

**7105.0040 EXCLUSIONS.**

The following underground storage tanks are excluded from the requirements of this chapter:

A. a wastewater treatment tank system that is part of a wastewater treatment facility regulated under United States Code, title 33, section 1317 or 1342;

B. equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tank systems and electrical equipment tank systems;

C. tank systems with a capacity of 110 gallons or less;

D. tank systems that contain a de minimus concentration of regulated substances;

E. an emergency spill or overflow containment tank system that is expeditiously emptied after use;

F. farm or residential tank systems of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;

G. tank systems of 1,100 gallons or less capacity used for storing heating oil for consumptive use on the premises where stored;

H. septic tanks;

I. pipeline facilities, including gathering lines, regulated under United States Code, title 49, chapter 24 or 29;

J. surface impoundments, pits, ponds, or lagoons;

K. stormwater or waste water collection systems;

L. flow-through process tank systems;

M. tank systems located in an underground area such as a basement, cellar, mine working, drift, shaft, or tunnel if the tank is located on or above the surface of the floor;

N. wastewater treatment tank systems;

O. tank systems containing radioactive material that is regulated under the Atomic Energy Act of 1954, United States Code, title 42, sections 2011 to 2296;

P. a tank system that is part of an emergency generator system at nuclear power generator facilities regulated by the Nuclear Regulatory Commission under Code of Federal Regulations, title 10, part 50, Appendix A;

Q. airport hydrant fuel distribution systems; and

R. underground storage-tank systems with field-constructed tanks.

**Statutory Authority:** *MS s 116.491*

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