

Removal of Underground Storage Tanks OR Treatment of Contaminated Soil

Q – What does this rule cover?

A – There are two parts: (1) how to handle excavation, removal and/or treatment of **contaminated soil** (from any source of contamination), and (2) how to remove or replace **underground storage tanks (UST)**. There are operational and reporting requirements for whatever your operation involves, unless a full exemption applies.

Q – How does BAAQMD find out about the removal of tanks and/or excavation of Contaminated Soil? Is there a deadline?

A – Regulation 8-40 requires that every person responsible for tank removal or replacement, or for excavation and/or treatment of contaminated soil, shall notify the Air Pollution Control Officer. The [Notification Form](#) provided by BAAQMD can be used to provide all the necessary information. The deadline for notification must be in writing, **postmarked or faxed at least five (5) days prior to commencement of any activity. Failure to notify the District as required is a violation that will be cited and may result in a penalty.**

Q - What is Contaminated Soil and How is it Handled?

A - Contaminated Soil is soil which has an organic content exceeding 50 ppmw (parts per million, by weight) or which registers an organic concentration greater than 50 ppmv (parts per million, by volume), depending on which way you measure it. **Soil Aeration**, which is defined as exposure to the air of excavated soil containing volatile organic compounds, is **PROHIBITED**, except as exempt under Reg. 8-40, Sections 116 or 118, due to limited concentration or size of project, or under Section 301, for soil containing less than 50 ppmw organic content. Proper handling of contaminated soil is specified in Reg. 8-40, Sections 304 through 306.

Q – Are UST's that contained Waste Oil, Diesel, or Pesticides covered by the rule?

A – Yes. Any UST that previously contained organic compounds is subject to the rule. An organic compound is defined by the rule as “any compound of carbon, excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate”. Most liquid pesticides are petroleum-based compounds that contain hydrocarbons.

Q – Is soil contaminated with Diesel or Motor Oil subject to the rule?

A – No. Soil contaminated solely with a known organic chemical that has an initial boiling point greater than 302° F, such as diesel, is exempt from the rule, provided the soil is not heated. See Exemption, Reg. 8-40, Section 113. However, any soil suspected of unknown contamination must be analyzed for organic content prior to excavation. See Manual of Procedures, Reg. 8-40, Sections 601 through 605.

Q – Why would removal of empty storage tanks be regulated?

A – There are significant safety and pollution concerns. Both groundwater and air contamination are possible if underground storage tanks which previously contained organic compounds are not removed in a proper manner.

Q – Do I need to report to any other agencies?

A – Check with your local fire department. See also the following web sites for any California or Federal EPA requirements for individual circumstances: www.swrcb.ca.gov/cwphome/ust and www.epa.gov/swerust1/faqs/index.htm.

Q – Are there any Exemptions to these requirements?

A – There are **five full exemption** categories where no compliance standards or reporting requirements apply. The following are only general references; see the applicable rule section (in parentheses) for actual text:

- Sampling (8-40-112)
- Non-volatile organic compounds (8-40-113)
- One (1) cubic yard contaminated soil (8-40-116.1)
- Eight (8) cubic yards contaminated soil where organic content does not exceed 500 ppmw (applied to a single site not more than once in any three (3) month period) (8-40-116.2)
- Accidental spillage of five gallons or less (8-40-117)
- Total project emissions of VOC are less than 150 lb, and applicable toxic emissions are also limited (8-40-118)

There are **three limited exemption** categories, where no compliance standards apply, but reporting requirements do apply:

- Aeration of soil containing less than 50 ppmw organic compounds (8-40-301, 403)
- Excavation during organic liquid service pipeline leak repair (8-40-114, 404)
- Discovery of contaminated soil during excavation unrelated to underground storage tank activities (8-40-115, 405)

Q – What is the Difference between a notification and a permit?

A – A notification is required for every activity specified in Reg. 8-40, unless it is fully exempt. However, there are three activities that **will also require a BAAQMD Application for an Authority to Construct and Permit to Operate, if any of the following conditions apply:**

- If soil excavation and/or treatment project time, from start to completion, exceeds three months (Reg. 2-1-128.16)
- If abatement equipment exclusively used to comply with the tank degassing control requirements of Reg. 8-40, Sections 310, 311, and 312, is permanently installed (Reg. 2-1-113.2.6)
- If soil contains organic compounds < 50 ppmw, but does not meet the limited impact exemption found at Reg. 8-40-118. In addition to a Permit Application, a Risk Screening Analysis is also required.

Q – Is there a fee associated with the Reporting Notification?

A – Yes, but not if the operation is in a jurisdiction where another public authority has a program equivalent to the District program and persons conducting the regulated operations have met all the requirements of that public authority. A fee will also not apply if the person notifying has already obtained an Authority to Construct and Permit to Operate, as required by Reg. 2-1-301 and 302 (i.e., if the exemptions listed above do NOT apply). If the operation does not meet either of the two above-listed conditions, the person whose name is submitted under “Contractor Information” will be sent an invoice for \$116, due and payable for each applicable site.

Q – What if I need to change information I’ve sent on the [Notification Form](#)?

A – You must indicate a start date as correctly and accurately as possible. If the start date is delayed (**by no more than five working days**), you may telephone BAAQMD at [office assistant] to report the new start date. If the project is delayed for more than five working days, you must submit a new notification and indicate the status of your previous notification. For any other information changes, you may telephone at any time.

Q – What if I have an Emergency situation?

A – The rule defines an emergency tank removal or excavation as “carried out pursuant to an order of a state or local government agency issued because the contaminated soil poses an imminent threat to public health and safety.” If the project(s) meet this definition, then identify the agency that issued the order on the BAAQMD [Notification Form](#) used. For all applicable emergencies, notice shall be provided as early as possible prior to the commencement of the project, to be followed by written verification not later than 30 working days after the project is completed.