**” means an underground storage tank system that was installed after July 1, 2007.

“**Operating day**” means any day that a facility is open for business and that an underground storage tank system is in operation, or in the case of a tank system that is used to supply a backup generator, any day that the tank system contains fuel regardless of whether the generator is operated that day.

“**Operating life**” refers to the period beginning when installation of the tank system has commenced until the time the tank system is permanently closed under **subchapter 6**.

“**Operating permit**” means a permit issued by the Secretary under the authority of **10 V.S.A. § 1927** for the operation of a category one underground storage tank.

“**Operator**” means any person in control of, or having responsibility for, the daily operation of the underground storage tank system.

“**Out-of-service**” means a condition in which an underground storage tank system is temporarily not in service, and the liquid level in the tank has been lowered to or below the lowest draw-off point (i.e., regulated substance can not be transferred from the tank by the dispenser).

“**Owner**” means:

- (a) In the case of any underground storage tank in use on July 1, 1985 or brought into use after that date, any person who owns an underground storage tank used for storage or dispensing of regulated substances;
- (b) In the case of any underground storage tank in use before July 1, 1985 and no longer in use on that date, any person who owned such tank immediately before the discontinuance of its use; or

“**Permittee**” means the owner or operator of a category one underground storage tank who has applied for and been issued a permit pursuant to these rules.

“Person” means any individual, partnership, company, corporation, association, unincorporated association, joint venture, trust, municipality, the state of Vermont, or any agency, department or subdivision of the state, federal agency, or any other legal or commercial entity.

“Pipe” or **“Piping”** means a hollow cylinder or tubular conduit that is constructed of non-earthen materials.

“Public building” means a building as defined in **20 V.S.A. §2730**.

“Public water source” means any surface water or groundwater intake used, or permitted to be used, as a source of drinking water for a public water system.

“Public water system” means any system(s) or combination of systems owned or controlled by a person, that provides drinking water through pipes or other constructed conveyances to the public and that has at least fifteen (15) service connections or serves an average of at least twenty-five (25) individuals daily for at least sixty (60) days out of the year. A public water system is either a public community water system or a public non-community water system.

“Public community water system” means a public water system which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least 25 year-round residents.

“Public non-transient, non-community (NTNC) water system” means a public water system that is not a public community water system and that regularly serves at least 25 of the same persons daily for more than six months per year. Examples: schools, factories, office buildings.

“Public transient, non-community (TNC) water system” means a public non-community water system that is not a non-transient, non-community system. Examples: restaurants, motels, campgrounds.

“Regulated substance” means all petroleum and toxic, corrosive or other chemicals and related sludge including:

- (a) Any substance defined in **§101(14)** of CERCLA, but does not include any substance regulated as a hazardous waste under Chapter 159 of Title 10;
- (b) 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);
- (c) Any other motor fuel which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute); and

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(d) Any other substance as designated by the Secretary in rule.

“Release” means any spilling, leaking, emitting, discharging, escaping, leaching or disposing from an underground storage tank into groundwater, surface water or soils.

“Release detection” means the act of determining whether a release of a regulated substance has occurred from an underground storage tank system to the environment or into the interstitial space.

“Remote facility” means a facility with no employees or contracted individuals present at the facility. The fuel dispensers at a “remote facility” are activated with credit card or other information provided by the customer. There is no one present at a “remote facility” while the dispensers are operating to respond to emergencies or alarms.

“Remote fill pipe” means any pipe that is connected directly to a fill port and constructed in such a way that a gauge stick cannot be lowered through the fill port into the underground storage tank.

“Secondary containment” means a liquid tight physical barrier designed to:

- (a) Contain any regulated substance that leaks from the primary containment barrier of an underground storage tank system;
- (b) Prevent groundwater and soil from coming in contact with the primary containment barrier of an underground storage tank system; and
- (c) Allow access to the interstitial space for monitoring and maintenance.

“Secretary” means the Secretary of the Vermont Agency of Natural Resources or the Secretary’s duly authorized representative.

“Sensitive receptor” means any natural or human-constructed feature which may be adversely affected when contacted by a regulated substance. Examples of sensitive receptors include, but are not limited to, public or private water supplies, surface waters, wetlands, sensitive ecological areas, outdoor and indoor air, and enclosed spaces such as basements, sewers, and utility corridors.

“Staffed facility” means a facility that sells motor fuels with employees or contracted individuals present during regular operating hours at the facility.

“Substantial alteration” means any change made to an underground storage tank system that requires the top of the tank and/or any portion of the piping to be revealed.

“Sump” means a liquid-tight container installed as a secondary containment device and/or a monitoring port.

“Tank chart” means a table used to determine the volume of liquid within a specific tank by converting measured units of depth to units of volume (e.g., a chart that converts inches to gallons).

"Underground storage tank" or **"underground storage tank system"** means any one or combination of tanks, including underground pipes and secondary containment components connected to it or them, which is or has been used to contain an accumulation of regulated substances, and the volume of which, including the volume of the underground pipes connected to it or them, is 10 percent or more beneath the surface of the ground. The following are excluded from the definition of "underground storage tanks:"

- (a) Septic tanks and manure storage tanks;
- (b) Flow through process tanks permitted under 10 V.S.A. chapter 47 and tanks regulated by under 10 V.S.A. chapter 159;
- (c) Stormwater or wastewater collection systems;
- (d) Storage tanks situated in an underground area if the tank is upon or above the area floor;
- (e) Pipeline facilities regulated by the federal Natural Gas Pipeline Safety Act (49 U.S.C. App. 1671 et seq.), the Hazardous Liquid Pipeline Safety Act (49 U.S.C. App. 2001 et seq.) or an intrastate pipeline regulated under state laws similar to the foregoing;
- (f) Liquid petroleum gas storage tanks, used predominantly for the storage of propane, propylene, butane, and butylenes, regulated by the Vermont fire prevention and building code;
- (g) Reservoir tanks containing hydraulic fluid for a closed loop mechanical system such as elevators or lifts; and
- (h) Oil water separators.

“Underground storage tank contractor” means any person who conducts work related to underground storage tank system installations, repairs, upgrades, integrity demonstrations, closures, or any other work related to an underground storage tank system.

"Used Oil" means any petroleum product that has been refined from crude oil (in whole or in part), or any synthetic oil that has been used and as a result of such use is contaminated by physical or chemical impurities. Used oil is a free-flowing liquid at standard temperature and pressure and has a flash point of greater than 100 degrees (F). Used oil includes oils used as lubricants, heat transfer fluids, hydraulic fluids, and for

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other similar uses, but does not include materials derived from crude or synthetic oils that are fuels (e.g., gasoline, jet fuel and diesel fuel) or as cleaning agents or solvents (e.g., naphtha or mineral spirits).

“Vapor-proof” means that the fittings, seals, gaskets, barriers or any other sealing component of an underground storage tank system prevent passage of regulated substance vapors. An underground storage tank system component is vapor tight when the vapor concentration is less than 50 meter units measured by a photoionization detector calibrated with isobutylene, with the probe held one inch from the component.

END OF SUBCHAPTER TWO