

**IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**Waste Management and Remediation Division**  
**58.01.07 – Rules Regulating Underground Storage Tank Systems**

**To whom does this rule apply?**

*This rule applies to all owners and operators of underground storage tank systems, and persons who deliver or deposit petroleum into underground storage tanks.*

**What is the purpose of this rule?**

*This rule establishes standards and procedures necessary for regulation of the installation, operation, repair and closure of underground storage tank systems to protect ground water from contamination.*

**What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statutes passed by the Idaho Legislature:*

Health and Safety:

- [Chapter 1, Title 39, Idaho Code](#) – Environmental Quality
- [Chapter 88, Title 39, Idaho Code](#) – Idaho Underground Storage Tank Act

**Who do I contact for more information on this rule?**

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## 58.01.07 – RULES REGULATING UNDERGROUND STORAGE TANK SYSTEMS

### 000. LEGAL AUTHORITY.

Chapters 1 and 88, Title 39, Idaho Code. (7-1-24)

### 001. SCOPE.

These rules have the scope and applicability provided in Section 39-8804, Idaho Code. (7-1-24)

### 002. ADMINISTRATIVE PROVISIONS.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, “Contested Case Rules and Rules for Protection and Disclosure of Records.” (7-1-24)

### 003. INCORPORATION BY REFERENCE.

**01. Documents Incorporated by Reference.** Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks, [40 CFR Part 280](#), revised as of July 1, 2023 with the following exclusions: (7-1-24)

- a. 40 CFR 280.12, the definition of “Replaced”; (7-1-24)
- b. 40 CFR 280.12, the definition of “Under-dispenser containment or UDC”; (7-1-24)
- c. 40 CFR 280.20, the introductory paragraph sentence, “In addition, except for suction piping that meets the requirements of Section 280.41(b)(1)(ii)(A) through (E), tanks and piping installed or replaced after April 11, 2016 must be secondarily contained and use interstitial monitoring in accordance with Section 280.43(g).”; (7-1-24)
- d. 40 CFR 280.20(f); (7-1-24)
- e. 40 CFR 280.34(b)(9), the citation to Section 280.245; (7-1-24)
- f. 40 CFR 280.41(a)(1), “installed on or before April 11, 2016...”; (7-1-24)
- g. 40 CFR 280.41(a)(2); (7-1-24)
- h. 40 CFR 280.41(b)(1), “installed on or before April 11, 2016...”; (7-1-24)
- i. 40 CFR 280.41(b)(2); (7-1-24)
- j. 40 CFR 280.42, Note to paragraph (a), “for tank installed on or before October 13, 2015.”; (7-1-24)
- k. 40 CFR 280.42(e), “installed on or before October 13, 2015...”; and (7-1-24)
- l. 40 CFR Part 280. Subpart J. (7-1-24)

**02. Consistency.** In the event of conflict or inconsistency between the language in IDAPA 58.01.07 and that found in [40 CFR Part 280](#), IDAPA 58.01.07 will prevail. (7-1-24)

**03. Stringency.** IDAPA 58.01.07 will be no more stringent than federal law or regulations governing UST systems. (7-1-24)

### 004. -- 009. (RESERVED)

### 010. DEFINITIONS.

The term “department” has the meaning provided for that term in [Section 39-103, Idaho Code](#). (7-1-24)

**01. Community Water System.** As defined in IDAPA 58.01.08, “Idaho Rules for Public Drinking Water Systems,” Section 003. (7-1-24)

**02. Existing.** Solely for purposes of determining when secondary containment is required, existing is when a UST, piping, motor fuel dispensing system, facility, public drinking water system or potable drinking water well is in place when a new installation or replacement of a tank, piping, or motor fuel dispensing system begins.

(7-1-24)

**03. Installation of a New Motor Fuel Dispenser System.** The installation of a new motor fuel dispenser and the equipment necessary to connect the dispenser to the UST system. This equipment may include flexible connectors, risers, or other transitional components that are beneath the dispenser, below the shear valve, and connect the dispenser to the piping. It does not mean the installation of a motor fuel dispenser installed separately from the equipment needed to connect the dispenser to the UST system. (7-1-24)

**04. Installer.** Any person who installs a new or replacement UST system. (7-1-24)

**05. New Underground Storage Tank (UST).** Has the same meaning as “underground storage tank or UST” in 40 CFR 280.12, except that such term includes tanks that have been previously used and meet the provisions of 40 CFR 280.20(a). (7-1-24)

**06. Non-Community Water System.** As defined in IDAPA 58.01.08, “Idaho Rules for Public Drinking Water Systems,” Section 003. (7-1-24)

**07. Potable Drinking Water Well.** Any hole (dug, driven, drilled, or bored) that extends into the earth until it meets ground water which supplies water for a non-community public drinking 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. (7-1-24)

**08. Product Deliverer.** Any person who delivers or deposits product into a UST. This term may include major oil companies, jobbers, transportation companies, or other product delivery entities. (7-1-24)

**09. Public Drinking Water System.** As defined in IDAPA 58.01.08, “Idaho Rules for Public Drinking Water Systems,” Section 003. (7-1-24)

**10. Red Tag.** A tamper-resistant tag, device, or mechanism attached to the tank’s fill pipes that clearly identifies a UST as ineligible for product delivery. The tag or device must be visible to the product deliverer and clearly state that it is unlawful to deliver to, deposit into, or accept product into the ineligible UST. (7-1-24)

**11. Replace.** As it applies to USTs and piping, replace is defined as follows: (7-1-24)

**a.** To remove an existing tank and install a new tank. (7-1-24)

**b.** To remove and put back in one hundred (100) percent of the piping, excluding connectors, connected to a single UST system. This definition does not alter the requirement in 40 CFR 280.33(c) to replace metal pipe sections and fittings that have released product as a result of corrosion or other damage. A replacement of metal pipe section and fittings pursuant to 40 CFR 280.33(c) will be considered a replacement under this definition only if one hundred (100) percent of the metal piping, excluding connectors, is replaced. (7-1-24)

**12. Under-Dispenser Spill Containment.** Containment underneath a dispenser that will prevent leaks from the dispenser from reaching soil or ground water. Such containment must: (7-1-24)

**a.** At installation or modification, be liquid-tight on its sides, bottom, and at any penetrations; and (7-1-24)

**b.** Be compatible with the substance conveyed by the piping; and either (7-1-24)

**c.** Allow for visual inspection and access to the components in the containment system; or (7-1-24)

**d.** Be monitored for releases using a release detection method that meets the provisions of 40 CFR 280.43(g). (7-1-24)

**011. – 099. (RESERVED)**

**100. ADDITIONAL MEASURES TO PROTECT GROUND WATER FROM CONTAMINATION.**

- 01. Notification.** An owner, operator, or designee must provide to the Department: (7-1-24)
- a.** Written notice using forms provided by the Department thirty (30) days prior to the installation of a new piping system or a new or replacement UST. (7-1-24)
- b.** Notice twenty-four (24) hours prior to the installation of a replacement piping system. (7-1-24)
- 02. Requirements for Petroleum UST Systems.** Owners, operators, and installers of a new or replacement UST or piping system must comply with the following provisions. (7-1-24)
- a.** Each new or existing UST or piping installed or replaced after February 23, 2007, will have secondary containment and be monitored for leaks in accordance with 40 CFR 280.43(g) if the new or replaced UST or piping is within one thousand (1,000) feet of any existing public drinking water system or any existing potable drinking water well. At a minimum, secondary containment systems must be designed, constructed, and installed to contain regulated substances released from the tank system until they are detected and removed, prevent the release of regulated substances to the environment at any time during the operational life of the UST system, and be checked for evidence of a release at least every thirty (30) days. The following conditions are excluded: (7-1-24)
- i.** Suction piping that meets the provisions of 40 CFR 280.41(b)(1)(ii)(A) through (E); (7-1-24)
- ii.** Piping that manifolds two (2) or more USTs together; (7-1-24)
- iii.** Existing piping to which new piping is connected to install a dispenser; and (7-1-24)
- iv.** Tanks identified in 40 CFR 280.10(b). (7-1-24)
- b.** If the owner installs, within one (1) year, a potable drinking water well at the new facility that is within one thousand (1,000) feet of the USTs, piping, or motor fuel dispenser system as part of the new UST facility installation, secondary containment and under-dispenser containment are required, regardless of whether the well is installed before or after the USTs, piping, and motor fuel dispenser system are installed. (7-1-24)
- c.** The notice described in Subsection 100.01 will indicate whether the new or replacement installation is within one thousand (1,000) feet of an existing public drinking water system or any existing potable drinking water well. If the owner and installer certify that the installation is not within one thousand (1,000) feet of an existing public drinking water system or any existing potable drinking water well, the owner, operator or designee will provide and maintain documentation showing that a reasonable investigation of water systems and drinking water wells was undertaken. A reasonable investigation includes, but is not limited to, a search of the records of: (7-1-24)
- i.** The public or private water service provider in the area which the new or replacement installation is located (if any); (7-1-24)
- ii.** The city or county in which the new or replacement installation is located; (7-1-24)
- iii.** The Idaho Department of Water Resources; and (7-1-24)
- iv.** The Department. (7-1-24)
- d.** In the case of a replacement of an existing UST or existing piping, Section 100 applies only to the specific UST or piping being replaced, not to other USTs and piping. (7-1-24)
- e.** Each installation of a new motor fuel dispenser system will include under-dispenser spill containment if the new dispenser is within one thousand (1,000) feet of any existing public drinking water system or any existing potable drinking water well. (7-1-24)

**101. ALTERNATIVE PERIODIC TESTING OF CONTAINMENT SUMPS USED FOR INTERSTITIAL MONITORING OF PIPING.**

**01. Applicability.** (7-1-24)

**a.** The alternative test method in Subsection 101.02 may only be used for containment sumps that are performing continuous interstitial monitoring as a piping release detection method where an electronic sump sensor is installed and connected to an electronic monitoring device, such as an automatic tank gauge, or where the piping within a containment sump is continuous to a containment sump that has an electronic sump sensor installed and connected to an electronic monitoring device, such as an automatic tank gauge. (7-1-24)

**i.** The sump sensor in Subsection 101.01.a. must be positioned in the containment sump according to manufacturer instructions and at the lowest possible point in the containment sump. (7-1-24)

**ii.** The sump sensor in Subsection 101.01.a. must be wired and programmed appropriately to shut down power to the submersible turbine pump (positive shutdown) when the sensor is in contact with liquid in any containment sump. (7-1-24)

**b.** The Department may not allow the alternative test method in Subsection 101.02 if it determines the containment sump, penetration fittings, or containment sump sensors are not constructed or positioned in a manner that will accommodate the alternative testing or prevent releases to the environment (i.e., penetration fittings are too close to the containment sump bottom). (7-1-24)

**02. Alternative Test Method Allowed.** (7-1-24)

**a.** As an alternative to the allowable test method in 40 CFR 280.35(a)(1)(ii)(A)-(C), containment sumps used for interstitial monitoring of piping may be tested as follows: (7-1-24)

**i.** Temporarily remove any interstitial monitoring containment sump sensors before conducting the test; (7-1-24)

**ii.** Add water to the containment sump up to a point directly beneath the first containment sump penetration fitting from the bottom of the containment sump. The water must be allowed to settle for at least fifteen (15) minutes; (7-1-24)

**iii.** Place a measuring stick that has one sixteenth (1/16th) inch increments into the lowest point in the containment sump and extending above the water level in the sump; and (7-1-24)

**iv.** Document the initial water level measurement as measured from the bottom of the containment sump. After one (1) hour, document the ending water level measurement. If the water level changes less than one eighth (1/8th) inch, the containment sump passes the integrity test. If the water level changes one eighth (1/8th) inch or greater, the containment sump fails the integrity test. (7-1-24)

**b.** Upon completion of the test, remove all water and properly dispose of it. Reinstall any interstitial monitoring sensors. Reinstall all containment sump lids, gaskets, and covers. (7-1-24)

**102. -- 199. (RESERVED)**

**200. RELEASE REPORTING.**

**01. Information to be Reported.** In addition to the provisions in 40 CFR Part 280, Subpart E, and IDAPA 58.01.02, "Water Quality Standards," Sections 851 and 852, owners or operators must report to the Department, on forms provided by the Department, the following information regarding confirmed UST releases within ninety (90) days of a confirmed release: (7-1-24)

**a.** The release source; and (7-1-24)

- 01. Operator Designation.** For each UST system regulated under these rules, the owner or operator must: (7-1-24)
- a.** Designate: (7-1-24)
- i. The class A operator, who is the individual(s) having primary responsibility for on-site operation and maintenance of the UST system. It is not necessary that the class A operator be on site; (7-1-24)
- ii. The class B operator, who is the individual(s) having daily on-site responsibility for the operation and maintenance of the UST system. It is not necessary that the class B operator be on site at all times; and (7-1-24)
- iii. The class C operator, who is the daily, on-site individual(s) having primary responsibility for addressing emergencies presented by a spill or release from the UST system. The class C operator may be designated by the class A or B operator. (7-1-24)
- b.** Maintain a record at the facility where the UST is located listing each person designated in

Subsections 300.01.a.i. through iii. (7-1-24)

c. Notify the Department in writing of the individual(s) designated in Subsections 300.01.a.i. and ii. within thirty (30) days of the designation. (7-1-24)

**02. Individual Training.** The owner or operator of each UST system regulated under these rules must ensure that the individual(s) identified in: (7-1-24)

a. Subsections 300.01.a.i. and ii. participate in the training conducted by the Department or a state of Idaho approved third party; (7-1-24)

b. Subsections 300.01.a.i. or ii. provide training to the persons identified in Subsection 300.01.a.iii; (7-1-24)

c. Subsection 300.01.a.iii. be trained before assuming responsibility for responding to emergencies; (7-1-24)

d. Subsections 300.01.a.i. and ii. repeat the training within thirty (30) days if the UST system for which they have responsibility is determined to be out of compliance with these rules; and (7-1-24)

e. Subsections 300.01.a.i. and 300.01.a.ii. be trained within thirty (30) days of assuming operation and maintenance duties. (7-1-24)

**03. Unattended Sites.** In the case of unattended sites, a sign must be posted in a location visible from the dispensers indicating emergency shut-off procedures and emergency contact phone numbers. (7-1-24)

**301. -- 499. (RESERVED)**

**500. DELIVERY PROHIBITION.**

**01. Classification as Ineligible.** The Department will classify a UST as ineligible for delivery, deposit, or acceptance of a regulated substance as soon as practicable after the Department determines one (1) or more of the following is not installed: (7-1-24)

a. Spill prevention equipment; (7-1-24)

b. Overfill protection equipment; (7-1-24)

c. Leak detection equipment; or (7-1-24)

d. Corrosion protection equipment. (7-1-24)

**02. Warning of Violations.** The Department may classify a UST as ineligible for delivery, deposit, or acceptance of a regulated substance if the owner or operator of the tank has been issued a written warning for failure to comply with any of the following items, and the owner or operator fails to initiate corrective action within thirty (30) days of the issuance of the written warning, unless the deadline is extended by the Department: (7-1-24)

a. Properly operate or maintain leak detection equipment; (7-1-24)

b. Properly operate or maintain spill, overfill, or corrosion protection equipment; or (7-1-24)

c. Maintain financial responsibility. (7-1-24)

**03. Service of Notice.** If the Department classifies a UST as ineligible for delivery, deposit, or acceptance of a regulated substance pursuant to Subsections 500.01 or 500.02, the Department will provide a written notice of the determination to the owner or operator prior to prohibiting the delivery, deposit, or acceptance of a regulated substance. Notice is considered properly served by the Department in any of the following ways: (7-1-24)



- a. Personally delivered to the owner or operator; or (7-1-24)
  - b. Clearly posted at a public entrance to the facility where the UST is located and a copy sent by certified mail to the last known address of the owner or operator. (7-1-24)
- 04. Red-Tagging.** Once service of the written notice of the ineligible determination is complete, the Department will: (7-1-24)
  - a. Attach a red tag to each fill pipe of the ineligible UST clearly identifying the tank as ineligible; (7-1-24)
  - b. Maintain a list of all USTs that are classified as ineligible; (7-1-24)
  - c. Make the list available to the public by posting the list at [www.deq.idaho.gov](http://www.deq.idaho.gov). (7-1-24)
- 05. Written Notice.** The written notice required by Subsection 500.03 must include: (7-1-24)
  - a. The specific reasons or violations that led to the ineligible classification; (7-1-24)
  - b. A statement notifying the owner and operator that the UST is ineligible for delivery and it is unlawful for any person to deliver to, deposit into, or accept a regulated substance into the UST; (7-1-24)
  - c. The effective date the UST is deemed ineligible for delivery; (7-1-24)
  - d. The name and address of the department representative to whom a written request for re-inspection can be made, if a re-inspection is necessary; (7-1-24)
  - e. A statement regarding the right to appeal the Department's action regarding ineligible classification pursuant to IDAPA 58.01.23, "Contested Case Rules and Rules for Protection and Disclosure of Records"; and (7-1-24)
  - f. The option to request a compliance conference pursuant to Subsection 500.06. (7-1-24)
- 06. Compliance Conference.** The owner or operator may request a compliance conference with the Department within fifteen (15) days of receipt of the notice. A compliance conference will be scheduled within twenty (20) days and conducted in an informal manner by the Department. At the compliance conference, the owner or operator may explain why he believes the UST should not be classified as ineligible. During the compliance conference, the owner or operator and the Department will identify and establish appropriate acts and a time schedule for compliance as necessary. (7-1-24)
- 07. Duration of Ineligible Classification.** The classification of a UST as ineligible remains in effect until the conditions cited in the notice no longer exist. If the Department determines that an ineligible storage tank has returned to compliance and is now eligible for delivery, deposit, or acceptance of a regulated substance, the Department or an authorized designee will: (7-1-24)
  - a. As soon as practicable, remove the red tag from the UST; (7-1-24)
  - b. Remove the UST from the ineligible list posted on its website; and (7-1-24)
  - c. Send a written notice to the owner and operator that an ineligible storage tank has returned to compliance and is now eligible for delivery, deposit, or acceptance of a regulated substance. (7-1-24)
- 08. Declining Classification.** The Director may decline to classify a UST as ineligible if the Director decides that it is not in the best interest of the public. (7-1-24)
  - a. The Director may only defer application of delivery prohibition for up to one hundred eighty (180)

days after determining a UST is ineligible. (7-1-24)

**b.** The Director may authorize the delivery, deposit, or acceptance of product into an ineligible UST if such activity is necessary to test or calibrate the UST or dispenser system. (7-1-24)

**09. Department Authority.** Nothing in Section 500 will affect or preempt the authority of the Department to prohibit the delivery, deposit, or acceptance of a regulated substance to a UST under other existing authorities. (7-1-24)

**10. Proper Notice.** A person will not be in violation of Section 39-8809(1), Idaho Code, if the Department fails to provide the notice described in Subsections 500.03 and 500.04. (7-1-24)

**11. Unlawful to Tamper with Red Tag.** It is unlawful for any person to tamper with or remove the red tag without the Department's approval. (7-1-24)

**501. -- 600. (RESERVED)**

**601. FEE SCHEDULE FOR USTS.**

Owners or operators of all regulated USTs must pay an annual, nonrefundable fee. (7-1-24)

**01. Fee Criteria.** (7-1-24)

**a.** Compartment, emergency generator day and belly tanks, and siphon-manifolded USTs will be treated as separate underground storage tanks. (7-1-24)

**b.** Temporarily out of use tanks are included. (7-1-24)

**02. Fee Amount and Schedule.** (7-1-24)

**a.** Annual fees must be paid for each fee year beginning January 2, 2018, and continuing for each succeeding year. (7-1-24)

**b.** The annual fee per UST is one hundred dollars (\$100). The annual fee will not exceed one hundred dollars (\$100) and will be re-calculated each year if the fee balance exceeds thirty-five thousand dollars (\$35,000). Any fee balance above thirty-five thousand dollars (\$35,000) will be used to reduce the following year's fee. (7-1-24)

**c.** New USTs installed after January 2 will not pay a fee until the following January. (7-1-24)

**03. Billing.** (7-1-24)

**a.** An annual fee invoice will be generated and mailed in November for each owner listed in the Department's Underground Storage Tank Database. (7-1-24)

**b.** Owners will have one (1) month to notify the Department in writing if the number of USTs is incorrect. (7-1-24)

**04. Payment.** Payment of the annual fee is due on January 2, unless it is a Saturday, a Sunday, or a legal holiday, in which event the payment will be due on the successive business day. Make checks or money orders payable to the Department and send to 1410 North Hilton Street, Boise, ID 83706. (7-1-24)

**05. Delinquent Unpaid Fees.** An owner will be delinquent in payment if the annual fee has not been received by the Department by March 1. (7-1-24)

**06. Fee Report.** Prior to February 1 of each year, the Director will report to the Governor and the Idaho Legislature on the use of fees collected the previous year. At a minimum, the report must include: (7-1-24)

- a.** A list of all tanks subject to inspection; (7-1-24)
  - b.** The type of inspection and regulatory authority or guidance used; and (7-1-24)
  - c.** A detailed accounting of how fee funds were spent. (7-1-24)
- 602. -- 999. (RESERVED)**