

74:56:01:55. Postclosure requirements. Postclosure requirements are as follows:

(1) Releases: If a release is discovered as a result of the activities under § 74:56:01:52, 74:56:01:53, or 74:56:01:54 or by any other manner, the owner or operator must comply with the corrective action requirements of §§ 74:56:01:44 to 74:56:01:51, inclusive;

(2) Tank disposal: All tanks that are taken out of service permanently must be emptied and either removed from the ground or filled with an inert solid material in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified in 40 C.F.R. § 280.71 as published at 53 Fed. Reg. 37,206 (September 23, 1988);

(3) Recordkeeping: Each UST system owner or operator must maintain records in accordance with § 74:56:01:23 which are capable of demonstrating compliance with closure procedures required under this section. These records must:

(a) Be maintained in accordance with § 74:56:01:38 when release detection is conducted in accordance with the temporary closure requirements of § 74:56:01:53; and

(b) Provide the results of the excavation area assessment required in § 74:56:01:54. The results must be maintained for at least three years after permanent closure in one of the following ways:

- (i) By the owner and operator who took the UST system out of service;
- (ii) By the current owner and operator of the UST system;
- (iii) By mailing the records to the department if they cannot be maintained at the closed facility;

(4) Reuse of tanks: Tanks may be reused if they comply with the following requirements:

(a) Any tank which has been permanently closed may not be brought into use for the storage of regulated substances unless the tank is upgraded to meet new tank standards for design, installation, and release detection;

(b) Tanks which are disposed of as junk must be tested for the presence of volatile vapors, rendered vapor free if necessary, and punched with holes to make them unfit for storage of liquids;

(c) Tanks may not be reused for the storage of food or potable water unless the tanks have been completely freed of previously regulated substances, sludges, sediments, and residues; and

(d) No UST system may be used for the aboveground storage of a regulated substance.

Source: 14 SDR 76, effective November 29, 1987; transferred from § 74:03:28:29, 18 SDR 62, effective October 10, 1991; transferred from § 74:03:28:32, July 1, 1996; 23 SDR 131, effective February 24, 1997.

General Authority: SDCL 34A-2-93, 34A-2-99.

Law Implemented: SDCL 34A-2-98, 34A-2-99.

Editor's Note: Section 74:56:01:50, cited in subdivision (1) of this section, was repealed effective February 24, 1997, by rule making recorded at 23 SDR 131.

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