

**7151.1200 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of this chapter, the following terms have the meanings given them. Terms that are not specifically defined have the meanings given them in Minnesota Statutes, section 115.01, 115C.02, or 116.46.

Subp. 2. **Aboveground storage tank system or tank system.** "Aboveground storage tank system" or "tank system" means any one or a combination of containers, vessels, and enclosures, including structures and appurtenances connected to them, that is used to contain or dispense substances, and that is not an underground storage tank under Minnesota Statutes, section 116.46, subdivision 8.

Subp. 3. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 4. **Appurtenances.** "Appurtenances" means any aboveground or underground lines connected to an aboveground storage tank that are two inches or greater inside diameter, together with any associated valves and manifolds, to the point where the piping is located indoors.

Subp. 4a. **Asphalt cement.** "Asphalt cement" means a mixture of bituminous obtained from native deposits or as a petroleum by-product used for roofing or paving that is in a solid state at 100 degrees Fahrenheit or less.

Subp. 5. **Capacity.** "Capacity" means the maximum volume of a substance in gallons that may be contained by an aboveground storage tank pursuant to the tank's design.

Subp. 6. **Cathodic protection.** "Cathodic protection" means the technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell through the application of either galvanic anodes or impressed current.

Subp. 7. **Cathodic protection tester.** "Cathodic protection tester" means a person who demonstrates an understanding of the principles and measurements of cathodic protection systems as applied to metal piping and tanks. At a minimum, such persons shall have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of metal piping and tanks.

Subp. 8. **Class 2 surface water.** "Class 2 surface water," as defined in part 7050.0200, means all waters of the state that are or may be used for fishing, fish culture, bathing, or any other recreational purpose, and for which quality control is or may be necessary to protect aquatic or terrestrial life, or the public health, safety, or welfare.

Subp. 9. **Compatible.** "Compatible" means the ability of two or more substances or materials in a tank system to maintain their respective physical and chemical properties upon contact with one another.

Subp. 10. **Corrosion expert.** "Corrosion expert" means a person who, by reason 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 application of corrosion control on metal piping systems and metal tanks. The person shall be accredited, certified by the National Association of Corrosion Engineers, or a registered professional engineer who has certification or licensing that includes education and experience in corrosion control of metal piping systems and metal tanks.

Subp. 11. **Dike.** "Dike" means an embankment, ridge, or wall which is impermeable to stored substances and which forms the perimeter of the secondary containment area.

Subp. 12. **Discharge into a secondary containment area.** "Discharge into a secondary containment area" means a spill, leak, or discharge of a substance from a tank or its appurtenances into a structure specifically designed and constructed to prevent a spill, leak, or discharge from spreading vertically or horizontally and contaminating the land or water outside the containment area.

Subp. 12a. **Double-bottomed tank.** "Double-bottomed tank" means a field-erected aboveground storage tank that has been designed or modified to include a second tank bottom and where (A) the bottoms are compatible with and impermeable to the substance being stored, (B) the interstitial space between the bottoms is filled with a minimum of three inches of a neutral sand or other noncorrosive material cushion, and (C) there is a method in place for monitoring the interstitial space for leaks.

Subp. 13. **Double-walled tank.** "Double-walled tank" means an aboveground storage tank with an inner, primary shell and an outer, secondary shell that extends around the entire inner shell, and a method in place for monitoring the interstitial space between the shells for leaks.

Subp. 14. **Electrical equipment.** "Electrical equipment" means equipment such as transformers which contain dielectric fluid necessary for operation.

Subp. 14a. **Facility.** "Facility" means an assemblage of one or more aboveground storage tanks, including any indoor tanks, together with any associated secondary containment areas, appurtenances, and substance transfer areas, that are located at a single property or multiple contiguous properties.

Subp. 15. **Farm.** "Farm" means a tract of land devoted to the production of crops or raising of animals.

Subp. 16. **Field-erected tank.** "Field-erected tank" means an aboveground storage tank that is constructed by final assembly on site at a facility.

Subp. 17. **Hazardous material.** "Hazardous material" means any substance listed as a hazardous material or hazardous substance in Code of Federal Regulations, title 49, section 172.101.

Subp. 18. **Heating and cooling equipment.** "Heating and cooling equipment" means equipment intended or installed for the purpose of heating, cooling, and/or conditioning air, water, and/or fluid by mechanical means for environmental, process, or other purposes.

Subp. 19. **Hydraulic lift tank.** "Hydraulic lift tank" means an aboveground storage 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.

Subp. 20. **Impermeable.** "Impermeable" means the ability to prevent a substance or combination of compatible substances from penetrating through a secondary containment area for a minimum of 72 hours.

Subp. 21. **Indoor tank.** "Indoor tank" means an aboveground storage tank located inside a building or other type of enclosed structure, resting on or elevated above an impermeable floor surface, from which a release would:

- A. be entirely contained within a secondary containment structure;
- B. not escape from the building through any doorways, floor drains, or other means; or
- C. be directed by any drainage system of the building either to a permitted on-site wastewater treatment facility or to a permitted municipal wastewater treatment facility.

Subp. 22. **Major facility.** "Major facility" means an assemblage of one or more aboveground storage tanks, including any indoor tanks, together with any associated secondary containment areas, appurtenances, and substance transfer areas, that are located at a single property or multiple contiguous properties and where the total substance design storage capacity of all such tanks at the site is 1,000,000 gallons or greater.

Subp. 23. **Major facility permit.** "Major facility permit" means a permit issued by the agency to a major facility under part 7001.4200. Any tank meeting the definition of indoor tank is excluded from regulation under the terms and conditions of a major facility permit.

Subp. 24. **Operator.** "Operator" means a person in control of or having responsibility for the daily operation of an aboveground storage tank or tank system, or a person who was in control of or had responsibility for the daily operation of a tank or tank system immediately before discontinuation of its use.

Operator also means a person who is responsible under Minnesota Statutes, section 115C.021, for a release from an aboveground storage tank containing petroleum or a person who is responsible under Minnesota Statutes, section 115B.03, for a release from an aboveground storage tank containing a hazardous material.

Subp. 25. **Other regulated substances.** "Other regulated substances" means any substance, including a food-based product intended for human or animal consumption, which may cause pollution of waters of the state and is not:

- A. a petroleum substance under standard temperature and pressure; or
- B. a hazardous material.

Subp. 26. **Owner.** "Owner" means a person who holds title to, controls, or owns an interest in an aboveground storage tank or tank system, or a person who held title to, controlled, or possessed an interest in the tank or tank system immediately before discontinuation of its use.

Owner also means a person who is responsible under Minnesota Statutes, section 115C.021, for a release from an aboveground storage tank containing petroleum or a person who is responsible under Minnesota Statutes, section 115B.03, for a release from an aboveground storage tank containing a hazardous material.

Owner does not include a person who holds an interest in a tank solely for financial security, unless through foreclosure or other related actions the holder of a security interest has taken possession of and operated the tank.

Subp. 27. **Person.** "Person" means an individual, partnership, association, corporation, or other legal entity, including the United States government, an interstate commission or other body, the state, or any agency, board, bureau, office, department, or political subdivision of the state, but does not include the Minnesota Pollution Control Agency.

Subp. 28. **Piping or lines.** "Piping" or "lines" means a hollow cylinder or tubular conduit that is constructed for conveying a substance from one point to another within an aboveground storage tank system.

Subp. 29. **Release.** "Release" means a spill, leak, or discharge of a substance from a tank or its appurtenances to the environment, including a spill, leak, or discharge into the ground underneath a tank or into a substance transfer area. For purposes of this chapter, release does not include intentional venting or fugitive air emissions from a tank allowed under agency rules.

Subp. 30. **Safeguard.** "Safeguard" means a device, system, or combination of devices or systems designed to detect or prevent the escape or movement of a substance from the place of storage under such conditions that might cause pollution of the waters of the state.

Subp. 31. **Secondary containment.** "Secondary containment" means a safeguard specifically designed to be impermeable to stored substances and which will contain a release from an aboveground storage tank or tank system and prevent the release from

spreading vertically or horizontally and contaminating the land or water outside the containment area.

Subp. 32. **Shop-fabricated tank.** "Shop-fabricated tank" means an aboveground storage tank that is constructed at a tank manufacturer's plant and transported to a facility for installation.

Subp. 33. **Substance.** "Substance" means any material which is liquid at ambient pressures and temperatures which may cause pollution of waters of the state.

Subp. 34. **Substance transfer area.** "Substance transfer area" means the area where a truck or rail car makes its connection to or from an aboveground storage tank system for the purpose of unloading or receiving a substance.

Subp. 35. **Tank or aboveground storage tank.** "Tank" or "aboveground storage tank" means a container, vessel, or enclosure designed to contain substances and is constructed of materials such as concrete, steel, plastic, or fiberglass reinforced plastic, provides structural support, and is located aboveground. A tank includes bladders, rail cars, and trucks.

Subp. 36. **Tote tank.** "Tote tank" means an aboveground storage tank that:

- A. is not filled or refilled at the site of substance use;
- B. is 1,100 gallons or less in capacity; and
- C. is located at the site of use for less than 180 days.

Subp. 37. **Type A substances.** "Type A substances" means gasoline, aviation gas, naphtha, denatured ethanol, and hazardous materials, or mixtures or blends containing such substances.

Subp. 38. **Type B substances.** "Type B substances" means crude oil, diesel, kerosene, jet fuel, fuel oil numbers 1 to 4, waste oils, or mixtures or blends of such substances with Type C substances.

Subp. 39. **Type C substances.** "Type C substances" means asphalt cement, roofing flux, fuel oil numbers 5 and 6, and other regulated substances.

Subp. 40. **Underground storage tank.** "Underground storage tank" means any one or combination of containers including tanks, vessels, enclosures, or structures and appurtenances connected to them that is used to contain or dispense regulated substances pursuant to chapter 7150, and the volume of which, including the volume of piping connected to them, is ten percent or more beneath the surface of the ground.

Subp. 41. **Underground piping or underground lines.** "Underground piping" or "underground lines" means a hollow cylinder or tubular conduit, that is two inches or greater inside diameter, that is constructed for conveying a substance from one point to another

within an aboveground storage tank system. The volume of piping must be ten percent or more beneath the surface of the ground.

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